

No. 47
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Thursday, May 17, 2007.

10:00 a.m.

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

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

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

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

Reverend Elmira Smith-Vincent of Mission of Peace of Flint offered the following invocation:

Merciful and eternal Father, we thank You for this great and wonderful day. Father God, we thank You for the people You have empowered here today to represent Your people as leaders for the state of Michigan. Father God, we ask that You continue to equip them and bless them with the wisdom, the knowledge, and the understanding, Father God, that will lead Michigan forward.

Bless them, Lord, so that their budget may be stretched as You stretch the budgets in our households. Help them, Father God, to equip the Michigan citizens so that all in our country may want to come to Michigan and call it home. Bless us with jobs and industry.

Father God, we know that there is nothing impossible for You to do. We're asking, Father God, that You will enlighten their lives and refresh them and continue to lead them that they may lead Michigan forward.

In Jesus' name we pray. Amen.

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

Motions and Communications

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

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

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

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

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

Recess

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

10:16 a.m.

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

During the recess, Senator Whitmer introduced the Michigan State University Hockey Team, 2007 National Collegiate Athletic Association Champions, Head Coach Rick Comley, assistant coaches, and school mascot Sparty; and presented them with a Special Tribute.

Coach Comley responded briefly.

During the recess, Senators Van Woerkom, Hunter and Barcia entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

May 15, 2007

Enclosed is a copy of the following audit report:
Performance audit of the Land and Water Management Division, Department of Environmental Quality.

May 15, 2007

Enclosed is a copy of the following audit report:

Performance audit of the Utility Consumer Participation Board, Department of Labor and Economic Growth.

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

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

The Secretary announced that the following official bills were printed on Wednesday, May 16, and are available at the legislative website:

Senate Bill Nos.	500	501	502	503	504	505													
House Bill Nos.	4747	4748	4749	4750	4751	4752	4753	4754	4755	4756	4757	4758	4759	4760					
	4761	4762	4763	4764	4766														

Messages from the House

Senate Bill No. 400, 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 section 2 (MCL 207.552), as amended by 2005 PA 267.

Substitute (H-1).

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. 123

Yeas—36

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

Nays—0

Excused—2

Garcia	Hardiman
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Not Voting—0

In The Chair: President

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

Roll Call No. 125

Yeas—36

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

Nays—0

Excused—2

Garcia	Hardiman
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Allen, Anderson, Barcia, Basham, Brater, Cassis, Cherry, Clarke, Cropsey, Gleason, Hunter, Jacobs, Kahn, Kuipers, McManus, Olshove, Patterson, Prusi, Richardville, Scott and Whitmer were named co-sponsors of the bill.

The following bill was read a third time:

Senate Bill No. 299, entitled

A bill to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," by amending section 1 (MCL 565.201), as amended by 2002 PA 19.

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. 126

Yeas—36

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

Nays—0

The following bill was read a third time:

Senate Bill No. 301, entitled

A bill to amend 1873 PA 5, entitled “An act to provide for the recording of judgments in actions affecting or relating to the title of real estate,” by amending section 1 (MCL 565.401).

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. 128

Yeas—36

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

Nays—0

Excused—2

Garcia	Hardiman
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Anderson, Barcia, Basham, Brater, Cassis, Cherry, Clarke, Cropsey, Gleason, Hunter, Jacobs, Kahn, Kuipers, McManus, Olshove, Patterson, Prusi, Richardville, Sanborn, Schauer and Scott were named co-sponsors of the bill.

The following bill was read a third time:

Senate Bill No. 302, entitled

A bill to amend 1915 PA 123, entitled “An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits,” by amending section 2 (MCL 565.452).

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. 129

Yeas—36

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

Nays—0

Excused—2

Garcia

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Allen, Anderson, Barcia, Basham, Brater, Cassis, Cherry, Clarke, Cropsey, George, Gleason, Hunter, Jacobs, Kahn, Kuipers, McManus, Olshove, Patterson, Prusi, Richardville, Sanborn, Schauer, Scott and Whitmer and were named co-sponsors of the bill.

The following bill was read a third time:

Senate Bill No. 303, entitled

A bill to amend 1875 PA 54, entitled "An act to facilitate the inspection and reproduction of the records and files in the offices of the registers of deeds," by amending section 1 (MCL 565.551), as amended by 1994 PA 51.

