

No. 31
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, March 25, 2008.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Randy Richardville.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

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

Senator Tupac A. Hunter of the 5th District offered the following invocation:

Dear Heavenly Father, as we stand before You in this great chamber, give us the strength to do what is good and what is just. Grant us the power to remove ourselves from personal conviction and see the bigger picture. Fill our heads and our hearts with the wisdom that is required to perform Your work for the people of our great state. Teach us to treat our colleagues with respect and understanding because though we all come from different places, different backgrounds, and different ideologies, we all want what is best for the public good and what is best for You.

Please hear our prayer so that we may perform our duties to the best of our abilities. These things we ask in Your name. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

Recess

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

The motion prevailed, the time being 10:04 a.m.

11:38 a.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

During the recess, Senators Clarke, Allen, Garcia, Thomas, Patterson, Kuipers, Bishop, Brown, Kahn, Stamas, Hardiman, George, Van Woerkom, Pappageorge, Jelinek, Birkholz, Cassis, Jansen, McManus and Gilbert entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

Senate Bill No. 1158, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2006 PA 268.

Senate Bill No. 1159, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 2 (MCL 207.212), as amended by 2006 PA 346.

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

Senator Cropsey moved that the bills be referred to the Committee on Agriculture.

The motion prevailed.

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

Senate Bill No. 1093

Senate Bill No. 1094

Senate Bill No. 1096

Senate Bill No. 1099

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 20:

House Bill Nos. 4260 4602 5089 5804 5807 5894

The Secretary announced that the following House bills were received in the Senate and filed on Friday, March 21:

House Bill Nos. 4965 5344 5808 5809 5810 5811 5812 5816

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 20, for her approval the following bills:

Enrolled Senate Bill No. 273 at 1:24 p.m.

Enrolled Senate Bill No. 667 at 1:26 p.m.

Enrolled Senate Bill No. 948 at 1:28 p.m.

Enrolled Senate Bill No. 950 at 1:30 p.m.

Enrolled Senate Bill No. 951 at 1:32 p.m.

Enrolled Senate Bill No. 1133 at 1:34 p.m.

The Secretary announced that the following official bills were printed on Thursday, March 20, and are available at the legislative website:

Senate Bill Nos. 1221 1222

House Bill Nos. 5910 5911 5912 5913 5914

The Secretary announced that the following official bills were printed on Friday, March 21, and are available at the legislative website:

Senate Bill Nos. 1226 1227 1228 1229 1230

**House Bill Nos. 5915 5916 5917 5918 5919 5920 5921 5922 5923 5924 5925 5926 5927 5928
5929 5930 5931**

By unanimous consent the Senate proceeded to the order of

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

House Bill No. 4507

Senate Bill No. 388

Senate Bill No. 868

The motion prevailed.

Senate Bill No. 47, entitled

A bill to provide for the establishment of a water improvement tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in water resources; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote water resource improvement; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 183

Yeas—38

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

Brater
Brown
Cassis
Cherry

Gleason
Hardiman
Hunter
Jacobs

Pappageorge
Patterson
Prusi

Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 105, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8511 and 8513 (MCL 600.8511 and 600.8513), section 8511 as amended by 1999 PA 75 and section 8513 as added by 1984 PA 278.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 184

Yeas—38

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 351, entitled

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending section 4 (MCL 252.304), as amended by 2006 PA 448.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 885, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 8d, 8e, 9, and 10 (MCL 125.2688d, 125.2688e, 125.2689, and 125.2690), section 8d as amended by 2006 PA 93, section 8e as added by 2006 PA 270, and section 10 as amended by 2005 PA 164.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1996 PA 376, entitled “An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending sections 3, 8d, 8e, 9, and 10 (MCL 125.2683, 125.2688d, 125.2688e, 125.2689, and 125.2690), section 3 as amended by 2006 PA 304, section 8d as amended by 2006 PA 93, section 8e as added by 2006 PA 270, and sections 9 and 10 as amended by 2007 PA 186.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 185

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1115, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 431a.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 186**Yeas—37**

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

Nays—1

Cassis

Excused—0**Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

Senator Cropsey moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 1003

Senate Bill No. 1161

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1003, entitled

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

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. 187

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1161, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20173a (MCL 333.20173a), as added by 2006 PA 28.

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. 188

Yeas—38

| | | | |
|----------|---------------|---------|--------------|
| Allen | Clark-Coleman | Jansen | Richardville |
| Anderson | Clarke | Jelinek | Sanborn |

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Brown 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. 1187, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3 and 5 (MCL 207.803 and 207.805), section 3 as amended by 2007 PA 62 and section 5 as amended by 2003 PA 248.

Substitute (S-4).

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

1. Amend page 8, line 3, after the second “**WAGE**” by striking out the balance of the line through “**FOLLOWING:**” on line 4 and inserting a period and “**QUALIFIED HIGH-WAGE ACTIVITY MAY ALSO INCLUDE, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING AS LONG AS THEY HAVE AN AVERAGE WAGE OF 300% OR MORE OF THE FEDERAL MINIMUM WAGE:**”.

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

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

Senate Bill No. 1189, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 6 and 8 (MCL 207.806 and 207.808), section 6 as amended by 2007 PA 150 and section 8 as amended by 2007 PA 62.

Substitute (S-4).

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

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

Senate Bill No. 1190, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 431 (MCL 208.1431).

Substitute (S-3).

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

1. Amend page 3, line 13, after “**AMOUNT**” by striking out “**EQUAL TO**” and inserting “**UP TO, BUT NOT TO EXCEED 100% OF,**”.
2. Amend page 3, line 15, after “**FRACTION**” by inserting a comma.
3. Amend page 3, line 17, after the second “**THE**” by inserting “**PRODUCT OF THE**”.
4. Amend page 3, line 17, after “**JOBS**” by striking out the balance of the line through “**SUBDIVISION**” on line 19 and inserting “**MULTIPLIED BY \$100,000.00**”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1188, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 431b.

Substitute (S-2).

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

By unanimous consent the Senate returned to the order of

Messages from the Governor

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

Senate Bill No. 436

Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

The following message from the Governor was received and read:

March 20, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 18 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1018:

Construction Safety Standards Commission

Ms. Kathleen S. Dobson of 525 Sturdevant Road, Kimball, Michigan 48074, county of St. Clair, succeeding Timothy B. Wise, who has resigned, representing members actively engaged in construction operations at the management level, for a term commencing March 20, 2008 and expiring March 18, 2009.

Ms. Valerie J. Bradley of 379 River Woods Drive, Flushing, Michigan 48433, county of Genesee, reappointed to represent management and persons actively engaged in construction operations on the management level, for a term expiring March 18, 2010.

Mr. D. Lynn Coleman of 8562 South McClelland Road, Ashley, Michigan 48806, county of Gratiot, reappointed to represent labor and persons actively engaged in construction operations on the employee level, for a term expiring March 18, 2011.

Mr. Patrick F. Gleason of 5215 North State Road, Davison, Michigan 48423, county of Genesee, reappointed to represent individuals actively engaged in construction operations on the employee level, for a term expiring March 18, 2010.

Mr. Gregg A. Newsom of 553 Florence Court, Milford, Michigan 48381, county of Oakland, reappointed to represent labor and persons actively engaged in construction operations on the employee level, for a term expiring March 18, 2011.

Mr. Larry T. Redfearn of 23436 Plumbroke Drive, Southfield, Michigan 48075, county of Oakland, reappointed to represent those actively engaged in construction operations on the employee level (public employees), for a term expiring March 18, 2009.

