

No. 42
STATE OF MICHIGAN
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94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Thursday, May 1, 2008.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—excused
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

Dr. Steven Buuck of Lutheran Church - Missouri Synod of Macomb offered the following invocation:

Heavenly Father, we pause this morning to give You thanks and praise. Lord, as the sun shines down on us today, we are mindful of the many blessings that You shine upon us each day, especially, Lord, for Your Son Jesus Christ. Lord, on this National Day of Prayer, we thank You for the privilege that it is to live and to serve in a country that provides the freedom to pray.

Heavenly Father, I thank You for the men and women in this room and for all the gifts that You've given them and for all who serve in government at the local, state, and federal levels. Father, we pray for them, that You would provide the wisdom, the patience, the courage, and the discernment for them as they make decisions that impact so many. Father, we lift up all of us here in the state of Michigan. We thank You for the blessings that You shower upon us, and yet, know that there are folks who need Your comfort, Your peace, and Your healing, and we pray for that.

Heavenly Father, we thank You for the many gifts that You have given each of us and for the blessing that it is to lead and to serve. We pray all these things in the strong name of Jesus. Amen.

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

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

Motions and Communications

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

Senator Cropsey moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Thomas moved that Senator Jacobs be excused from today's session. The motion prevailed.

Senators Pappageorge, McManus and Garcia entered the Senate Chamber.

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

The motion prevailed.

Senator Sanborn's first statement is as follows:

It's with mixed emotions that I stand here today because the minister who did the prayer is also the very popular principal of Lutheran High School North back in my district. For the past two decades, he has served the community well. As you know, we often do honorariums—senatorial tributes—in this case, to Dr. Steven Buuck.

“LET IT BE KNOWN, That it is a distinct pleasure and privilege to join with the entire community to honor Dr. Steven Buuck for his many years of committed service to Lutheran High School North.” Unfortunately, after two decades we will be losing Dr. Buuck and his wonderful family to Las Vegas, Nevada, where he will be taking up the role of principal of that school. “Dr. Buuck is the type of individual that all students and parents want in their schools. To all who have known Steven, he has truly exemplified the spirit and dedication so necessary for all academic and religious study. A caring and concerned citizen who has always maintained an unyielding commitment to his students, he has played a vital role in preparing young people for the challenges they will all meet throughout their adulthood”—including my own son Joshua and one of my staff people Meghan Greene, who joins us on the floor today, and future staff who are coming to me who always seem to come from Michigan State University, and now we have a farm team at Lutheran High North.

“IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to honor and commend Dr. Steven Buuck in recognition of his truly inspirational life of servitude. May he know of the great respect and gratitude the entire community of Macomb Township and Macomb County and indeed the entire state of Michigan that we hold for him.”

I ask that my colleagues say a fond farewell to Dr. Steven Buuck and his family.

Senator Bishop's statement is as follows:

It's a great honor for me today to stand before you with a very important person who has worked with our office since January. It's with a heavy heart that we see her off now. She's all grown up and having experienced all kinds of great

things in our office, she's ready to move on to the next level. Elizabeth Gorz, who presently is a junior at Michigan State University, is in the James Madison College of Public Affairs, majoring in international relations and plans at some point in time to attend law school. She had been—as I said earlier—an intern in my office, the policy office, and the communications office. I can't say enough about Elizabeth. She has done everything with a smile on her face and eager as anyone has ever been to address a lot of different things. She has been working on researching issues that the Senate has been reviewing. She has drafted articles and press releases. She continues to prepare talking points. She attends committee and Senate sessions. I think she has had a great experience here in the Senate. We've certainly appreciated having her here.

She's now on her way to England where she will be spending time studying at Cambridge; so onward and upward. Despite the fact that she's a student down at the university down the road, she's always welcome to my office any given day of the week. I want you to know that Elizabeth Gorz is from one of the finest families in my district, the Gorz family. Just to me, that reinforces that concept that apples don't fall far from the tree. She's an outstanding person. I expect to see great things about her in the future. She's always a part of our family. I want to thank her publicly for all that she's done for the office. I hope that members can support her with a round of applause in appreciation for all that she's done.

Senator Cropsey's statement is as follows:

This morning I had the distinct pleasure of attending a ceremony over in the Farnum Building for three very special interns. Some of us who are older—I think it would be Senator Barcia and myself—had the pleasure of serving with Representative Frank Fitzgerald, whose family had a very long and distinguished history here in the state of Michigan.

Frank Fitzgerald died a couple years ago when he was head of the, I believe, OFIS or had just resigned or retired from the OFIS office. But we have a Frank Fitzgerald Public Service Award which recognizes talented young people active in the Michigan Legislature who have shown extraordinary dedication and a willingness to help others. In addition to the legislative experience and service, recipients are honored for their excellence as scholars and volunteers. Today we have three of them with us.

The first student is a constituent of mine who job shadowed me. I'm trying to remember, was it a year ago, two years ago? Oh man, it was five years ago—Quinn Harr. Quinn is from Pewamo and is a junior at Calvin College and will be heading to take a semester at Oxford University this fall. Quinn's parents, Rick and Maureen Harr, are in the Gallery. I would like to have them stand and have us welcome Quinn and his parents, Rick and Maureen Harr.

The second student is Paul Stewart of West Bloomfield. While attending Michigan State University, he served as an intern in the Senate Majority Policy Office. Paul's father, Jeff Stewart, is in the Gallery, and I would like to have him stand and have us welcome him today to the Michigan Legislature.

The third and final recipient is Jenell Hierholzer. Jenell grew up in Indiana and served as an intern in both the Indiana and Michigan Legislatures. She is now working for one of our State Representatives over in the House of Representatives, where my wife is working as one of her co-workers. I do know Jenell quite well. Jenell's parents, Jeff and Tammy Hierholzer, drove from Indiana to be here for this special occasion. They are in the Gallery, and I would like to have Jeff and Tammy Hierholzer stand and be recognized by the Senate.

On behalf of the Michigan Senate, we'd like to thank all three of these students for their hard work and congratulate them on winning the Fitzgerald Public Service Award. Congratulations.

Senator Sanborn's second statement is as follows:

I rise with mixed emotions to do this introduction. We see so many fine young people come through these programs as our interns. I do want to introduce to you today on her last day in our office, our longest-serving intern in my history here in the Legislature. She's been with us for three years now, Meghan Greene. Now let me tell you a little bit about her. Meghan Greene's principal has joined us today, Dr. Steven Buuck. She's a graduate 2004 from Lutheran High School North in Macomb Township. Then she went on to—well, with the name like Greene you might expect—Michigan State University, which I'm told by Senators Whitmer, Olshove, and Stamas that it is the finest institution in the land.