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. 130

Yeas—36

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

Nays—0

Excused—2

Garcia

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators, Allen, Barcia, Basham, Bishop, Brater, Cassis, Cherry, Clarke, Cropsey, Gleason, Hunter, Jacobs, Kahn, Kuipers, McManus, Olshove, Patterson, Prusi, Richardville, Sanborn, Schauer, Scott and Whitmer were named co-sponsors of the bill.

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

Senate Bill No. 188

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 188, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 7, 623a, 681, 684, and 686 (MCL 380.3, 380.7, 380.623a, 380.681, 380.684, and 380.686), section 3 as amended by 2004 PA 303, section 623a as amended by 2004 PA 588, section 681 as amended by 2004 PA 415, and section 684 as amended by 1996 PA 277.

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. 131

Yeas—36

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

Nays—0

Excused—2

Garcia	Hardiman
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Not Voting—0

In The Chair: President

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, Lieutenant Governor Cherry, designated Senator Scott as Chairperson.

Recess

Senator Cropsey moved that the Committee of the Whole recess subject to the call of the Chairperson.
The motion prevailed, the time being 11:01 a.m.

11:06 a.m.

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

Senate Bill No. 357, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2006 PA 234.

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

1. Amend page 4, following line 10, by inserting:

"Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted." and renumbering the remaining enacting section.

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

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

Senate Bill No. 358, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 498c.

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

1. Amend page 2, line 17, after "**INCLUDING**" by striking out the comma and "**BUT NOT LIMITED TO,**".
2. Amend page 2, line 19, after "**INCLUDING**" by striking out the balance of the line through "**TO,**" on line 20.
3. Amend page 2, following line 23, by inserting:

"Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted.".

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

Resolutions

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

Senate Resolution No. 60

The resolution consent calendar was adopted.

Senators Hardiman, Birkholz, Jelinek, Kahn, Richardville, Pappageorge, Gilbert, Jansen, McManus, Cassis and Van Woerkom offered the following resolution:

Senate Resolution No. 60.

A resolution designating May 17, 2007, as Community College Day in the state of Michigan.

Whereas, The first Michigan two-year college, Grand Rapids Junior College, opened in 1914. It provided recent high school graduates with two years of general education classes preparing them for future education or workforce experience; and

Whereas, Twenty-seven additional community colleges have been established throughout Michigan since 1914. The community colleges of Michigan are Alpena Community College, Bay College, Delta College, Glen Oaks Community College, Gogebic Community College, Grand Rapids Community College, Henry Ford Community College, Jackson Community College, Kalamazoo Valley Community College, Kellogg Community College, Kirtland Community College, Lake Michigan College, Lansing Community College, Macomb Community College, Mid Michigan Community College, Monroe County Community College, Montcalm Community College, Mott Community College, Muskegon Community College, North Central Michigan College, Northwestern Michigan College, Oakland Community College, St. Clair County Community College, Schoolcraft College, Southwestern Michigan College, Washtenaw Community College, Wayne County Community College District, and West Shore Community College. These institutions educate nearly a half-million students each year; and

Whereas, Michigan community colleges have developed and evolved their educational offerings to include state-of-the-art technical and vocational programs while maintaining high academic standards; and

Whereas, Our state's community colleges are now recognized as leaders in workforce preparation, training, and retraining, as well as offering community services and cultural opportunities to Michigan communities; and

Whereas, Students investing in a Michigan community college education enjoy an attractive 19 percent annual return on that investment; and

Whereas, The role community colleges play in Michigan's economic development continues to be more vital as our state's workforce looks to compete both nationally and globally for the jobs of tomorrow; now, therefore, be it

Resolved in the Senate, That the members of this legislative body recognize May 17, 2007, as Community College Day in the state of Michigan and urge the appropriate observance; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Community College Association members as a token of our appreciation.

Senators Anderson, Barcia, Brater, Cherry, Clark-Coleman, Clarke, Gleason, Hunter, Jacobs, Kuipers, Olshove, Schauer and Switalski were named co-sponsors of the resolution.