Mr. Donald V. Staley of 350 Sagamore Trail, Lowell, Michigan 49331, county of Kent, reappointed to represent management and persons actively engaged in construction operations on the management level, for a term expiring March 18, 2011.

Sincerely,
Jennifer M. Granholm
Governor

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Concurrent Resolution No. 22

Senate Resolution No. 154

Senate Concurrent Resolution No. 27

The motion prevailed.

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

Senate Resolution No. 164

The resolution consent calendar was adopted.

Senator Cherry offered the following resolution:

Senate Resolution No. 164.

A resolution commemorating March 26, 2008, as Support Our Troops Day.

Whereas, Our troops who are currently serving our country deserve to have a day where they can be honored and recognized for the service they continue to provide us; and

Whereas, Alexandra Lynn McGregor, a senior at Waterford Kettering High School, is to be commended for seeking out this day to pay tribute to our troops around the world; and

Whereas, We need to have a day that shows the support of the present-day soldier; and

Whereas, It is important for the men and women who serve this country to know that we respect them and thank them for their tireless, and sometimes thankless, service to all of us; and

Whereas, We would like to honor our troops at six o'clock Eastern Standard Time that evening by taking a moment of silence for our thoughts and prayers; now, therefore, be it

Resolved by the Senate, That we hereby proclaim March 26, 2008, as Support Our Troops Day in Michigan and urge the appropriate observance thereof; and be it further

Resolved, That a copy of this resolution be transmitted to Alexandra Lynn McGregor as a token of our highest esteem.

Senators Anderson, Barcia, Basham, Brater, Clarke, Garcia, Gleason, Jacobs, Kahn, Olshove, Pappageorge, Prusi, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senators Hunter, Schauer, Basham, Jacobs, Brater, Garcia, Thomas, Pappageorge and Gleason offered the following resolution:

Senate Resolution No. 163.

A resolution to memorialize the Congress of the United States to enact the Teacher Education for Autistic Children Act.

Whereas, Over the past decade, there has been a significant increase in the number of children diagnosed with autism spectrum disorders. According to data released in 2007 by the Centers for Disease Control, the rate has increased from 1 in 500 to an estimated 1 in 150. Autism, which encompasses a variety of disorders, is a complex developmental disability that impacts social interaction and communication. It affects its victims in many different ways and to varying degrees; and

Whereas, Because of its impact on how people with autism process and respond to the world around them, this can be a profound challenge in education. Schools all across our state and nation struggle to respond to the needs of children with autism spectrum disorders. The frustration is made more acute by the fact that there are strategies that have been proven to be very successful for many children. In some cases, the improvements that individual students can make through these intense educational services can be remarkable; and

Whereas, In an effort to increase the number of teachers with the skills and knowledge to help children with autism spectrum disorders, Congress is considering the Teacher Education for Autistic Children Act. This legislation (H.R. 2390), which is also called the TEACH Act, seeks to provide a refundable tax credit for education and training expenses incurred in studying the teaching of students with an autism spectrum disorder; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Teacher Education for Autistic Children Act, the TEACH Act; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Education.

The motion prevailed.

Senators Anderson, Barcia, Cherry, Clarke, Kahn, Olshove, Prusi, Richardville, Scott and Switalski were named co-sponsors of the resolution.

Senator Cropsey offered the following resolution:

Senate Resolution No. 165.

A resolution to memorialize the United States Congress to reverse cuts to the Edward Byrne Memorial Justice Assistance Grant Program.

Whereas, The grants funded through the Byrne Justice Assistance Grant Program are used throughout Michigan for statewide and local law enforcement efforts. The Byrne program grants assist the apprehension, prosecution, adjudication, detention, and rehabilitation of offenders. The funding supports training, equipment, additional personnel, and other measures to increase the effectiveness of law enforcement and victim assistance; and

Whereas, The cuts in the fiscal year 2008 appropriations for the Byrne program that were approved by Congress and signed into law are staggering. Michigan will lose two-thirds of the funding received in the previous year, down to only \$3.2 million. For programs such as the Office of Drug Control Policy, the slashing of the funds available will cripple the office and force the cancellation of many worthwhile programs. The effects on other state and local programs will be similarly drastic. With the state's budget situation still in question due to negative trends in the national economy that threaten to overwhelm state efforts to restore growth, we clearly cannot replace the lost federal money; and

Whereas, As the federal government continues to grapple with the budget and economic growth measures, there is still time for Congress to correct the looming crisis in law enforcement efforts in the states. We know that cuts in funding now, when the economic picture is growing bleak, will make the need for effective law enforcement and victim assistance more important than ever. Congress must restore funding to the Byrne program to fiscal year 2007 levels through a supplemental appropriations act in order to prevent the curtailment or cancellation of key criminal justice programs; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to reverse cuts to the Edward Byrne Memorial Justice Assistance Grant Program; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Barcia, Basham, Birkholz, Bishop, Brater, Brown, Cassis, Cherry, Clarke, Garcia, George, Gilbert, Hardiman, Hunter, Jacobs, Jansen, Jelinek, Kahn, Kuipers, McManus, Olshove, Pappageorge, Patterson, Prusi, Richardville, Schauer, Scott, Stamas, Thomas, Van Woerkom and Whitmer were named co-sponsors of the resolution.

House Concurrent Resolution No. 78.

A concurrent resolution to memorialize the Congress of the United States to pass and the President to sign the Foreclosure Prevention Act of 2008.

Whereas, Our nation is currently experiencing the worst mortgage crisis since the Great Depression. In addition to record rates of foreclosure in many areas of the country, housing values are declining significantly. The wave of foreclosures, largely the result of subprime loans and a variety of predatory lending practices, has triggered a level of concern that is felt in virtually every household in America; and

Whereas, The cascading impact of houses that are lost to foreclosure for failure to pay the mortgage is becoming increasingly evident in many locations. The impact of the foreclosures over the past year is so great that it is estimated by some that as many as one homeowner in ten now owes more on their house's mortgage than the house is worth. All homes, even those without a mortgage, lose value quickly as houses stand empty. For many neighborhoods, the prospect of vacancy is accompanied by justifiable concerns over safety; and

Whereas, Congress is considering the Foreclosure Prevention Act of 2008 as a means of bringing a swift response to reverse the destructive trend of people walking away from homes because of loans they cannot possibly pay. This legislation offers a range of provisions, including allocations for foreclosure prevention counseling, expanding the capacity of governmental entities to redevelop properties, allowing housing finance agencies to help home buyers and issue refinancing bonds for owners with subprime loans, and empowering bankruptcy judges to change the terms of loans facing foreclosure. The bankruptcy adjustment provision would be consistent with the power bankruptcy judges already have for other kinds of debts, including those for vacation homes and rental properties; and

Whereas, Clearly, the severity of the mortgage foreclosure crisis demands vigorous and swift action. Less comprehensive approaches and voluntary programs alone are not enough; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to pass and the President to sign the Foreclosure Prevention Act of 2008; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Banking and Financial Institutions.

The motion prevailed.

Senators Anderson, Barcia, Basham, Brater, Cherry, Clarke, Gleason, Jacobs, Kahn, Olshove, Prusi and Schauer were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 79.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Thursday, March 20, 2008, it stand adjourned until Tuesday, April 8, 2008; and be it further

Resolved, That when the Senate adjourns on Thursday, March 27, 2008, it stand adjourned until Tuesday, April 15, 2008.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Anderson, Basham, Brater, Clarke, Gleason, Jacobs, Olshove, Prusi, Schauer, Scott and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Pappageorge, Birkholz, Kahn, Richardville, Jansen, Allen, Anderson, Jelinek, Brown, Garcia, Jacobs and Hardiman introduced

Senate Bill No. 1231, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Jacobs and Scott introduced

Senate Bill No. 1232, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 700. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Basham and Cassis introduced

Senate Bill No. 1233, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2405 (MCL 339.2405), as amended by 2007 PA 157.