Meghan is graduating with a communications degree tomorrow. She has served with us three years. She is an outstanding young person, and we are all very proud of her. It has been a privilege to have her serve in the Senate and in our office and the people of my district. I would ask my colleagues to wish a fond farewell to Meghan Greene.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 30:

House Bill Nos.	4657	4658	5008	5009	5010	5011	5012	5014	5015	5016	5017	5018	5019	5020
	5022	5023	5024	5574	5575	5893	5903	5952						

The Secretary announced that the following official bills were printed on Wednesday, April 30, and are available at the legislative website:

Senate Bill Nos.	1277	1278	1279	1280	1281
House Bill No.	6023				

By unanimous consent the Senate proceeded 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 messages from the Governor were received and read:

April 30, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 16805 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16805:

Michigan Board of Audiology

Mr. Steven B. Kauffman of 3654 Ivanrest Avenue, S.W., Grandville, Michigan 49418, county of Kent, succeeding John D. VanDeventer, who has resigned, representing the general public, for a term commencing April 30, 2008 and expiring June 30, 2008.

April 30, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17721 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17721:

Michigan Board of Pharmacy

Ms. Dale J. Carlson of 455 West Marshall Street, Apt. 103, Ferndale, Michigan 48220, county of Oakland, succeeding Jerome J. Washington, who has resigned, representing the general public, for a term commencing April 30, 2008 and expiring June 30, 2010.

Mr. Edward L. Rivet of 3072 West Birch Drive, Bay City, Michigan 48706, county of Bay, succeeding Dale E. Cole, whose term has expired, representing the general public, for a term commencing April 30, 2008 and expiring June 30, 2011.

April 30, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Sections 16121 and 18221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18221:

Michigan Board of Psychology

Mr. Christopher J. Flores of 1502 Brookwood Avenue, Flint, Michigan 48503, county of Genesee, succeeding Lynn E. Aronoff, whose term has expired, representing the general public, for a term commencing April 30, 2008 and expiring December 31, 2010.

Mr. James A. Gualdoni of 2370 Ventura Drive, Wolverine Lake, Michigan 48390, county of Oakland, succeeding Mary J. Wall, whose term has expired, representing the general public, for a term commencing April 30, 2008 and expiring December 31, 2010.

Mr. James D. Reed, Ph.D., of 2114 Tecumseh River Road, Lansing, Michigan 48906, county of Ingham, succeeding Patricia L. Watson, Ph.D., whose term has expired, representing psychologists, for a term commencing April 30, 2008 and expiring December 31, 2011.

Ms. Julie M. Cowie of 876½ Blue Star Highway, South Haven, Michigan 49090, county of Allegan, reappointed to represent the general public, for a term expiring December 31, 2011.

Sincerely,
 Jennifer M. Granholm
 Governor

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:18 a.m.

11:44 a.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 5282, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 3406f, 3503, 3519, 3521, 3525, and 3539 (MCL 500.2213b, 500.3406f, 500.3503, 500.3519, 500.3521, 500.3525, and 500.3539), section 2213b as amended by 1998 PA 457, section 3406f as added by 1996 PA 517, section 3503 as amended by 2006 PA 366, sections 3519 and 3539 as amended by 2005 PA 306, and sections 3521 and 3525 as added by 2000 PA 252, and by adding chapter 37A.

House Bill No. 5283, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 308, 401e, 402b, 608, and 610 (MCL 550.1308, 550.1401e, 550.1402b, 550.1608, and 550.1610), section 401e as added by 1996 PA 516, section 402b as amended by 1999 PA 7, and section 608 as amended by 1991 PA 73, and by adding section 220; and to repeal acts and parts of acts.

The question being on the motion to discharge,

Senator Clarke requested the yeas and nays.

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

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

Roll Call No. 277**Yeas—21**

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

Nays—16

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

Excused—1

Jacobs

Not Voting—0

In The Chair: Richardville

The bills were placed on the order of General Orders.

Protest

Senator Clarke, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Health Policy from consideration of House Bill Nos. 5282 and 5283.

Senator Clarke's statement is as follows:

I oppose us dealing with these issues without a full hearing on this in Health Policy. Just to share with you, this is not a mere technical issue. What is at stake is whether the growing number of people in Michigan will have health care that they can afford. We realize that there are many sectors of our economy that are contracting. Many people, especially middle-aged and middle-management employees, are not only losing their jobs, but, most importantly, they are losing their employer-sponsored health insurance.

The only market that is standing between those middle-aged workers who have lost their health insurance and being completely uninsured is the individual market. Currently right now, Blue Cross Blue Shield is absorbing the cost and the loss of covering individuals who pose the highest medical risk in our state. These bills were introduced today. I had 40 minutes to review these bills. We're talking about a very complicated but also important matter on how we can keep health insurance affordable for people who are losing their jobs here in Michigan.

We have one of the highest unemployment rates in the country. What goes along with losing your job is losing your health insurance. So providing individual coverage for individuals who no longer have employer-sponsored insurance is critical. In fact, keeping this insurance affordable is going to be important to how we actually generate new jobs in this state. We need at least more than 40 minutes to review a complex piece of legislation that could impact people who are the most vulnerable right now—those people who have lost their health insurance and need some to cover their families. We cannot deal with this issue on the fly. It deserves our complete and full attention.

The committee, due to the thoughtful work of the chair, has been educated over several months about the various policies that impact the individual health insurance market. Our committee is best equipped to make a rational, educated decision on what policy to bring to this floor, yet we have not been able to do that. The very fact that our committee has not been able to agree on these bills shows that we need to air out the issues at the committee level and not bring them directly to the floor.

Here's what I'm saying in essence: We need to take politics out of the health care debate. Let's focus on the issue. On how we can make this insurance more affordable, the best way to do that is to give the Committee on Health Policy more than 40 minutes to review these bills so that we can do the right thing.

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

House Bill No. 5282

House Bill No. 5283

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

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 Hunter as Chairperson.

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

House Bill No. 5282, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 3406f, 3503, 3519, 3521, 3525, and 3539 (MCL 500.2213b, 500.3406f, 500.3503, 500.3519, 500.3521, 500.3525, and 500.3539),

section 2213b as amended by 1998 PA 457, section 3406f as added by 1996 PA 517, section 3503 as amended by 2006 PA 366, sections 3519 and 3539 as amended by 2005 PA 306, and sections 3521 and 3525 as added by 2000 PA 252, and by adding chapter 37A.