Senators Birkholz, Allen, Kahn, Jacobs, Gleason, Brater, Jansen, Bishop, Cassis, Hardiman, Cherry, Scott, Anderson, Prusi, Olshove and Switalski offered the following resolution:

Senate Resolution No. 61.

A resolution to memorialize the United States Congress to enact the Education Begins at Home Act.

Whereas, Each year, an estimated 2.7 million children in America are abused or neglected, including 900,000 cases that are actually investigated and verified by overburdened state child protection systems. Nationally, more than 1,400 children die from abuse or neglect each year. Over half of them were previously unknown to child protective services. In Michigan during 2005, 147,628 families were investigated for suspected child maltreatment. In those families investigated, 28,154 children were confirmed to be victims of child abuse and neglect. Of all confirmed cases of abuse and neglect, more than a third involved children three years old or younger. Another 19,265 children were in out-of-home placement as the result of child abuse and neglect and delinquency; and

Whereas, Children who survive abuse or neglect likely carry the emotional scars for life, while studies also show that being abused or neglected multiplies the risk that a child will grow up to be violent. The best available research indicates that, based on confirmed cases of child abuse and neglect in just one year, of these children, there will be an additional 35,000 adult violent criminals and more than 250 murderers who would never have become violent criminals if not for the abuse or neglect they endured as children. Fortunately, evidence-based in-home parent coaching programs can prevent child abuse and neglect and reduce later crime and violence. In general, these programs provide voluntary coaching to parents of children up to five years old in home settings for some period of time; and

Whereas, A number of programs exist to help parents. The Nurse Family Partnership randomly assigned interested at-risk pregnant women to receive in-home visits by nurses starting before the birth of the first child and continuing until the child was two years old. The program cut abuse and neglect among at-risk children in half according to research published in a leading medical journal. In addition, children of mothers who received this coaching had 59 percent fewer arrests by age 15 than the children of mothers who were not coached. Yet this program reaches only a tiny fraction of eligible parents. Other major home-visiting programs include Parents as Teachers, Healthy Families America, Early Head Start, Home Instruction for Parents of Preschool Youngsters, and the Parent-Child Home Program. However, hundreds of thousands of at-risk mothers across the country receive no in-home parent coaching. The impacts of child abuse and neglect cost Americans \$94 billion a year. In 2005, the direct cost of child abuse and neglect in Michigan was an estimated \$531,744,598. Prevention efforts such as Michigan's 0-3 Secondary Prevention Initiative, which reflects the use of a variety of program models, saved an estimated \$41,268,095 in direct costs associated with child abuse and neglect; and

Whereas, In the 109th Congress, Senator Bond and Representatives Davis and Platts, together with many of their colleagues, co-sponsored the bipartisan Education Begins at Home Act in the Senate and House (S. 503/H.R. 3628) to provide grants to help states establish or expand voluntary in-home parent-coaching programs for families with young children. The Education Begins at Home Act would have authorized \$400 million over three years in grants from the United States Department of Health and Human Services for voluntary in-home parent-coaching programs. The Education Begins at Home Act would also have authorized \$100 million over three years in grants for voluntary in-home parent-coaching programs for English language learners and military families. These programs would strengthen Early Head Start, which includes center-based and in-home parent coaching components. Each of the major home-visiting programs operates in Michigan, and the Education Begins at Home Act would allow program flexibility so that states would not be tied to one particular model. These voluntary programs would help new parents learn skills to promote healthy child development and be better parents; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to reintroduce an expanded Education Begins at Home Act. We encourage sponsors of the new bill to include separate funding authorization levels for each of the next five years, to target funding first toward jurisdictions with the greatest need, and to ensure that funding priority be given to evidence-based approaches that deliver effective results in improving outcomes for children and families; 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 Families and Human Services.

The motion prevailed.

Senators Barcia, Clarke, Kuipers, Pappageorge and Richardville were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Scott as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4482, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d and 57g (MCL 400.57d and 400.57g), section 57d as amended by 2005 PA 323 and section 57g as amended by 2006 PA 468.

Substitute (S-1).

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

1. Amend page 4, line 10, after "~~noncompliance.~~" by striking out the balance of the line through "**IMPOSED.**" on line 14.