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

House Bill No. 4260, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 2005 PA 106.

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

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

House Bill No. 4602, entitled

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending sections 2 and 5 (MCL 554.72 and 554.75).

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

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

House Bill No. 4965, entitled

A bill to authorize the state administrative board to convey certain interests in property in Kalkaska county; and to provide for disposition of the revenue derived from the conveyance.

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

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

House Bill No. 5089, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as amended by 2005 PA 4.

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

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

House Bill No. 5344, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

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

House Bill No. 5779, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 2003 PA 300.

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

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

Protest

Senator Patterson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the referral of House Bill No. 5779 to the Committee on Judiciary.

Senator Patterson's statement is as follows:

I would like it reflected that I object to the referral to the Judiciary Committee in accordance with Senate Rule 3.203(a), and I dissent in accordance with Senate Rule 3.506(a). My oral intention is stated, and I have signed and distributed a written copy of a *Detroit News* article "Annexation of hospital sought," dated March 19, 2008, pertaining to the annexation of the former Northville Psychiatric Hospital.

House Bill No. 5804, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

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

House Bill No. 5807, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

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

House Bill No. 5808, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2009; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill.

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

House Bill No. 5809, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has passed the bill.

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

House Bill No. 5810, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

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

House Bill No. 5811, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

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

House Bill No. 5812, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department

of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

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

House Bill No. 5816, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has passed the bill.

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

House Bill No. 5859, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9b (MCL 117.9b), as added by 1982 PA 465.

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

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

House Bill No. 5894, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34b (MCL 400.734b), as added by 2006 PA 29.

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

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Brown 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. 1093, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

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

Senate Bill No. 1099, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2009; and to provide for the expenditures of the appropriations.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1096, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

Substitute (S-1).

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

1. Amend page 7, following line 2, by inserting:

“Performance audit - Detroit public schools \$ 300,000”.

2. Amend page 7, line 10, by striking out “576,700” and inserting “876,700” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 22, following line 5, by inserting:

“Sec. 506. Any alternative educator preparation program utilized in this state shall be either accredited by the National Council for Accreditation of Teacher Education (NCATE) or shall have met the preconditions for accreditation and be designated an official candidate for accreditation by NCATE and shall provide documented evidence of success as a teacher certification program in another state.”.

4. Amend page 22, following line 25, by inserting:

“Sec. 605. From the amount appropriated in part 1, the department shall conduct a comprehensive performance audit of the Detroit public schools. The audit shall be completed and delivered to the members of the senate and house appropriations committees by March 1, 2009.”.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey moved that Senator Sanborn be temporarily excused from the balance of today’s session.
 The motion prevailed.

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 1096

Senate Bill No. 1093

Senate Bill No. 1099

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

The following bill was read a third time:

Senate Bill No. 1096, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

The question being on the passage of the bill,

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 12:50 p.m.

1:11 p.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

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. 189**Yeas—36**

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

Nays—1

Cassis

Excused—1

Sanborn

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1096.

Senator Cassis' statement is as follows:

I voted against the Department of Education budget because it reflects a General Fund increase above inflation plus one percent. This spending increase suggests, well, here we go again. My good colleagues on the other side of the aisle, despite this recession, still are on a spending spree. A quick estimation of their amendments to the DCH budget reveals a desire to spend at least \$36 million more in the General Fund.

I recall that just a couple of weeks ago, my good colleagues on the other side asserted that the Legislature should pay as we go, but they have not identified the source of revenues needed to inflate the General Fund. How can this be? If the additions were to be paid for and just not a myth, if they were to be paid for, how would this be accomplished? Would it be by shifting from other budgets or dare to raise the tax increase red flag like a year ago?

Questions asked; we need answers.

The following bill was read a third time:

Senate Bill No. 1093, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. 190**Yeas—37**

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

Nays—0**Excused—1**

Sanborn

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senator Sanborn entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1099, entitled

A bill to make appropriations for certain state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2009; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. 191**Yeas—37**

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

Nays—1

Cherry

Excused—0**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Brown 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. 1094, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

Substitute (S-1).

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

1. Amend page 13, line 1, by striking out “3,117,100” and inserting “3,117,200”.
2. Amend page 13, line 3, by striking out “31,994,800” and inserting “31,994,900”.
3. Amend page 13, line 9, by striking out “5,943,200” and inserting “5,943,300”.
4. Amend page 17, line 4, by striking out “1,408,938,800” and inserting “1,408,938,900”.
5. Amend page 17, line 13, by striking out “131,936,700” and inserting “132,062,500”.
6. Amend page 18, line 3, by striking out “8,148,234,200” and inserting “8,148,360,100”.
7. Amend page 18, line 7, by striking out “8,467,341,400” and inserting “8,467,467,300”.
8. Amend page 18, line 10, by striking out “5,112,244,900” and inserting “5,112,320,800”.
9. Amend page 18, line 16, by striking out “1,627,935,100” and inserting “1,627,985,100” and adjusting the subtotals, totals, and section 201 accordingly.
10. Amend page 63, following line 3, by inserting:
“(3) If the state creates a centralized PIHP risk pool, the department and the board established in subsection (1) shall develop a plan governing distributions from the centralized PIHP risk pool. The department shall report on any such plan to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by January 1, 2009.”.
11. Amend page 68, line 14, after “state.” by inserting “The department shall ensure that emergency medical services personnel training is provided so that no emergency medical services personnel has to travel more than 50 miles to receive such training.”.
12. Amend page 76, following line 20, by inserting:
“Sec. 1008. From the funds appropriated in part 1 for the diabetes and kidney program, the department may allocate up to \$25,000.00 for a diabetes management pilot project in Muskegon County.”.
13. Amend page 82, following line 18, by inserting:
“Sec. 1137. From the funds appropriated in part 1 for special projects, \$100.00 shall be allocated to support an Alzheimer’s disease patient care training program involving a community college and a retirement community.”.
14. Amend page 95, line 23, following “County” by inserting “and \$125,800.00 to expand the healthy kids dental program to the city of Roseville”.

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 1094

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

The following bill was read a third time:

Senate Bill No. 1094, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Anderson offered the following amendments:

1. Amend page 15, line 20, by striking out “36,134,200” and inserting “36,444,200”.
2. Amend page 16, line 1, by striking out “95,004,800” and inserting “95,314,800”.
3. Amend page 16, line 9, by striking out “34,638,000” and inserting “34,948,000” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Anderson requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 192

Yeas—18

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: Richardville

Senator Clark-Coleman offered the following amendments:

1. Amend page 17, line 13, by striking out “131,936,700” and inserting “135,208,800”.
2. Amend page 18, line 7, by striking out “8,467,341,400” and inserting “8,470,613,500”.

- 3. Amend page 18, line 10, by striking out “5,112,244,900” and inserting “5,114,217,000”.
- 4. Amend page 18, line 16, by striking out “1,627,935,100” and inserting “1,629,235,100” and adjusting the subtotals, totals, and section 201 accordingly.
- 5. Amend page 95, following line 27, by inserting:
 “(3) From the funds appropriated in part 1 for dental services, the department shall allocate \$3,272,100.00 to expand the healthy kids dental program to Wayne County effective September 1, 2009.”.