Substitute (S-5).

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

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

House Bill No. 5283, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 308, 401e, 402b, 608, and 610 (MCL 550.1308, 550.1401e, 550.1402b, 550.1608, and 550.1610), section 401e as added by 1996 PA 516, section 402b as amended by 1999 PA 7, and section 608 as amended by 1991 PA 73, and by adding section 220; and to repeal acts and parts of acts.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Call of the Senate

Senator Cropsey moved that there be a Call of the Senate.

The motion prevailed, a majority of the members serving voting therefor, the time being 12:22 p.m.

Proceedings under the Call

The roll was called by the Secretary of the Senate and the following Senator was reported absent: Senator Jacobs.

Senator Cropsey moved that Senator Jacobs be excused from the Call.

The motion prevailed.

Senator Cropsey moved that the Senate proceed with business under the Call.

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:

House Bill No. 5282

House Bill No. 5283

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

The following bill was read a third time:

House Bill No. 5282, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 3406f, 3503, 3519, 3521, 3525, and 3539 (MCL 500.2213b, 500.3406f, 500.3503, 500.3519, 500.3521, 500.3525, and 500.3539), section 2213b as amended by 1998 PA 457, section 3406f as added by 1996 PA 517, section 3503 as amended by 2006 PA 366, sections 3519 and 3539 as amended by 2005 PA 306, and sections 3521 and 3525 as added by 2000 PA 252, and by adding chapter 37A.

The question being on the passage of the bill,

Senator George moved that the previous question be ordered.

The motion prevailed.

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. 278**Yeas—23**

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

Nays—13

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

Excused—1

Jacobs

Not Voting—1

Patterson

In The Chair: Richardville

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the

regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5283, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 301, 308, 401e, 402b, 610, 612, 613, and 614 (MCL 550.1301, 550.1308, 550.1401e, 550.1402b, 550.1610, 550.1612, 550.1613, and 550.1614), section 301 as amended by 1988 PA 45, section 401e as added by 1996 PA 516, and section 402b as amended by 1999 PA 7, and by adding sections 102a, 220, and 401k.

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. 279

Yeas—23

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

Nays—13

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

Excused—1

Jacobs

Not Voting—1

Patterson

In The Chair: Richardville

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

“An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other

state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator George’s statement is as follows:

I’d like to tell you a little bit about how we reached this point in the process that we went through. You will recall that the House held only a single hearing in October on this measure and reported the bill in October. The Senate Health Policy Committee has held nine public hearings on this matter beginning in January. In fact, we’ve explored this matter in great detail. We held a hearing on almost every element of these bills, including a hearing on individual market concepts, a hearing on high risk pools, insurers of last resort, the role of the Attorney General, and the role of the Insurance Commissioner. We held a special hearing on the trends in the individual market, the rating structures used, and the reserves that carriers must maintain. We had a hearing on practices in the individual market where the underwriters taught us about re-underwriting, about rescission, and about closing the books of business. We held a hearing when all three of the competitors in the individual market—the HMOs, Blue Cross Blue Shield, and the commercial carriers—presented their views on their individual market concerns. We held a special hearing which lasted for almost three hours where we heard from citizens and special interest groups. I would especially like to point out that at one of our hearings we invited—at the recommendation of the minority vice chair—an expert from Washington, D.C., who was flown in to educate us about the individual market.

So the Senate Health Policy Committee has done very extensive study and work on these matters. I would also point out that the measures before us on final passage, all the elements in the bill before us you have seen before. You have seen them either in my (S-2) or in the good Senator from the 37th District’s (S-3). They are the common elements and the good things that we could call from those two substitutes. You have all seen them, and you have all had a chance to review them and to comment on them.

Now, let me tell you a little bit about what is in these measures and why you should vote for this. The health of the people of Michigan is paramount. These measures turn what is otherwise a battle between insurance companies into something that is for the benefit of the people of Michigan. They can contain extensive consumer protections. They contain consumer protections that would prevent an insurance company from rating you up when your health condition changes. We have rules regarding rescission. Rescission is the practice where an insurance company might dispute a claim based on how you filled out your initial application at some time in the distant past. We learned that this is occurring in other states and we put protections into the law so that this will not occur in Michigan. We learned about closing the books of business and how that might be used to steer unhealthy clients to one pool or to another. We have protections and rules regarding how carriers would close pools of business. We have very strong and important consumer protections, my friends.

We’ve also striven to level the playing field; the playing field between the insurance carriers. We have, as the minority vice chair mentioned, shortened the exclusion for preexisting conditions to six months for people who would purchase commercial insurance. This is an important step forward and would help the people of Michigan.

We’ve also called for a study of the individual market and a study on the question of a high risk pool. Is a high risk pool necessary for Michigan? Would it help or would it hurt? It’s uncertain at this time. The committee and this substitute have wisely called for a study of this issue.

We have a measure that addresses the mission of Blue Cross—clarifying their mission; calling for them to give us an annual report and how they are meeting their mission to the people of Michigan. We also add two members to the Blue Cross board; one appointed by the Majority Leader, another by the Speaker of the House. Why would we do that? To ensure that they are meeting the mission that this Legislature has given them.

Finally and perhaps most importantly, my friends, we have a provision to make the people of Michigan healthier. We have an incentive for those who might buy insurance in the individual market from Blue Cross Blue Shield; an incentive that says that they can get a discount if they smoke less or take better care of themselves. You should be supporting this measure. It’s a good measure that will help keep insurance affordable and accessible to the people of Michigan and help encourage them to be healthy. A vote against this measure is a vote against consumer protection. It’s a vote against people who would develop a medical condition. If you want to help them, this is your chance to do that. I would encourage all of you to support this measure.

Senator Cropsey moved that the Call of the Senate be lifted.

The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:19 p.m.

1:26 p.m.

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

By unanimous consent the Senate returned to the order of
Messages from the House

Senator Cropsey moved that the following bill be placed at the head of the Messages from the House calendar:
Senate Bill No. 511
The motion prevailed.

Senate Bill No. 511, entitled

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

Substitute (H-9).