2. Amend page 6, line 19, by striking out "**(15)**" and inserting "**(16)**".

3. Amend page 6, line 25, after "(12)" by striking out "If" and inserting "**FOR ANY INSTANCE OF NONCOMPLIANCE, THE RECIPIENT SHALL RECEIVE NOT LESS THAN 12 DAYS' NOTICE BEFORE THE PENALTIES PRESCRIBED IN THIS SECTION ARE IMPOSED. IF THE RECIPIENT DEMONSTRATES GOOD CAUSE FOR THE NONCOMPLIANCE DURING THIS PERIOD AND IF**".

4. Amend page 9, following line 17, by inserting:

"(16) FAMILY INDEPENDENCE PROGRAM BENEFITS SHALL BE TERMINATED IF A RECIPIENT FAILS, WITHOUT GOOD CAUSE, TO COMPLY WITH APPLICABLE CHILD SUPPORT REQUIREMENTS INCLUDING EFFORTS TO ESTABLISH PATERNITY AND OBTAIN CHILD SUPPORT. THE ASSISTANCE GROUP IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 1 CALENDAR MONTH. AFTER ASSISTANCE HAS BEEN TERMINATED FOR NOT LESS THAN 1 CALENDAR MONTH, ASSISTANCE MAY BE RESTORED IF THE NONCOMPLIANT RECIPIENT COMPLIES WITH CHILD SUPPORT REQUIREMENTS INCLUDING THE ACTION TO ESTABLISH PATERNITY AND OBTAIN CHILD SUPPORT." and renumbering the remaining subsection.

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:

House Bill No. 4482

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

The following bill was read a third time:

House Bill No. 4482, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d, 57g, and 57r (MCL 400.57d, 400.57g, and 400.57r), section 57d as amended by 2005 PA 323 and section 57g as amended and section 57r as added by 2006 PA 468.

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. 132**Yeas—34**

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

Nays—1

Clark-Coleman

Excused—2

Garcia

Hardiman

Not Voting—1

Prusi

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Cherry, Garcia, Basham, Barcia, Jacobs, Brater, Kahn and Clarke introduced

Senate Bill No. 508, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1502 (MCL 380.1502), as amended by 1993 PA 335.

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

Senators Scott, Gleason, Brater, Clarke, Olshove, Cherry, Hunter, Clark-Coleman and Pappageorge introduced **Senate Bill No. 509, entitled**

A bill to amend 1978 PA 454, entitled "Truth in renting act," (MCL 554.631 to 554.641) by adding section 4a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Thomas introduced

Senate Bill No. 510, entitled

A bill to require the department of labor and economic growth to establish a jobs information service for urban residents and suburban employers.

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

Senator Jelinek introduced

Senate Bill No. 511, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

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

Senator Sanborn introduced

Senate Bill No. 512, 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 3e.

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

Senator Sanborn introduced

Senate Bill No. 513, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11504, 11505, and 11506 (MCL 324.11502, 324.11504, 324.11505, and 324.11506), section 11502 as amended by 2004 PA 35, section 11504 as amended by 1996 PA 359, and section 11506 as amended by 1998 PA 466.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Allen, Sanborn, Barcia, Richardville and Garcia introduced

Senate Bill No. 514, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7nn. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Allen, Kuipers, Jelinek, Anderson, Barcia, Hardiman, Sanborn, Olshove, Basham, Pappageorge and Garcia introduced

Senate Bill No. 515, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 438 (MCL 206.438), as added by 2004 PA 364.

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

Statements

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

The motion prevailed.

Senator George's statement is as follows:

I rise to respond to a statement the Governor made yesterday to a gathering of physicians at the Capitol. The Governor is quoted as saying that Medicaid cuts mean that people will die.

Now I have taken care of Medicaid patients for the last 22 years. This weekend, I am foregoing a Boy Scout camping trip with my son so I can work two 24-hour shifts at one of my local hospitals. As always, I will be treating all comers, approximately 30 percent of whom will be Medicaid recipients. I've done this for 22 years and I've never seen the Governor there. When I'm called at 3:30 in the morning, it's me, a couple of nurses, a surgeon, and a sick patient. There will be no one from the Department of Community Health who will be there.