The question being on the adoption of the amendments,
 Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 193

Yeas—17

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: Richardville

Senator Brater offered the following amendments:

- 1. Amend page 5, following line 1, by inserting:
 “Mental health court pilot programs 2,253,800”.
- 2. Amend page 5, line 3, by striking out “2,474,350,500” and inserting “2,476,604,300”.
- 3. Amend page 5, line 11, by striking out “1,109,740,700” and inserting “1,111,994,500” and adjusting the subtotals, totals, and section 201 accordingly.
- 4. Amend page 58, following line 24, by inserting:

“Sec. 459. From the funds appropriated in part 1 for mental health court pilot programs, the department shall work with the judiciary, including the state court administrative office, to develop guidelines for the operation and evaluation of pilot mental health courts. Local CMHSPs and trial courts interested in becoming mental health court pilot sites shall submit a joint application for funding prepared in accordance with guidelines established by the department and judiciary. The applications shall include documentation of community needs and a commitment to the program by key stakeholders, including the local courts, law enforcement, prosecutor, defense counsel, and treatment providers.”.

The amendments were 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 amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 194**Yeas—18**

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

Nays—20

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

Excused—0**Not Voting—0**

In The Chair: Richardville

Protest

Senator Cropsey, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Brater to Senate Bill No. 1094 and moved that the statement he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cropsey’s statement is as follows:

There are so many problems involved in this amendment. First of all, I just want to thank the sponsor of the amendment for the work that she has done to bring the issue of the mentally ill in prisons to the forefront of the issue of the mentally ill and the criminal justice system to the forefront. That has been a tremendous work that she has done, and I think she has helped to sensitize this body and perhaps the other body to this issue.

A few things, No. 1, is one of the things that we did do last year and that we are doing again this year is putting \$100,000 into training for the police officers to recognize mental illness when they go out and get a call and it’s an emergency call that someone is breaking in or someone is vandalizing or somebody is doing something here. They get a call, they go in, and if they recognize that this situation is caused more by mental illness than malicious criminal conduct, it will sensitize the police and tell them what they need to do at that point, and hopefully, keep the person who is really mentally ill and acting out and perhaps off their medications, keeping them out of the criminal justice system and out of the prison system in the first place by getting them into the proper treatment in the mental health system. So that is first and foremost. We put money in the budget last year, and we have set money aside again this year \$100,000 for more training so that we don’t have the mentally ill caught up in the criminal justice system in the first place.

I think dollars spent in prevention will help save tens of thousands of dollars spent in incarceration or in jails or in the criminal justice system. So we are trying to address this problem.

Secondly, when we are dealing with mental illness courts, there are a couple of things that you need to keep in mind. We currently have courts that deal with the mentally ill, and it’s the probate courts. The probate judges are trained specifically on dealing with the mentally ill. Now if there is legislation that needs to broaden their scope of power, say that they are not dealing with this one area or with a few areas, then that is a policy decision that we need to be working on at this time and saying let’s address because we already do have judges who are trained specifically to deal with people who have mental illness. That needs to be done through the statutory law. If you are looking at some sort of docket system or something along that line, then that can be done either through the statutory law or that could be done through court

rules. Having the courts get on board and suggesting that they change their rules at the very least; probably the worse way to do it is by doing it in boilerplate.

The other thing to keep in mind is that our budgets are facing some severe shortfalls, especially when you consider, for example, we have the drug courts that have been set up. These drug courts—we have had people testify in front of my subcommittee and I think a district judge in Eaton County, specifically testified that a lot of times when people have problems with drugs or alcohol, it really is masking a mental health issue, but they don't realize that until their drug dependency or their alcohol dependency issues are taken care of and they are dried out or they are off their drugs. It is said that that is one of the key things, and then once you determine that, then you can determine better whether or not there is an underlying mental illness case there.

So when we look at the cuts that are being made at the federal level, from the Byrne grants that we are using for drug courts, this is going to have a very severe impact, and we are looking at starting another program that may be covered if we just change our policies somewhat. It's starting another program when we are facing a huge shortfall in our drug court monies, and it seems like we would continue to fund something that we know is working and then looking at policy changes to see what more changes we need to make in order to better take care of the people who are fighting with mental illness.

So based upon that, I would hope that we would not adopt this amendment. We are dealing with funds now for diversion programs before they are even brought into the criminal justice system. We are also trying to make sure that the drug courts stay funded at least to the level that they are right now.

So with that, I would hope that we would turn down this amendment, but understand that we do have a tremendous amount of sympathy. We should be looking at policy changes to see if maybe the probate judges who deal with the mentally ill, if their powers shouldn't be broadened.

Senator Cherry offered the following amendments:

1. Amend page 7, line 7, by striking out all of line 7.
2. Amend page 7, line 9, by striking out "593,200" and inserting "1,493,200".
3. Amend page 7, line 13, by striking out "30,895,700" and inserting "16,605,300".
4. Amend page 7, line 22, by striking out "20,291,500" and inserting "6,001,100".
5. Amend page 9, line 5, by striking out "12,340,300" and inserting "14,090,300".
6. Amend page 9, line 7, by striking out "1,653,300" and inserting "2,008,200".
7. Amend page 9, line 13, by striking out "60,733,900" and inserting "62,838,800".
8. Amend page 9, line 19, by striking out "5,729,300" and inserting "7,834,200".
9. Amend page 11, following line 2, by inserting:
"Local health services 220,000".
10. Amend page 11, line 6, by striking out "50,668,400" and inserting "50,888,400".
11. Amend page 11, following line 11, by inserting:
"Total other state restricted revenues 220,000".
12. Amend page 11, line 19, by striking out "99,500" and inserting "389,500".
13. Amend page 11, line 21, by striking out "12,601,600" and inserting "15,188,500".
14. Amend page 11, line 22, by striking out "3,735,000" and inserting "5,733,200".
15. Amend page 11, line 23, by striking out "1,687,000" and inserting "4,002,200".
16. Amend page 11, following line 26, by inserting:
"Michigan Parkinson's foundation 50,000
Morris Hood Wayne State University diabetes outreach..... 400,000
Physical fitness, nutrition, and health..... 700,000".
17. Amend page 12, line 2, by striking out "2,036,100" and inserting "5,724,500".
18. Amend page 12, following line 2, by inserting:
"Tobacco tax collection and enforcement 610,000".
19. Amend page 12, line 4, by striking out "25,080,100" and inserting "37,718,800".
20. Amend page 12, line 10, by striking out "2,119,800" and inserting "14,758,500".
21. Amend page 12, line 16, by striking out "1,557,500" and inserting "2,557,500".
22. Amend page 12, line 17, by striking out "335,400" and inserting "485,400".
23. Amend page 12, line 23, by striking out "9,385,700" and inserting "9,793,800".
24. Amend page 12, line 24, by striking out "7,018,100" and inserting "7,264,200".
25. Amend page 12, line 26, by striking out "602,100" and inserting "5,235,400".
26. Amend page 12, following line 27, by inserting:
"School health and education programs 500,000".
27. Amend page 13, line 1, by striking out "3,117,100" and inserting "4,217,100".
28. Amend page 13, line 3, by striking out "31,994,800" and inserting "40,032,300".