The question being on concurring in the House substitute made to the Senate substitute to the House substitute, Senators McManus and Jelinek offered the following amendment to the House substitute:

1. Amend page 2, line 4, by striking out all of line 4 through line 21 on page 25 and inserting:

“CAPITAL OUTLAY

APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	280,090,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		2,000,000
ADJUSTED GROSS APPROPRIATION	\$	278,090,000
Federal revenues:		
Total federal revenues.....		193,392,000
Special revenue funds:		
Total local revenues		15,209,400
Total private revenues.....		723,900
Total other state restricted revenues		68,764,600
State general fund/general purpose	\$	100

Sec. 102. DEPARTMENT OF AGRICULTURE

Farmland and open space development acquisition	\$	3,750,000
GROSS APPROPRIATION	\$	3,750,000

Appropriated from:

Federal revenues:		
DAG, multiple grants		1,250,000
Special revenue funds:		
Agriculture preservation fund.....		2,500,000
State general fund/general purpose	\$	0

Sec. 103. DEPARTMENT OF MANAGEMENT AND BUDGET

Lump-sum projects:

Special maintenance, remodeling and additions:

For state agencies special maintenance projects estimated to cost more than \$100,000 but less than \$1,000,000	\$	2,000,000
GROSS APPROPRIATION	\$	2,000,000

Appropriated from:

Interdepartmental grant revenues:		
IDG from building occupancy charges.....		2,000,000
State general fund/general purpose	\$	0

Sec. 104. DEPARTMENT OF MILITARY AFFAIRS

Lump-sum projects:

For department of military affairs remodeling and additions and special maintenance projects...	\$	15,000,000
Camp Grayling, infantry platoon battle course/live fire range, for design and construction (total authorized cost \$3,500,000; federal share \$3,500,000)		3,500,000
Camp Grayling, multiple company headquarters buildings, phases I and II, for design and construction (total authorized cost is increased from \$37,000,000 to \$45,000,000; federal share is increased from \$37,000,000 to \$45,000,000).....		8,000,000
GROSS APPROPRIATION	\$	<u>26,500,000</u>

Appropriated from:

Federal revenues:

DOD, department of the army, national guard bureau		26,500,000
State general fund/general purpose	\$	0

Sec. 105. DEPARTMENT OF NATURAL RESOURCES

(1) STATE PARK AND FOREST AREA IMPROVEMENTS

State parks repair and maintenance	\$	2,000,000
Forest roads, bridges, and facilities		500,000
GROSS APPROPRIATION	\$	<u>2,500,000</u>

Appropriated from:

Special revenue funds:

Forest development fund		400,000
Forest recreation fund.....		100,000
State park improvement fund		2,000,000
State general fund/general purpose	\$	0

(2) WATERWAYS BOATING PROGRAM

Infrastructure improvements - state projects		2,287,000
Infrastructure improvements - local projects.....		2,115,000
Land acquisition		500,000

Boating program, state boating access projects:

Boating program, local boating access projects:

Otsego Lake, Otsego County, dock and launch replacement (total authorized cost \$193,100; state share \$144,000; local share \$49,100).....		144,000
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Walloon Lake, Charlevoix County, new site construction (total authorized cost \$510,000; state share \$510,000)		510,000
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Boating program, harbors and docks, state facilities:

Mackinaw City, Cheboygan County, new marina, state dock, phase IV (total authorized cost is increased from \$10,775,000 to \$11,775,000; state share is increased from \$10,775,000 to \$11,775,000)		1,000,000
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Cheboygan, Cheboygan County, lock and dam repairs and improvements (total authorized cost is increased from \$2,610,200 to \$4,289,600; federal share is increased from \$1,957,600 to \$3,262,000; and state share is increased from \$652,600 to \$1,027,600) ..		1,679,400
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Bay Port dredging project (total project cost \$1,000,000; state share \$1,000,000)		1,000,000
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Mackinac Island - mooring expansion (total cost \$5,660,800; federal share \$1,893,500; state share \$3,767,300)		1,976,000
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Boating program, harbors and docks, local facilities:

Grand Haven, Ottawa County, dock replacement and marina improvements, phase II (total authorized cost is increased from \$1,000,000 to \$2,010,000; state share is increased from \$500,000 to \$1,005,000; and local share is increased from \$500,000 to \$1,005,000)		505,000
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Petoskey, Emmet County, marina dock and harbormaster building expansion (total authorized cost \$1,725,800; state share \$861,000; local share \$864,800)		861,000
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GROSS APPROPRIATION	\$	<u>12,577,400</u>
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Appropriated from:

Federal revenues:

DHS, U.S. coast guard		1,470,000
DOI, federal.....		1,304,400

Special revenue funds:	
Michigan state waterways fund.....	\$ 9,803,000
State general fund/general purpose	\$ 0
(3) MICHIGAN NATURAL RESOURCES TRUST FUND	
Natural resources trust fund projects.....	\$ <u>35,266,200</u>
Gerrish township community park, phase II, Roscommon County (grant-in-aid to Gerrish Township) (#07-002)	
North Maumee Bay coastal wetland acquisition, Monroe County (#07-133)	
Chippewa landing acquisition, Wexford County (#07-121)	
Betsie River consolidation, Benzie and Grand Traverse counties (#07-120)	
Glacial hills pathway and natural area, Antrim County (grant-in-aid to Antrim County) (#07-163)	
Jaxon Creek corridor acquisition, Grand Traverse County (#07-168)	
Mitchell Creek nature area acquisition, Mecosta County (grant-in-aid to city of Big Rapids) (#07-046)	
Southwest Lower Peninsula eco-region land consolidation, various counties (#07-135)	
Cedar Run Creek natural area addition, Grand Traverse County (grant-in-aid to Long Lake Township) (#07-162)	
Northern Lower Peninsula eco-region consolidation, various counties (#07-119)	
Addison Oaks property acquisition, Oakland County (grant-in-aid to Oakland County) (#07-031)	
Upper Peninsula eco-region land consolidation, various counties (#07-123)	
State trailways initiative - corridor and acquisition, various counties statewide (#07-122)	
Wisconsin electric energies land acquisition, Baraga and Iron counties (#07-167)	
Man-made lake acquisition, Manistee County (grant-in-aid to city of Manistee) (#07-040)	
Southeast Michigan eco-region land consolidation, various counties (#07-117)	
DeYoung natural area acquisition, Leelanau County (grant-in-aid to Elmwood Township) (#07-039)	
Indian springs metropark land acquisition, Oakland County (grant-in-aid to Huron-Clinton Metropolitan Authority) (#07-028)	
Olive shores acquisition, Ottawa County (grant-in-aid to Ottawa County) (#07-090)	
Camp Woodsong fee simple acquisition, St. Clair County (grant-in-aid to St. Clair County) (#07-171)	
Novi core habitat reserve property acquisition, Oakland County (grant-in-aid to city of Novi) (#07-017)	
Sterling state park acquisition, Monroe County (#07-131)	
Au Train basin waterfowl refuge project, phase I, Alger County (#07-134)	
Hunters point park acquisition, phase I, Keweenaw County (grant-in-aid to Grant Township) (#07-099)	
DeTour Village waterfront property acquisition, Chippewa County (grant-in-aid to village of DeTour) (#07-164)	
Ashmun Bay park trail parcel acquisition, Chippewa County (grant-in-aid to city of Sault Ste. Marie) (#07-105)	
General Squier memorial park addition, Lapeer County (grant-in-aid to Lapeer County) (#07-038)	
Allendale community park addition, Ottawa County (grant-in-aid to Allendale Township) (#07-041)	
Weesaw Township park acquisition, Berrien County (grant-in-aid to Weesaw Township) (#07-082)	
Ashmun Bay park entrance parcel acquisition, Chippewa County (grant-in-aid to city of Sault Ste. Marie) (#07-174)	
Lake Michigan nature preserve acquisition, phase I, Allegan County (grant-in-aid to Casco Township) (#07-170)	
Riverwalk development - river street park, Mecosta County (grant-in-aid to city of Big Rapids) (#07-097)	
Grass River center, Antrim County (grant-in-aid to Antrim County) (#07-113)	