And what will be killing this patient? The same things that plague all Michiganders—heart disease, cancer, stroke, and the consequences of diabetes. My patients will not be succumbing from a lack of treatment. They will not be dying from a lack of Medicaid reimbursement, but rather they will likely be dying from a lifestyle disease.

If cutting Medicaid reimbursement results in death, why wasn't that so in 2005? In March 2005, the Governor used an executive order to balance the budget then. Many of you supported it. It included a 4 percent Medicaid cut to providers. Did people die then? Why is it when Republicans propose balancing the budget through a 3 percent Medicaid cut, we are accused of killing people, but when the Governor does it, her larger cuts are portrayed as necessary to preserve vital services—to save lives?

What's really killing Medicaid recipients and all Michiganders is an epidemic of unhealthy lifestyles which are fostered, that is, aided and abetted in part, by current Medicaid and other benefit policies, and without structural change, no amount of dollars can ever be sufficient to remedy.

If the Governor was concerned for the lives of Michiganders and not so fixated on paying for services and appeasing special interest groups, she would embrace Medicaid reforms which we have proposed to incentivize recipients to adopt healthier lifestyles.

If her concern was for the health of school employees—rather than the health of the MEA—then she would support reforms which call for the releasing of blinded claims data by MESSA which would allow benefits to be designed to meet the health needs of school employees.

If her concern was for the health of state employees, she would negotiate benefit packages which aim to foster healthier lifestyles, not abet them by saying you go ahead and smoke all you want, be inactive, ignore your blood pressure, then call us when you need us, and the taxpayers will cover your reparative work.

So this weekend when I'm caring for Medicaid patients, they will have private rooms, valet parking, cable TV, and good care, but they will not be made healthier because Medicaid does not incentivize them to show up for their appointments, take their blood pressure medicine, become more active, or smoke less.

What's really killing Michiganders are our own lifestyle choices and the administration's reluctance to embrace important reforms that would make public school employees, state employees, and Medicaid recipients healthier.

Senator Scott's statement is as follows:

Adam Clayton Powell, Jr., was the first African American to become a powerful figure in the United States Congress. He was elected to the U.S. House of Representatives from Harlem in 1945 and became chair of the Education and Labor Committee in 1961.

Adam Clayton Powell's belief was, "It's never the right time to take a particular stand." And he's right. Opponents will always invoke issues like timing, opportunity, and priorities. But tell me, my friends, when is the right time for fairness? When is it convenient to time for equality? What is the priority of justice? The answer is now. The bills are before you. It's time to act.

I do believe that because we don't treat all people fairly is why we are going through these horrible times in the state that we are now in. If we would just take the time and understand that all people are the same and they all ought to be treated the same.

So it's time for us to start acting on all of these bills that are before us, and certainly, these bills that I've been standing here for three years.

Senator Basham's statement is as follows:

I was at a town hall meeting that was scheduled dealing with global warming yesterday and missed a couple of votes. Had I been here, I would have voted "no" on Senate Bill No. 436 and I would have voted "no" on Senate Bill No. 437. So I would hope that the record would reflect that.

I would like to make a couple of comments in response to a previous speaker from Senate District No. 20 talking about living healthier lifestyles. I have introduced legislation dealing with the no-smoking issue since I've been in the House and every term in the House and every term in the Senate, starting my second and final term in the Senate.

Over 70-some percent of the people in this state support my legislation, yet, the same who are talking about healthy lifestyles, I've had one hearing since I've introduced this legislation term after term. I've had no hearings this term. Over 3,000 people die here in Michigan as a result of secondhand smoke.

Clearly, 20-some other states have dealt with this legislation. Even the province of Ontario has dealt with it. We're truly the smoky mitt, and yet, my colleagues talk and bash the Governor for doing her job in this budget process. We should step back, take a deep breath, and get a resolution to the budget situation we have here in the state of Michigan. I think it's damaging, and I don't think the general public cares whether it's a Democrat or a Republican or whether it's the Governor or the Senate or the House. They want to see some resolution to this.

So I would ask my colleagues to take a deep breath and deal with the budget issue. I would also say that I won't be working a couple of 24-hour shifts this weekend. I will be dealing with answering and responding to people in my district when they're asking me about the budget issue.