- 29. Amend page 13, following line 8, by inserting:
 "Total other state restricted revenues 8,037,500".
- 30. Amend page 15, line 21, by striking out "37,755,500" and inserting "37,922,500".
- 31. Amend page 16, line 1, by striking out "95,004,800" and inserting "95,171,800".
- 32. Amend page 16, line 8, by striking out "1,800,000" and inserting "1,967,000".
- 33. Amend page 17, line 4, by striking out "1,408,938,800" and inserting "1,410,514,300".
- 34. Amend page 18, line 3, by striking out "8,148,234,200" and inserting "8,149,809,700".
- 35. Amend page 18, line 5, by striking out "229,906,200" and inserting "230,206,200".
- 36. Amend page 18, line 6, by striking out "319,107,200" and inserting "319,407,200".
- 37. Amend page 18, line 7, by striking out "8,467,341,400" and inserting "8,469,216,900".
- 38. Amend page 18, line 15, by striking out "1,573,684,400" and inserting "1,564,806,700".
- 39. Amend page 18, line 16, by striking out "1,627,935,100" and inserting "1,638,688,300" and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Cherry requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 195

Yeas—18

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

- 1. Amend page 17, line 16, by striking out "139,776,600" and inserting "167,811,500".
- 2. Amend page 17, line 19, by striking out "11,200,000" and inserting "16,600,000".
- 3. Amend page 18, line 3, by striking out "8,148,234,200" and inserting "8,181,669,100".
- 4. Amend page 18, line 7, by striking out "8,467,341,400" and inserting "8,500,776,300".
- 5. Amend page 18, line 10, by striking out "5,112,244,900" and inserting "5,132,396,100".
- 6. Amend page 18, line 16, by striking out "1,627,935,100" and inserting "1,641,218,800" and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 196**Yeas—18**

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

Nays—20

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

Excused—0**Not Voting—0**

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 17, line 21, by striking out “2,993,973,900” and inserting “3,030,346,300”.
2. Amend page 18, line 7, by striking out “8,467,341,400” and inserting “8,503,713,800”.
3. Amend page 18, line 10, by striking out “5,112,244,900” and inserting “5,134,166,500”.
4. Amend page 18, line 16, by striking out “1,627,935,100” and inserting “1,642,385,900” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 197**Yeas—18**

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: Richardville

Senator Scott offered the following amendments:

1. Amend page 17, line 13, by striking out “131,936,700” and inserting “141,501,300”.
2. Amend page 18, line 3, by striking out “8,148,234,200” and inserting “8,157,798,800”.
3. Amend page 18, line 7, by striking out “8,467,341,400” and inserting “8,476,906,000”.
4. Amend page 18, line 10, by striking out “5,112,244,900” and inserting “5,118,009,500”.
5. Amend page 18, line 16, by striking out “1,627,935,100” and inserting “1,631,735,100” and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 95, following line 27, by inserting:

“(3) From the funds appropriated in part 1 for dental services, the department shall allocate \$9,564,600.00 to expand the healthy kids dental program to Wayne County effective July 1, 2009.”.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 198

Yeas—18

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: Richardville

Senator Scott offered the following amendments:

1. Amend page 9, line 10, by striking out “3,360,700” and inserting “4,093,700”.
2. Amend page 9, line 12, by striking out “3,686,200” and inserting “3,953,700”.
3. Amend page 9, line 13, by striking out “60,733,900” and inserting “61,733,900”.
4. Amend page 9, line 20, by striking out “4,928,800” and inserting “5,928,800” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,
 Senator Thomas requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 199**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: Richardville

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. 200**Yeas—20**

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

Nays—18

| | | | |
|---------------|---------|-----------|-----------|
| Anderson | Clarke | Patterson | Scott |
| Basham | Gleason | Prusi | Switalski |
| Brater | Hunter | Sanborn | Thomas |
| Cherry | Jacobs | Schauer | Whitmer |
| Clark-Coleman | Olshove | | |

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Cherry, Switalski and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1094 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 Cherry’s statement is as follows:

I rise to express my opposition to this bill and to urge other members not to support it. As you’ve seen through the few hours we have spent on this budget, there are serious problems with it. We have done a number of amendments to point those problems out; they include the fact that the Healthy Michigan Fund has been cut in half and rolls up all of those items into one line item. It cuts the Medicaid to nineteen- and twenty-year-olds funding. It cuts money for the MiChoice program because it does not recognize the savings that would occur if that program was funded, and it potentially overfunds this budget by at least \$12 million, if not more. This is because nursing homes can overspend their budgets and we have to pay that cost whether or not we have planned for it. That is not, in my mind, in and of itself an unbalanced budget.

We have had a number of initiatives that have been partially funded in this budget, but not fully funded, and there is a significant amount of boilerplate in the budget which could cause a problem and increase the cost to the department in administration. Just a small example of one item we did not address was this budget cuts all the classified personnel salaries by half, and we know that cannot be sustained throughout the whole budget process.

So there are significant problems with this budget, enough, I believe, that makes it a budget which is very difficult to support right now. Because of the services that are going to be cut through this budget, I am urging people to vote “no.” I will be voting “no.”

Senator Switalski’s statement is as follows:

You know, you can agree or disagree with the bill, but you have to admire the way Chairman Kahn has fashioned this budget. The good Senator has put before us his vision of a CMH budget and has made aggressive changes. During these times of static funding and continuation budgets, he has offered a series of choices that substantially depart from business as usual. This budget challenges us to consider big changes. I asked the chair to increase reimbursement rates to primary care doctors. There is a shortage of primary care doctors. He agreed and he raised reimbursement 40 percent, so how can I criticize that? He did what I asked, and he did it in spades.

There are other good things in this budget; the first increase to local public health in 10 years. There are increases to pharmacists and long-term care. So there are many good things in this budget. I must reluctantly vote “no,” however, because of the cut to Healthy Michigan and the elimination of nineteen- and twenty-year-olds from Medicaid.

I know this is a process and I have found Chairman Kahn to be a fair-minded and generous person. I count myself lucky to have such an open-minded chair to work with, and I look forward to narrowing these differences and fashioning a bill I can enthusiastically support.

Senator Scott’s statement is as follows:

I will be voting “no” on this budget. You may have increased the budget, but there are some amendments that we did not pass today that I think are very, very important to our most vulnerable population—our children and our mentally ill. So until we get a real grasp on who it is we need to be taking care of, then I will continue to vote “no” on these kinds of bills.

I would think that my colleagues, certainly, the mentally ill, our children with the STDs, and our children who will be going to the emergency room for their dental care, that we would put the proper funding in these budgets that will take care of these people who cannot take care of themselves.

So I want my remarks printed in the Journal, and I would encourage my colleagues to vote “no” on this budget.

Senators Clark-Coleman, Brater, Kahn, Cherry, George and Basham asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

I rise to speak in support of the Healthy Kids Dental Program. This is a program created for the Medicaid-eligible children in the state of Michigan. Since the health and the well-being of our children are two of our top priorities here in this chamber, I feel compelled to speak to this important initiative. Attesting to its importance is the fact that fifty-nine counties in our state are already participating. The fact that Wayne County, the county with undoubtedly the greatest need, is not a participant in the Healthy Kids Dental Program is a grievous omission, and it is one that we must correct. Therefore, I am recommending just a one-month trial of the Healthy Michigan Dental Program in Wayne County to begin in July of 2009.

Now we all talk the talk for health for our children here in Michigan. We now must walk the walk.

Senator Brater's statement is as follows:

Mr. President, this amendment is intended to restore the money—\$2 million and some dollars—to establish mental health courts which would be part of a mental health diversion program in the state of Michigan. As you all know, the closure of our mental hospitals in the 1990s resulted in a tragic trans-institutionalization when the good objective of getting people out of hospital settings and back into the community was not realized because the money did not follow people with mental illness from the hospitals back into the communities. They ended up falling through the cracks and often languishing in the community without treatment, without medication, and sometimes without homes or other support services and ending up with contact with law enforcement, often on minor offenses such as trespassing, creating a nuisance, or urinating in public. They would end up incarcerated and escalating from jails to prison because of the inability to comply with jail or prison rules.