Shingle Lake park improvement, Clare County (grant-in-aid to Lincoln Township) (#07-035)		
Addison Oaks trail connector, Oakland County (grant-in-aid to Oakland County) (#07-030)		
White Lake pathway south end completion, Muskegon County (grant-in-aid to city of Whitehall) (#07-037)		
Tate park pathway and fishing docks, Lenawee County (grant-in-aid to village of Clinton) (#07-018)		
Marsh view park development, Oakland County (grant-in-aid to Oakland Township) (#07-057)		
Motz county park development, Clinton County (grant-in-aid to Clinton County) (#07-011)		
Ecorse Creek greenway and park development, Wayne County (grant-in-aid to city of Ecorse) (#07-106)		
Grandville and Kent trails pathway connection, Kent County (grant-in-aid to city of Grandville) (#07-100)		
Greilickville harbor park improvements, Leelanau County (grant-in-aid to Elmwood Township) (#07-095)		
White park improvements, Ingham County (grant-in-aid to city of East Lansing) (#07-087)		
Smith-Ryerson park improvements, Muskegon County (grant-in-aid to city of Muskegon) (#07-060)		
Lakeview park improvement project, Roscommon County (grant-in-aid to Roscommon Township) (#07-049)		
Whiting park universal access improvements, Charlevoix County (grant-in-aid to Charlevoix County) (#07-112)		
Mt. Baldhead park stairway renovation, Allegan County (grant-in-aid to city of Saugatuck) (#07-036)		
Krampe park accessible fishing pier, Montcalm County (grant-in-aid to Montcalm County) (#07-015)		
Ralph A. MacMullan center improvements, Crawford County (#07-118)		
Lake Idlewild park development, Lake County (#07-130)		
Starlite beach promenade facilities project, Alpena County (grant-in-aid to city of Alpena) (#07-023)		
Pere Marquette rail trail extension, Clare County (grant-in-aid to city of Clare) (#07-096)		
Fox Lake park improvements, Muskegon County (grant-in-aid to village of Lakewood Club) (#07-073)		
Rieger park swimming and beach project, Calhoun County (grant-in-aid to city of Albion) (#07-004)		
Russell Miller "wild 100" nature center development, Jackson County (grant-in-aid to Leslie schools) (#07-085)		
Butzel playfield renovation, Wayne County (grant-in-aid to city of Detroit) (#07-055)		
Veterans memorial park improvements, Osceola County (grant-in-aid to village of Marion) (#07-102)		
Proud Lake electrical system upgrades, Oakland County (#07-129)		
Andersen park development, Saginaw County (grant-in-aid to city of Saginaw) (#07-072)		
Skidway Lake boardwalk development, Ogemaw County (grant-in-aid to Mills Township) (#07-051)		
Robbins park improvement project, Berrien County (grant-in-aid to Benton Township) (#07-007)		
Lower Rouge River trail bridges, Wayne County (grant-in-aid to Canton Township) (#07-064)		
Building demolition initiative, various counties (#07-116)		
Clinton River hike bike trail development, Macomb County (grant-in-aid to city of Utica) (#07-054)		
Marshbank park improvement project, Oakland County (grant-in-aid to West Bloomfield Township) (#07-013)		
GROSS APPROPRIATION	\$	35,266,200
Appropriated from:		
Special revenue funds:		
Private foundation revenues.....		723,900
Michigan natural resources trust fund.....	\$	34,542,300
State general fund/general purpose	\$	0

**Sec. 106. DEPARTMENT OF TRANSPORTATION
(1) BUILDINGS AND FACILITIES**

Salt storage buildings and containment control systems - contract agencies.....	\$	2,000,000
Salt storage buildings and containment control systems - various state locations.....		600,000
Pontiac, Oakland County, transportation center, rail and bus terminal, for design and construction (total authorized cost \$1,750,000; state share \$1,750,000)		1,750,000
L'Anse, Baraga County, maintenance garage renovation (total authorized cost \$755,000; state trunkline fund share \$755,000)		755,000
Lansing, Eaton County, central maintenance garage consolidation (total authorized cost \$7,450,000; state trunkline fund share \$7,450,000)		7,450,000
Institutional and agency roads.....		750,000
Miscellaneous remodeling, additions, emergency maintenance		1,000,000
GROSS APPROPRIATION	\$	<u>14,305,000</u>

Appropriated from:

Special revenue funds:

Comprehensive transportation fund bond proceeds.....		1,750,000
State aeronautics fund		180,000
State trunkline fund		12,375,000
State general fund/general purpose	\$	0

(2) AIRPORT IMPROVEMENT PROGRAMS

Airport safety, protection, and improvement program	\$	<u>183,191,300</u>
GROSS APPROPRIATION	\$	<u>183,191,300</u>

Appropriated from:

Federal revenues:

DOT, federal aviation administration		162,867,600
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Special revenue funds:

Local aeronautics match.....		15,209,400
State aeronautics fund		5,114,300
State general fund/general purpose	\$	0

Sec. 108. STATE BUILDING AUTHORITY FINANCED CONSTRUCTION

AUTHORIZATIONS

Department of history, arts and libraries - warehouse facility acquisition (total authorized cost \$9,690,000; state building authority share \$9,689,900; state general fund share \$100)		<u>100</u>
GROSS APPROPRIATION	\$	<u>100</u>

Appropriated from:

State general fund/general purpose	\$	100".
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2. Amend page 26, line 2, after "is" by striking out "\$68,769,100.00" and inserting "\$68,764,700.00".
3. Amend page 31, line 8, by striking out all of sections 406, 407, and 408.
4. Amend page 39, line 4, by striking out all of section 604.
5. Amend page 39, line 11, by striking out all of line 11.
6. Amend page 39, line 12, by striking out all of sections 651 and 652.
7. Amend page 43, line 1, by striking out all of line 1.
8. Amend page 43, line 2, by striking out all of sections 671 and 672.
9. Amend page 48, line 2, by striking out all of section 903.
10. Amend page 48, line 24, by striking out all of section 1002.