Again, you know, rhetoric is good here on the Senate floor, but if you truly want to deal with health issues, we should look at what other states have done, even tobacco-growing states. So it's sort of disenchanting to see a good friend and colleague who is a doctor talking about lifestyle changes and won't be encouraging leadership on his side of the aisle to deal with my smoke-free legislation.

So I would ask that my remarks be printed in the Journal, and let's quit bashing the Governor.

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

Senator Cherry's statement is as follows:

I rise to also talk a little bit about the comments from a couple of colleagues, the first one being from the Senator of the 20th District. I believe that when the Governor was talking, she was talking about the lack of actually getting a budget together, a deal together, and the impact of that. I happen to have been in Genesee County just last week meeting with the Medical Society and they told me exactly the same thing the Governor said. So there are medical doctors across the state, Genesee County being one, who do believe that; not that people who the Senator from the 20th District cares for won't get care because we know they will, and we do know that people need to live healthier lifestyles, but there will be a problem with access overall.

So there is a serious problem. I have to say that yesterday when we were taking action on the bills that we took action on and a colleague said that she was reminded about a movie, I also was reminded of a movie and it was "Groundhog Day," where we overall do the same thing over and over and over again every single day. I thought that was actually what she was going to say because it has to be the third and second time that we have taken that kind of action. To me, it seems that we are just posturing and not solving a problem.

So I, again, ask all of our members here to work hard. We all should be working to solve this problem. We should not be trying to establish a problem by saying that we've solved something when we really have not because you cannot solve a problem if there isn't complete action by everyone and that both sides agree on and we actually get a bill that goes from one house to the other house and includes action. We cannot make a deal unless we have everything all together. So I sure hope that we can do that within the next few days because we don't have much time left.

Senator Clarke's statement is as follows:

Just a response to the comments of the chair of the Senate Health Policy Committee. I do agree with him that much of our illnesses in this state are chronic illnesses, chronic diseases, and much of that could be prevented with getting early checkups and being able to visit your doctors.

The sad truth of it is that many physicians are not taking Medicaid patients now. They can't afford it. Medicaid right now, the reimbursement rates are so low, it doesn't even cover their costs. I've spoken to many physicians who told me they will not accept Medicaid. What has changed in the last few years? Here's what changed: Many middle-class people have lost their jobs, and along with losing their jobs, they've lost their health care. Some of them may not be working at all. In a way they may be blessed because they could qualify for Medicaid, but some may be working at a job at half or a quarter of the wage they once made and they can't qualify for any health care at all. They can't qualify for Medicaid.

So the number of the uninsured in this state is growing. So to cut Medicaid even further would mean that there would be fewer primary care physicians available to treat people who are on Medicaid. The growing ranks of the uninsured means that people won't be able to afford to get the early screening that they need, and when they get really sick, they will end up going to the emergency room and that's where all of us pay.

I think this issue was framed best by the following statement in response to the pending Medicaid reductions, that those reductions would have a cruel impact on those citizens in Michigan who would need it the most. I quote "that those people"—referring to Medicaid recipients—"end up getting sicker and sicker as their prognosis gets worse and people die. Let's call it the way it is. Children die." That was a quote from the Senator from Saginaw Township. That really illustrates the point that we want to make. Any further cuts would really be bad for our people, especially our children, many of whom don't have insurance now as their parents have lost their jobs in the global economy.

Senator Jelinek's statement is as follows:

You know, the previous speaker said something to the effect that we've done the same thing three times. We've taken the same action over and over. I would just like to point out that it is the only action that's been taken. If there is an alternative, where is it?

You know, the Governor and her party control the other House. What a perfect place to suggest her plan. We haven't seen it come. Where is it? You know, I guess what we would have to say is, Governor, do something. We haven't seen it. Where is it? We have proposed a plan. We thought we had an agreement. Apparently, it wasn't agreement enough. Let's do something. Send us a proposal. We haven't seen it. The only proposals out there have come from this body. They have balanced the budget and they would work. If they're not sufficient, if they don't work, do something. Show us what you think will work. Don't tell us we want something, but we're not going to tell you what it is. Send it to us. Send it out of the House. Send it over here so we can look at it, but do something. That's our message.