Now, first of all, I would like to thank Governor Granholm for putting this money into the budget. It was a very historic step on her part to recommend this money and to reverse this tragic trend that we are engaged in in the state of Michigan. I would also like to thank the chair of the Community Health Subcommittee for his—what I think is his—commitment to this objective of making sure that our most vulnerable citizens are receiving treatment that they need for a disease or a chronic illness, rather than punishing them by putting them behind bars on what, as I said, can statistically be shown to be in most cases a minor, nonviolent offense. But I think we are compounding the tragedy by using people with mental illness as a bargaining chip in this budget. This is unacceptable behavior.

It is hard to find a family in the state of Michigan who statistically is not touched by this disease, and it is high time that we take this opportunity that the Governor has handed us and fund this program to prevent people with mental illness from being put in prison for no other reason than that they are ill, that they have a chronic illness.

Now the minority vice chair of the Appropriations Committee earlier made reference to the funding source for this program, which would be finding some efficiencies by forming a risk pool for the mental health ward that they could fund their liability jointly, but the \$7 million that that would save should all go back into mental health treatment. There is already this funding for this treatment that has been flat since 2002, and one of the reasons the people are being penalized is there are not enough treatment dollars being spent on treatment in the system. So we must find a way to get that money back into the treatment system so that when people present themselves for services, they are not being turned away, and then in a more acute phase, off their medications and end up tangling with law enforcement.

So I want to thank also the good chair of the Corrections Subcommittee who has also shown a great deal of interest in this issue and has worked with me to try to get training dollars for law enforcement personnel so they can recognize the symptoms of a person with mental illness and get them back into the mental health system. But none of this will work unless we get the treatment dollars spent in the right place.

So I am standing here imploring you—I have been talking about this, as you know, since I came to the Legislature in 1995. A lot of you are probably tired of hearing me recite the facts of this situation, but it has not gone away and it is not getting any better and it won't get any better today if you vote "no" on my amendment.

So I am asking you out of your sense of humanity, out of your compassion for people who are ill, who are being victimized in jails and prisons instead of getting treatment that they need. Please vote "yes" on this amendment.

Senator Kahn's first statement is as follows:

Indeed, as the Senator from the 25th District points out, we have discussed this issue before. The essentials of the issue before us with this amendment are a balanced budget for the state of Michigan with different areas and our abilities to fund them. In identifying places where we cannot cut, sending people home from nursing homes on ventilators without care when they are best cared for in that environment with support staff is a priority. That priority was not recognized in the budget that we were handed.

In recognizing that authority, we in the Senate are truly serving our most vulnerable people. In making that decision, we needed to find other areas where we could sustain the cuts. One of those areas is identified by the administration last year—the Healthy Michigan Fund.

As the Senator from the neighboring county—the Senator from the 25th District—points out, as we identified that area for savings and cuts, we did it with the compassion to roll the line item up and allow the administration to participate in the decision of where those dollars might be best spent. Yes, it's unusual for us as appropriators to give that particular authority to the administration, but if we were to make those sort of reductions in conjunction with the recommendations that the Governor had last year, it is my feeling that we ought to do it with part of it allowing them to participate in locating the areas in which those cuts are to be made.

So I am saying that I oppose this amendment.

Senator Cherry's first statement is as follows:

This amendment is one that we have talked about many, many times, and it has to do with the Healthy Michigan Fund. As you know, as we have talked about earlier, this budget cuts the Healthy Michigan Fund almost in half and rolls up all of the line items which delineate the programs that are funded by the Healthy Michigan Fund.

So that you understand the programs that would be impacted by this—let me just tell you about a few of them. One is the Alzheimer's Disease Outreach and Education Program; another is the Cancer Prevention and Control Program; cardiovascular chronic disease prevention programs; dental programs; anti-diabetics programs; Huntington's disease programming; immunization programming; infant mortality programming; lead poisoning programming; nurse family partnerships programs; physical fitness, nutrition, and health education; pregnancy prevention programs; and anti-tobacco, anti-smoking prevention programs.

So, Mr. President, thank you. I just wanted to outline how important it would be if all these programs got cut. They are, as you know, very important to all of our citizens. One of the things that I also want to point out is that as we roll these programs up into one line item, the Senate potentially will never know what is being funded through this program.

I think it is important for us to know what the Healthy Michigan Fund funds, what programs are funded, and it is important that we continue to fully support these programs. They are some of the few programs that each one of our communities has a say in. Our communities are involved, for hundreds and thousands of volunteers are involved in these programs and it is important that they continue.

I ask members to support this amendment, and again, I hope that we would be wise in our judgment and adopt it.

Senator Cherry's second statement is as follows:

I only add that this budget, as proposed by the Governor, did recognize the need for care to our older adults—long-term care both in and out of institutions. It also provided funding for the Healthy Michigan Fund. I believe that it is important for us as the legislative body to have oversight over the administration no matter what party is in control of the administration. By not rolling these line items up, we have oversight into what gets funded through the Healthy Michigan Fund.

Again, I ask members to support this amendment.

Senator Kahn's second statement is as follows:

I rise in opposition to this amendment. We've seen that the budget that was initially proposed with the estimates that were initially available to the administration had approximately \$100 million worth of holes in it, which included over \$50 million in the Medicaid benefits trust fund; a reduction of \$5 million in one of our risk pools which takes care of indigent people. This particular amendment, which shifted \$30 million from taking care of folks within nursing homes to the waiver program and several other areas, at the end of the day, it will be very nice to fund this increase at the over \$300 million requested by the administration. We have increased it by \$1 million, which keeps the issue alive. We also have found other ways to spend those dollars that deal with more vulnerable populations, as mentioned just a moment ago.

When you are dependent on a ventilator, when you need 24-hour-a-day or nearly 24-hour-a-day care, if that care is to be degraded or absent, your quality of life and the quality of life of your loved ones suffers almost to the level of intolerability. We've seen that as we go to expand home care and are looking at the single point of entry pilots, the ability to transfer people from nursing homes to home care has not been reported along with how many stay home once they get home. That is an issue that goes to the bureaucracies, to the quality of care, and to the dangers of transitions. These are all issues that go to the fringes and yet the soul of waiver expansions.

For those reasons, I oppose this amendment.

Senator Cherry's third statement is as follows:

This amendment is a little complicated. The Governor shifted funds from institutional long-term care into community-based care, and that helped recognize the savings that would occur in long-term care because there was an effort to keep people living in their own homes.

The budget that is before you cuts the funds for long-term care institutional funds, but it does not put the savings back into the community- and home-based programs, as was stated earlier. There was a desire, I think, on the part of the chair to put that money in other places. However, when that is done, that has the potential to increase this budget as a whole because under Medicaid rules, if the long-term care institutional programs actually spend more money than what is in the

budget, we have to fund those programs. So even though this budget looks like it is under the Governor's recommendation and meets the Senate Republican target, there is a problem with the basic funding because it has the potential of increasing the nursing home care funding.

Mr. President, this budget simply restores it back to the Governor's recommendation so that there is money, and the savings that occurs from the change in institutional care actually does go into long-term care and into the MIChoice program, so that services can be provided to our older adults living in their own homes.

I ask the members to support the amendment. It is good policy for this state to be providing more alternatives to institutionalization, and this actually provides the funding for that to occur.

Senator Cherry's fourth statement is as follows:

This amendment is another one that we often argue about in this chamber. This is an amendment to restore the Governor's proposal that includes funding Medicaid for low-income nineteen- and twenty-year-olds. This is something that Michigan has determined do to over the past years because in the long run it saves money. Why does it save money? Because young adults generally will go to the emergency room for the care that they need and that costs us even more money.