The question being on the adoption of the amendments,

Senator McManus moved that the previous question be ordered on the adoption of the amendments and concurrence in the House substitute.

The motion prevailed.

Senator Whitmer requested the yeas and nays.

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

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

Roll Call No. 280

Yeas—21

Allen
Birkholz

Garcia
George

Jelinek
Kahn

Richardville
Sanborn

Bishop
Brown
Cassis
Cropsey

Gilbert
Hardiman
Jansen

Kuipers
McManus
Pappageorge

Schauer
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Olshove
Prusi
Scott

Switalski
Thomas
Whitmer

Excused—1

Jacobs

Not Voting—1

Patterson

In The Chair: Richardville

The question being on the adoption of the amendments,
The amendments to the substitute were adopted.
Senator Schauer requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendments to the substitute were adopted, a majority of the members voting therefor, as follows:

Roll Call No. 281

Yeas—20

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Hardiman

Jansen
Jelinek
Kahn
Kuipers
McManus

Pappageorge
Richardville
Sanborn
Stamas
Van Woerkom

Nays—16

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Olshove
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Excused—1

Jacobs

Not Voting—1

Patterson

In The Chair: Richardville

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

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

Roll Call No. 282**Yeas—23**

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

Nays—10

Barcia	Gleason	Patterson	Switalski
Basham	Hunter	Prusi	Whitmer
Cherry	Olshove		

Excused—1

Jacobs

Not Voting—4

Clark-Coleman	Clarke	Scott	Thomas
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In The Chair: Richardville

The Senate agreed to the title as amended.

Protests

Senators Cherry and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to the Senate substitute to the House substitute, as amended, to Senate Bill No. 511.

Senator Cherry's statement is as follows:

Mr. President, I have to say that I am very outraged about what just happened here. We had the opportunity to invest in our state, to invest in our community colleges, and to invest in our universities and we chose to drop them. We chose to not provide jobs throughout our state and to not improve our economy and to make sure that we were not providing the improvements to our universities and community colleges that we so need to do. We made a major mistake, I believe. We also did that without proper debate.

Senator Switalski's statement is as follows:

I would concur in the remarks of Senator Cherry. I am very disappointed that you try to work with people and try to work something out and then you ask what is actually in the amendment that is just handed to you—the substitute—and there is no explanation. We have no time to offer an amendment, and it's unfortunate. It's hard to deal with that. But I'd like to offer my "no" vote explanation, and I would remind members of the chamber that we just passed a capital outlay bill just last year and the vote had, I think, one "no" vote. It was like 33-1 or something in this chamber. What has happened since then? Wall Street has approved our resolution of our structural deficit problem, and our annual billion-dollar-plus deficits are gone and the national economy is teetering on recession, but we are relatively stable in the state budget.

The government's role is to stimulate the economy during downturns, and we have no budget deficit right now. We are arguing over a surplus and how much we should increase higher ed and K-12 and other state functions. In this environment, this capital outlay bill would help stimulate our economy and help stimulate a recovery. We have a lot more money right now than we did when we passed the previous capital outlay bill, and it seems like this would be a good time to do this.

But what we have in front of us takes out all the projects, apparently, because I haven't had a chance to review it, and no questions were answered about it to reassure me exactly what is in there. If we go back to February of this year, the Governor had proposed a capital outlay bill, in essence, reversing herself from the time she had vetoed the one that we had passed at the end of last year and had proposed capital outlay spending. The Legislature had looked at that and evaluated it and found a few flaws. We've been talking about those flaws for the past three months. One of those flaws was, "Gee, not all the projects are in the bill. In fact, it seems like there are a lot of projects in Dem areas and not enough in Republican areas." So we listened to that and we thought, "You know, that might be a fair criticism. Let's see if we can find a more evenhanded bill." We proposed and the original version of Senate Bill No. 511 that came over from the House had everyone's project in—all Republican and Democratic projects. There was a second objection, which was the bond cap was going to have to be raised and it was time to raise that bond cap. We said, "Well, we don't really want to raise the bond cap." And we found a way to accommodate all of the projects over a series of years to stay under the bond cap and to not require a raising of that cap. So on the two principal objections, we found a way at the suggestion of one of my good Republican colleagues of phasing it in over three years and accommodating that.

We went to the institutions and said, "Give us your top priority. Nobody gets more than one." That was all put into the bill. Now people who are fiscally conservative and careful about our money have worried about the bond cap and raising that bond cap. We addressed that by not raising it, but then they worried about our debt service. Our debt service would be less than it was in 2003, before we raised taxes when we had more money. Our debt service is the lowest it has been since 1997—for eleven years. As you know, when we do capital outlay projects, the universities and colleges have to spend their money first before the state kicks in its portion. In fact, the state wouldn't have any outlays until probably 2011 before we'd have to start contributing. So it's not a budget impact in this year or the year after or until 2011 before it begins. What do we get for that? We get a huge stimulus to our economy. We get tradespeople and construction workers who are laid off and drawing benefits and unemployment. We'd get them instead paying taxes. We get the benefit of science and technology buildings and nursing program building expansions that would actually train people to get jobs that are available and unfilled—to fill shortages in this state.

About \$125 million falls off our debt service each year and this would be falling off and keeping us under the cap. We'd actually have a cushion. So we could have done all these projects and not put ourselves into a difficult position. I think it would have been very wise to do that. The universities normally pay 25 percent match to our 75 percent, and in this bill, because of a \$40 million cap, universities are paying about 78 percent on average. The Big Three—U of M, MSU, and Wayne State—would be putting in \$100 million when the state is putting in \$40 million. We get a huge benefit—huge stimulus—that we are not paying for. We're leveraging those university dollars; so again, another good reason to do it.