Senator Kahn's statement is as follows:

As to what a former speaker said, I've reflected on and was quoted as the Senator from Saginaw Township. And as I look around, this is the Senator from Saginaw Township. I would appreciate the ability to speak for myself. I don't feel any cords up here, so actually these will be my words.

When we look at the need for our state in regards to ongoing care and Medicaid, the subject on which I'm pretty familiar—Monday I was seeing patients in the office—Medicaid patients, writing off bad debt, and not charging others; and Tuesday dealing with the issues of where we are in terms of our ability to have care and ongoing care to the poorest of us and the least of us and to our children.

I think it's very clear to everybody here that we have a problem that is structural in nature, ongoing in extent, and underpayments are hurting participation within the system.

Two years ago when I was in the House, the Governor proposed a budget that included eliminating coverage for people with hemophilia. And we had people sitting in the audience with hemophilia with their red shirts wondering whether or not if they bumped their leg on the way out that they would be left to bleed to death. The House acted on that. Sitting in the same audience were people with cystic fibrosis with their oxygen with them—little cans of oxygen—and the Governor had decided that we no longer could cover them, and the House restored them. There was also a proposal to eliminate 19- and 20-year-olds from the Medicaid rolls, and we restored them.

And here in the Senate we have looked at where we're going to have to make reductions and cuts in Medicaid, and we've chosen 3 percent for providers rather than 6 percent.

I believe that the House has acted in a statesmanlike fashion, the Senate has acted in a statesmanlike fashion, and I believe this Governor can act in a statesmanlike fashion. I would like to give, through you, Mr. President, a suggestion to her.

When we have a cut of the nature of 6 percent or so to providers, it scares them. Many of them are on the bubble of leaving Medicaid altogether. Many of these people who are on the bubble practice at our urban centers, and if they leave because there is a shortage of doctors and not of patients, they will find other people to replace on their patient list and they will fill those office slots. And later on when the Governor says that she was just kidding, there will be no slots left for these people, and, indeed, they will become sicker because they will have no one to take care of them. Indeed they will go to emergency rooms where the care is more expensive, and the prognosis will be worse because of the delay. And indeed there will be deaths because of that. Those deaths are because of the dropout from the Medicaid system and not because of the Senate.

I believe the Governor, a woman of goodwill, needs to understand that that is not the end of this because the people who appear in the emergency room now for more expensive care will be sending uncompensated costs on to other insurance companies like Blue Cross, for example. The Blue Cross rates will then rise, and the cost of health insurance for our auto companies will go up. Our auto companies will then become less competitive and jobs will be lost and the people who lose their jobs will lose their insurance. We will continue to go down this dreary road. The Governor can do better.

Committee Reports

The Committee on Economic Development and Regulatory Reform reported
Senate Bill No. 450, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 604, 605, 2405, 2411, and 2412 (MCL 339.601, 339.602, 339.604, 339.605, 339.2405, 339.2411, and 339.2412), sections 601 and 602 as amended by 2005 PA 278, section 604 as amended by 1989 PA 261, and sections 2411 and 2412 as amended by 2001 PA 113, and by adding sections 606 and 2404a.

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 Economic Development and Regulatory Reform reported

Senate Bill No. 451, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142, and by adding section 2975a.

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 Economic Development and Regulatory Reform reported

Senate Bill No. 452, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 605, 2402, 2404, 2405, and 2411 (MCL 339.601, 339.602, 339.605, 339.2402, 339.2404, 339.2405, and 339.2411), sections 601 and 602 as amended by 2005 PA 278, section 2404 as amended by 1988 PA 463, and section 2411 as amended by 2001 PA 113, and by adding sections 2404b and 2411a.

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 Economic Development and Regulatory Reform reported

Senate Bill No. 453, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 39 (MCL 338.2239), as amended by 2003 PA 87.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:
Meeting held on Wednesday, May 16, 2007, at 1:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

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

Environmental Quality Department - Tuesday, May 22, 2:00 p.m., and Thursdays, May 24, 11:30 a.m. or later immediately following session and May 31, 1:00 p.m., Room 405, Capitol Building (373-2768)

Judiciary and Corrections - Wednesdays, May 23 and May 30, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Natural Resources Department - Tuesday, May 29, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

State Drug Treatment Court Advisory Committee - Tuesday, May 22, 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 11:45 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, May 22, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