While we have talked about the risk pools, which is money that goes to the hospitals, we would save those hospitals more money if we adopted my amendment so that nineteen- and twenty-year-olds could get the services that they need through Medicaid rather than going into the nursing homes.

In addition, there are young adults who are aging out of foster care who are covered by this program. I don't think that we wish to have those young adults without health insurance. They need it. We should be providing it, and we would make sure that emergency rooms are not the place that they get the health care that they need.

So, Mr. President, I ask the members to support this amendment so that we could actually save the state money and that we again show our wisdom within this body and adopt this amendment.

Senator Kahn's third statement is as follows:

I appreciate the remarks of the Senator from the 25th District. In brief, she states that by maintaining the nineteen- and twenty-year-olds, it would be cost-effective as they seek their care in the emergency room. I would like to address that issue, but before we address that issue, we need to address another issue. That is, a budget that is balanced, how to get there, a \$100 million hole in that budget as it is presented to us, and what options we have.

The option that we have before us of eliminating nineteen- and twenty-year-olds is a road well traveled. It is a road traveled by the administration itself two years ago when they eliminated nineteen- and twenty-year-olds from the budget; they are an optional population. The reason nineteen- and twenty-year-olds are there today is not because of the administration. They are there because the federal government did not allow the plan amendment that would allow for the method of elimination of them. They would be gone today, and as we looked for a way to do that, this is exactly that—a way to do so.

Let's talk about seeking care in the emergency rooms, another point made by the good Senator from the 25th District. Within the budget, we have placed a considerable amount of money to deal with well-child visits and to deal with the primary care visits and to deal, therefore, with access to care within our rural, and in particular, within our urban areas, which are areas where there is a particular shortage of physicians and a particular likelihood that someone will seek their care in an emergency room.

So the amendment in which I urge you to defeat is also the source by which we are going to increase the availability of care for our young people, our children, our adults, and our aging in our urban course. I urge a defeat of this amendment.

Senator Kahn's fourth statement is as follows:

This, too, is a ground that we have traveled before. Let me review this and also lay out, if I can take the time. I'm sorry for those who would wish I would be briefer. How we might go about expanding the Healthy Kids Dental Program in the future. The issue that we have before us is where are we going to find new funds for new programs in a budget that is overspent at the time that it was delivered to us.

Insofar as we've been able to deliver any new programs, they have been generally small, pilots, people-focused, or wage-related or improving access of programs. There have been some changes to the Healthy Kids Dental Program. One of the outstanding counties, a small county, has been added. A principle was established today, I believe, in how we might go ahead in the future. This is important.

The Healthy Kids Dental Program in the past has expanded county by county by county. Today we approved a noncounty municipality. I believe that gives us the method by which in the future we can add either Wayne County by parts, Macomb County, Livingston, Kent, and the large counties like Oakland that are in need of this program, as Senator Scott so rightly identified. We need to work on how we're going to deal with the municipality issue and expand the Healthy Kids Dental Program in coming years and possibly if there is money available this year, as per the revenue estimating conference in May.

At this time, this amendment is a budget buster. The idea has merit, but it cannot be supported at this time, and I urge its defeat.

Senator Kahn's fifth statement is as follows:

I appreciate the remarks, again, by the Senator from Wayne County. You know, the issues of STDs are something that physicians learn almost from the moment that they enter medical school. In my particular case, there is something called a CON-TEST, which was one of the original tests done toward the turn of the last century for syphilis. Finding funding for these diseases which lead oftentimes to the loss of fertility, certainly lead to the potential for loss of life, is clearly of importance; something we all recognize and something which is vastly addressed, historically speaking, in our country either at the hands of the individual physician in his office or by the public health department.

This year we placed an additional \$1 million within the funding for the health department, over and above that requested by the administration. That health department funding can be directed, if the health department so wishes, towards two burgeoning areas of need: one, in high-risk infections such as methicillin-resistant staphylococcus aureus or streptomycin-resistant enterococcus or, in this case, with STDs. The funding within the health department addresses some of the concern, and certainly, we can address it further if there is a need.

I urge the defeat of this amendment.

Senator George's statement is as follows:

I rise to speak in favor of the budget, and I just want to point out a couple of important features. We have heard all the concerns over the need to properly fund Medicaid, mental health, dental coverage, hospital payments, payments to providers, and the need and obligation we have to provide care for the poor and the disabled. I would just point out that this budget shows an increase of \$134 million, almost a half-million dollars over the current budget. It is rising from \$12 billion to nearly \$12.5 billion, and yet, it is never enough. It speaks again to the need to control health care costs by having a healthier population. If only we had a healthier population, most of our woes here would be lessened. The chair has done his best to balance the needs that we have to meet making a balanced budget and providing that care.

I want to point out a couple of innovations that the chair has included in the boilerplate language that get to the root cause of the problem. One is a provision that would require enrollment of pregnant women into HMOs. They know that currently they have the option of choosing the fee-for-service plan, and, of course, the fee-for-service plan has no managed care and has no capitation payment and has no incentive built in to constrain costs. It turns out that within Medicaid, the single biggest diagnosis and the single biggest cost to the state within Medicaid is the care of pregnant women and then their childcare. So if we can enroll those new Medicaid recipients into HMOs, which have an incentive to control the costs to get them through their prenatal visits to reduce the risk of premature birth, then we will be doing ourselves a favor. The chair has included that in boilerplate language. That is an important piece that has been overlooked.

I would also point out boilerplate language relating to creating a ban on tobacco in psychiatric facilities. I would note that the Corrections Department has recently adopted such a ban, and I support that. Clearly, if we look at the Corrections budget, we would see that a rising piece of it is health care expenses. Well, here we have had a debate over funding for mental health. Is it enough or is it not enough? What can we do to have more? You should know that the incidence of tobacco smoking and tobacco addiction is very high among the mentally ill, and we currently allow them to smoke in our psychiatric facilities. You should know that there is a movement to stop that among these psychiatric specialists. You should know that it has been a practice for some time to use tobacco as a reward in treating patients in psychiatric facilities, and consequently, some of them smoke two or three packs of cigarettes a day. They die at an earlier age from heart disease, stroke, etc. So here we have a measure that is going to directly address that.

So, colleagues, I support the bill before us. It represents the realities of the budget that we face, and the chair is to be commended for including innovations like these that hold the hope for creating a healthier Michigan.

Senator Basham's statement is as follows:

I really appreciate and agree with the good Senator from the 20th District. I think he makes a lot of sense. That's why I think colleagues should take up those languishing bills setting in Government Operations which deal with secondhand smoke. I agree with the good doctor, and I agree that we could do more.

We seem to talk about small things in a budget and eliminate conversation about something that could save the state billions of dollars when it comes to secondhand smoke. Thirty-two states have gone smoke-free. Other countries have gone smoke-free. The United States Surgeon General said there is no safe amount of secondhand smoke.

We agree that we should do things to make Michigan healthier. One of them would be not to expose people who don't want to be exposed to secondhand smoke. I think it's certainly appropriate to have that conversation in this budget bill when it comes to community health.

So if 32 other states can do the right thing, I absolutely agree with the Senator from the 20th District that we need to be talking about things that we can do to make Michigan a healthier state. So I appreciate his remarks.

Senator Kahn's sixth statement is as follows:

Now we come to the time to move the process forward on this budget; move it from this chamber to the other chamber for further consideration. I ask my colleagues here for their vote to pass this bill. It is a good bill.

In talking about areas where it could be different or better or both, we've lost sight of some of the things that are present here within the bill. This \$12.5 billion bill, which is a \$400 million increase over last year's spending, and \$400 million

represents the size of many state departments. This bill cares for the folks on Medicaid, it keeps our HMOs actuarially sound, and deals with some of the problems that were necessitated by the additional presentation of this bill, which contained about a \$100 million hole.

Well, the bill as originally presented eliminated the \$5 million risk pool which would have left indigents, people without any health care insurance, who presented themselves to hospitals without any way of being made whole or the hospitals made whole. That was restored. That prevents the degradation of care in our hospitals.

This bill also increases a reimbursement to pharmacists. Pharmacists have seen a steady decrease in their reimbursement. Do we get them back to where they were a few years ago? No. We got them up to a point now where I think we can ask them to participate in consultations and the use of their time in making decisions about appropriate medication choices.

We also have increased the availability of health care in our urban centers and our rural centers by virtue of increasing fees paid to the physicians, who have left those areas because of their cost of doing business is higher than their compensation. This is a big plus. We put a two percent increase in the fees paid for mental health direct care workers; the first time they have seen an increase in centuries. We put an increase of \$1 million of local public health dollars; something not targeted by the administration and again not seen for many years. This can address some of the issues that we have with infections of some types that we have talked about earlier, whether they are in the venereal disease family, the STD family, or whether they are the high-risk resistance organisms.

We have initiated pilots for traumatic brain injuries, and we have dealt with tobacco use in psychiatric facilities, as mentioned. Some of our most costly and most vulnerable populations, I think, we would all agree are pregnant women and neonates, and we have served to make them to be able to have preventive care and the best possible opportunity for a healthy birth, for both mother and child.

We have dealt with some of the cuts that were inflicted upon our nursing homes, which would have degraded their care and would have made them whole as well. We have looked to the future with something that we all know is coming—electronic medical records and electronic prescribing.

So this budget, which I urge you to pass, deals with some of the issues that we have to deal with every day with our budget challenges. It keeps our faith with our Medicaid population as a whole—looks to the future and adds to programs. I ask for its acceptance and that it be passed out of this chamber into the next.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

"Little by little grow the bananas." It's an old Congolese proverb that speaks to me about patience. It tells me that, while you may not see the changes, while you may not witness the daily development, the growth is inevitable. The change may be painfully slow, especially when one is hungry and waiting for food. But little by little grow the bananas.

Well, my friends, I am hungry. I am hungry for justice. I am starving for insurance reform in Michigan. I am famished for folks to be able to purchase insurance products they are required by law to have at a reasonable and affordable price. And I will only be satisfied when you move my bills.

Senator Kahn's statement is as follows:

I rise for a dual purpose statement, if I might. The first is to thank the chamber for moving the Department of Community Health budget along to the other chamber. It's hard work, a lot yet to be done, and I thank my colleagues for doing that. But, in particular, I would like to thank my committee members and my vice chair, the Senator from the 13th District, and my other vice chair, the Senator from the 25th District, for their work on that bill and their counsel. We don't always agree, of course, like all of us here in this chamber—is necessary to make the product better for our people.

The other reason I rise to make a statement today is because today we passed out Senate Bill No. 885. This bill creates a renewable energy facility zone in the renaissance zone act. I'm grateful to our chamber for passing that and sending it on to the Governor today.

This bill amends the definition of a renewable energy facility because there was a hole in it that did not include corn or soybeans, and that has now been fixed. In so doing, ethanol plants, like one in my district, Liberty Fuels, are incentivized. The whole problem of energy that we have been debating here in our Legislature, and we as a country have been debating, is exemplified a bit in what is contained in the incentives within this bill. It's a big problem, a problem which the Senator from the 7th District has been taking testimony on for most of this year and whose work product is beginning to emerge, and it is a good work product.

I thank you for your attention to Senate Bill No. 885 and urge your attention to the work product developed by the Senator from the 7th District, which we will see in the next month or so.

Senator Cherry's statement is as follows:

I also rise to thank the members of the committee. Although the budget was not one that I could support—the priorities were different—I would like to thank the chair and really everyone on the committee for their openness and willingness to discuss all these issues, even when we chose to disagree. I look forward to this bill going to the House and coming back in a version that I will support—I'm guessing. I know I'll like it a lot better. I want to thank all of the staff also who were a part of this because they worked hard on both sides of the aisle and the fiscal staff. They have spent hours and hours and hours on this budget.

Committee Reports

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 146, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 4 (MCL 207.552 and 207.554), section 2 as amended by 2005 PA 267 and section 4 as amended by 2004 PA 437.

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.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 816, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 19 (MCL 125.2169), as amended by 1993 PA 333.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1093, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1094, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

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

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

The Committee on Appropriations reported

Senate Bill No. 1095, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1096, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1099, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2009; and to provide for the expenditures of the appropriations.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: Senator Cherry

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

The Committee on Appropriations reported

Senate Bill No. 1106, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1107, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 2007 PA 137.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

Nays: Senators Anderson, Cherry and Clark-Coleman

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

The Committee on Appropriations reported

Senate Bill No. 1117, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 365.

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

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

Ron Jelinek
Chairperson

To Report Out:

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

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

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 19, 2008, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 5274, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 16, 17, 19, 20, 22, 24, 27, and 29 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.828, 338.830, 338.834, 338.836, 338.837, 338.839, 338.840, 338.842, 338.844, 338.847, and 338.849), the title and sections 1, 2, 3, 4, 5, 6, 7, 10, 14, 16, 17, 20, 22, 24, and 27 as amended by 2002 PA 474.

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, Gilbert, Thomas, Hunter and Jacobs

Nays: None

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

The Committee on Agriculture reported

Senate Resolution No. 156.

A resolution to encourage the Office of Financial and Insurance Regulation to work cooperatively with all stakeholders to facilitate the offering of insurance discounts for alternative energy vehicles in Michigan.

(For text of resolution, see Senate Journal No. 25, p. 402.)

With the recommendation that the resolution be adopted.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Agriculture reported

Senate Bill No. 1126, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

Senate Bill No. 1128, entitled

A bill to provide for the publication of certain information regarding the establishing of alternative fuels facilities in this state; to provide for certain powers and duties for certain state agencies; and to make available to the public certain information.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture reported

Senate Bill No. 1129, 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.

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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz and Gleason

Nays: Senator Whitmer

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

The Committee on Agriculture reported

Senate Bill No. 1130, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," (MCL 290.641 to 290.650d) by adding section 5a. 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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz and Gleason

Nays: None

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

The Committee on Agriculture reported

Senate Bill No. 1132, entitled

A bill to amend 2006 PA 272, entitled "Renewable fuels commission act," by amending sections 3 and 6 (MCL 290.583 and 290.586).

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, March 20, 2008, at 9:00 a.m., Room 110, Farnum Building

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

Scheduled Meetings

Appropriations - Wednesday, March 26, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Agriculture - Wednesdays, April 16, April 23, April 30, May 7 and May 14, 3:00 p.m., Room 405, Capitol Building (373-2768)

Economic Development - Wednesday, March 26, 8:00 a.m., Room 110, Farnum Building (373-2768)

State Police and Military Affairs - Thursdays, April 24, May 1 and May 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Campaign and Election Oversight - Wednesday, March 26, 12:30 p.m., Room 405, Capitol Building (373-1725)

Economic Development and Regulatory Reform - Wednesday, March 26, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, March 27, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, March 27, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, March 26, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Statutory Mandates - Wednesday, March 26, 2:00 p.m., Oakland County Executive Office Building, Building 41-West, Conference Center/West Oakland Room, 2100 Pontiac Lake Road, Waterford (373-0212)

Senior Citizens and Veterans Affairs - Wednesday, March 26, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 3:31 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, March 26, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