I would just pose one question to members and it deals with your vision of the future. To clarify your vision, I would say, would you ever tell your child, "Hey, don't take out a student loan. Don't go to college. The economy is bad and it might be tough getting a job. Don't go into debt to get your education." I don't think any of us would tell our child that. It speaks to the essence of our economic problem today. It's a crisis of confidence. The credit market is afraid to lend, consumers are afraid to buy, and the banks are afraid of foreclosures. This makes everyone unwilling to act, and it brings about a recession. People are afraid to make any kind of move.

So what is the role of government in this situation? I would suggest that in such a crisis, it is the government's job to lead, and if the government doesn't have the confidence to invest, how can it expect consumers and businesses and banks to lend or spend or invest? I think this is the singular reason that we should have supported a full capital outlay budget.

Senator Cropsey moved that the bill be given immediate effect.
 On which motion Senator Cropsey requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 283**Yeas—37**

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			

Nays—0**Excused—1**

Jacobs

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title as amended.

Senate Bill No. 108, entitled

A bill to amend 2002 PA 48, entitled “Metropolitan extension telecommunications rights-of-way oversight act,” by amending section 13 (MCL 484.3113).

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.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills**House Bill No. 4657, entitled**

A bill to repeal 2004 PA 479, entitled “Michigan housing and community development fund act,” (MCL 125.2821 to 125.2829).

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

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

House Bill No. 4658, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 22, 58, 58a, 58b, and 58c (MCL 125.1422, 125.1458, 125.1458a, 125.1458b, and 125.1458c), section 22 as amended by 2002 PA 385 and sections 58, 58a, 58b, and 58c as added by 2004 PA 480, and by adding sections 58e and 58f.

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

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

House Bill No. 5008, entitled

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; 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 Banking and Financial Institutions.

House Bill No. 5009, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 23 (MCL 125.2023), as amended by 2002 PA 556.

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 Banking and Financial Institutions.

House Bill No. 5010, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 20 (MCL 445.920).

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 Banking and Financial Institutions.

House Bill No. 5011, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

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 Banking and Financial Institutions.

House Bill No. 5012, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2000 PA 307.

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 Banking and Financial Institutions.

House Bill No. 5014, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as amended by 2002 PA 124 and section 411j as amended by 2002 PA 136.

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 Banking and Financial Institutions.

House Bill No. 5015, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2007 PA 156.

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 Banking and Financial Institutions.

House Bill No. 5016, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 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 Banking and Financial Institutions.

House Bill No. 5017, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 19 (MCL 390.1439).

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 Banking and Financial Institutions.

House Bill No. 5018, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14j of chapter XVII (MCL 777.14j), as added by 2002 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 Banking and Financial Institutions.

House Bill No. 5019, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 2002 PA 302.

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 Banking and Financial Institutions.

House Bill No. 5020, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a and 29 (MCL 445.1651a and 445.1679), section 1a as amended by 2008 PA 66 and section 29 as amended by 2008 PA 71.

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 Banking and Financial Institutions.

House Bill No. 5022, entitled

A bill to amend 1994 PA 160, entitled "Credit services protection act," by amending section 2 (MCL 445.1822).

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 Banking and Financial Institutions.

House Bill No. 5023, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 8 (MCL 450.228), as amended by 1998 PA 48.

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 Banking and Financial Institutions.

House Bill No. 5024, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

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 Banking and Financial Institutions.

House Bill No. 5893, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 201 and 203 (MCL 208.1201 and 208.1203), section 201 as amended by 2007 PA 145.

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

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

House Bill No. 5903, entitled

A bill to require disclosure of certain information in connection with refund anticipation loans; to prescribe certain duties and obligations of the parties to a refund anticipation loan; and to prescribe penalties.

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 Banking and Financial Institutions.

House Bill No. 5952, entitled

A bill to amend 1970 PA 169, entitled "Local historic districts act," by amending section 3 (MCL 399.203), as amended by 2001 PA 67.

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 Local, Urban and State Affairs.

Statements

Senator Garcia stated that had he been present on April 29 when the vote was taken on suspending the rules for immediate consideration of the following bill, he would have voted "yea":

Senate Bill No. 511

Senator Garcia stated that had he been present on April 29 when the votes were taken on concurring in the House substitutes to the following bills, he would have voted "yea":

Senate Bill No. 435

Senate Bill No. 716

Senator Garcia stated that had he been present on April 29 when the vote was taken on the motion for immediate effect for the following bill, he would have voted "yea":

Senate Bill No. 435

Senator Garcia stated that had he been present on April 29 when the votes were taken on the passage of the following bills, he would have voted "yea":

House Bill No. 4433

House Bill No. 4434

House Bill No. 4435

House Bill No. 4436

House Bill No. 4437

House Bill No. 5322

Senator Garcia stated that had he been present on April 30 when the votes were taken on the passage of the following bills, he would have voted "yea":

House Bill No. 5798

Senate Bill No. 72

Senate Bill No. 1256

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

The motion prevailed.

Senator Scott's statement is as follows:

There's an old traditional proverb that says: "If it is to be, it's up to me." How's that for personal responsibility? If it is to be, it's up to me. I guess at some point in my 30-some years in politics, I adopted that as my own personal motto because at some point early on, I realized that if you spend time waiting for someone else to act, you're doing nothing but wasting time. And when it comes to the issue of insurance reform, we've got no more time to waste. So if it's going to be up to me, I've got to take that responsibility to heart, and I must work every day to make it be.

That's why I'm here again today, to ask you to bring reform to Michigan's broken insurance system and relief to the millions of homeowners and drivers who are burdened by its unaffordable and unfair rates. And while it may be up to me to fix it, it is up to you to move my bills.

By unanimous consent the Senate returned 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. 185

Senate Resolution No. 186

The resolution consent calendar was adopted.

Senator Richardville offered the following resolution:

Senate Resolution No. 185.

A resolution to proclaim May 2008 as Older Americans Month.

Whereas, Older adults in Michigan and throughout the United States are a growing population with evolving needs; and

Whereas, Older Americans are valuable members of our society who are rich with experience and deserving of our respect; and

Whereas, The number of baby boomers reaching traditional retirement age continues to increase, a fact that spotlights the need for increased attention to the needs of older adults; and

Whereas, Our older citizens of today and tomorrow promise to be among the most active and engaged older adult populations in our nation's history; and

Whereas, It is the responsibility of this state and all communities in the United States to work together and prepare for changing older adult populations by modernizing systems of care and providing consumers with more control over their lives; and

Whereas, Overall quality of life can be greatly enhanced when supportive communities help their older citizens obtain:

- Evidence-based approaches to making behavioral changes that can reduce risk of disease, disability, and injury.
- The tools to make informed decisions about and gain better access to existing health and long-term care options.
- More options to avoid placement in nursing homes and remain at home as long as possible.

; now, therefore, be it

Resolved by the Senate, That we hereby proclaim May 2008 to be Older Americans Month. We urge everyone to take time this May to honor our older adults and the professionals, family members, and citizens who care for older adults. We urge all citizens to work collaboratively to strengthen the services Michigan provides to its older adults in ways that recognize the changing nature of their needs and that provide older adults with more opportunities to make informed choices about their lives. Our efforts can improve the lives of our older citizens and help pave the way for future generations; and be it further

Resolved, That a copy of this resolution be transmitted to the regional National Association on Area Agencies on Aging and the United States Department of Health and Human Services Administration on Aging as evidence of our esteem for their dedication and commitment to serving older Americans.

Senators Anderson, Birkholz, Brater, Cherry, Clarke, Garcia, Hardiman, Pappageorge, Schauer and Scott were named co-sponsors of the resolution.

Senator Allen offered the following resolution:

Senate Resolution No. 186.

A resolution to commemorate the Sesquicentennial Anniversary of the congregation of the Central United Methodist Church in Traverse City, Michigan.

Whereas, We are proud to join with the congregation of the Central United Methodist Church in Traverse City, Michigan, in celebrating the upcoming Sesquicentennial Anniversary of its inception. This milestone is an opportunity to celebrate the faith and unity of those who founded the congregation 150 years ago; and

Whereas, In 1858, a Methodist Episcopal preacher from New York State decided to stay in the Traverse City area due to urgent need. He founded the congregation and conducted services in Old Mission, Elk Rapids, and Traverse City, often walking the distance between the parishes. Their first meeting place was the schoolhouse—a log cabin located where the Park Place Hotel now stands. Eight pastors had served by 1867 when the church was relocated. On January 4, 1898, the church was incorporated as First Methodist Episcopal Church. Thirteen years later, the congregation was reincorporated as the Central Methodist Church due to its new location at 222 Cass Street; and

Whereas, In 1938, two organizations were formed within the church that continue to this day. The Women’s Society of Christ Service (United Methodist Women) and Boy Scout Troop 36 have a long history aiding the community. In 1944, the church reached 460 members, many of whom were serving in the Armed Forces. On its centennial in 1958, the congregation had 725 members, averaging 300 attending Sunday School and 383 in worship service; and

Whereas, On the 125th anniversary, the membership was still growing, reaching 1,155. The church underwent a remodeling project in 1984 to expand, which was completed in 1994. Enhancements were made to the Cass Street entrance and an elevator installed. Additional rooms were added, including youth rooms, an infant room, bride’s room, a library, and the Gathering Place. Anonymous gifts in 1997 enabled the addition of the chapel with a stained glass window and the columbarium. The expansion of the church has facilitated more flexible use. The library is used for meetings and classes, while varied educational workshops and other activities take place in other rooms; and

Whereas, The congregation has made outreach efforts a top priority. In 1985, Stephen Ministry was created in an effort to help those in crisis situations as part of the Congregational Caring Team. A Health Ministry Team and a Visitation Team offer assistance to those suffering health concerns or loneliness. During the winter months, Blue Christmas visits those who suffer grief or sadness during the season. As Central United Methodist Church celebrates its sesquicentennial, its 1,230 members unite to promote the teachings of Jesus Christ in thought, word, and deed. The mission statement, “Reaching Beyond Our Doors,” reflects Central’s ministry to its congregation, its community, and the church worldwide; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to commemorate the congregation of the Central United Methodist church on its Sesquicentennial Anniversary and to express sincere appreciation for its rich history; and be it further

Resolved, That a copy of this resolution be transmitted to the Central United Methodist Church as evidence of our esteem and congratulations.

Committee Reports

The Committee on Families and Human Services reported

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.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, April 29, 2008, at 4:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Jansen (C), Hardiman and Jacobs

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 5174, entitled

A bill to allow certain active duty service members to terminate motor vehicle leases; to provide for the rights and responsibilities of the lessees and lessors to those terminated motor vehicle leases; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide penalties; and to provide for the disposition of civil fines.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Olshove and Basham
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:
Meeting held on Wednesday, April 30, 2008, at 9:00 a.m., Room 100, Farnum Building
Present: Senators Allen (C), Pappageorge, Olshove and Basham
Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:
Meeting held on Tuesday, April 29, 2008, at 1:01 p.m., Room 110, Farnum Building
Present: Senators Gilbert (C), Van Woerkom, Basham and Gleason
Excused: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:
Meeting held on Wednesday, April 30, 2008, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:
Meeting held on Wednesday, April 30, 2008, at 3:00 p.m., Room 405, Capitol Building
Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submitted the following:
Meeting held on Wednesday, April 30, 2008, at 3:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Cropsey (C), Kahn and Brater

Scheduled Meetings

Appropriations -

Subcommittees -

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

Economic Development - Wednesdays, May 7 and May 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Tuesday, May 13, 2:30 p.m., Room 405, Capitol Building; and Tuesday, May 6, 2:30 p.m., Room 48, Information Technology Operations Center, 7285 Parson Drive, Lansing (373-2768)

History, Arts, and Libraries - Thursdays, May 8 and May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesdays, May 6 and May 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

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

Transportation Department - Friday, May 2, 11:00 a.m., Conference Room, Road Commission for Oakland County, 31001 Lahser Road, Beverly Hills; and Thursday, May 15, 12:30 p.m., Room 405, Capitol Building (373-2768)

Homeland Security and Emerging Technologies - Tuesday, May 6, 1:00 p.m., Room 100, Farnum Building (373-5932)

Judiciary - Tuesday, May 6, 1:00 p.m., Room 210, Farnum Building (373-6920)

Legislative Commission on Government Efficiency - Monday, May 19, 9:00 a.m., Michigan Economic Development Corporation, Conference Room, 20255 Victor Parkway, Suite 180, Livonia (373-0212)

Legislative Commission on Statutory Mandates - Tuesday, May 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

State Drug Treatment Court Advisory Committee - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 2:13 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, May 6, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate