

**No. 87**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Monday, September 17, 2007.

2:00 p.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—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present  
Olshove—present

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

Pastor Brian Humphreys of First Baptist Church of Howard City offered the following invocation:

Merciful, Almighty God, heavenly Father, we would ask Your blessing upon this assembly. You have shown us, O God, what is good and what You require of us. May the honorable Senators of this chamber do justly, may they love mercy, and may they walk humbly with You, the Almighty God.

In the pressures of the legislative business, may they be upheld physically and for every challenge. We would ask Your blessings upon the Senators' families as they are away from home. We ask for Your strength as they serve You here. May they remember that they are Your servants and servants of the residents of Michigan. May they legislate what is just, merciful, and what brings honor to that which is good. The tasks are great, we confess, Lord, and challenging for these men and women, but we entrust ourselves to You, O God, You who are from everlasting to everlasting. Yes, You are God.

O God, vast are the thoughts that You have concerning us. You know the needs of this day even before we ask. We commit this day and this session to Your wise hand, Your guiding hand. We ask this all in the name of the Savior, the Lord Jesus Christ. 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 Jansen, Jelinek, Kahn, McManus, Sanborn and Van Woerkom be temporarily excused from today's session.

The motion prevailed.

Senator Cropsey moved that Senator Garcia be excused from today's session.

The motion prevailed.

Senators Van Woerkom and Barcia entered the Senate Chamber.

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

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4354 appoints the following members to sit on the conference committee:

Senator Michelle McManus

Senator Mark Jansen

Senator Liz Brater

Thank you for your prompt consideration of this matter.

Sincerely,  
Senator Michael D. Bishop  
Majority Leader  
State Senate, 12th District

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, September 12, for her approval the following bill:

**Enrolled Senate Bill No. 207 at 3:51 p.m.**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, September 12, and are available at the legislative website:

**Senate Bill Nos. 764 765 766 767 768 769 770 771 772 773 774 775**

**House Joint Resolution X**

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, September 13, and are available at the legislative website:

**Senate Bill Nos. 760 761 762 763**

**House Bill Nos. 5202 5203 5204 5205 5206 5207 5208 5209 5210**

**House Joint Resolutions W Y**

The Secretary announced that the following official joint resolution was printed on Friday, September 14, and is available at the legislative website:

**House Joint Resolution Z**

The Secretary announced that the following official bills were printed on Saturday, September 15, and are available at the legislative website:

**House Bill Nos. 5219 5220 5221 5222 5223 5224 5225 5226 5227 5228 5229 5230 5231 5232  
5233 5234 5235 5236 5237 5238**

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 2:05 p.m.

4:58 p.m.

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

During the recess, Senators McManus, Kahn, Jansen, Sanborn and Jelinek entered the Senate Chamber.

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

The motion prevailed.

Senator Bishop's statement is as follows:

In the midst of all of this chaos—and I know there is a lot of discussion about the budgets and a lot of anxiety around town—the passing of Jerry Lawler has been on everyone's mind as well. It's good that we have an opportunity to stop and take a deep breath and remember a man and pay tribute to him and honor his loving memory.

As many of you know, Jerry passed away this weekend. It was a very difficult and sad time for all of us because we've always considered him a part of our extended family. Jerry retired from the Michigan Legislature in February after 38 years of service. During his time here, he was named the first executive director of the Michigan Capitol Committee, which is the executive legislative body charged with the restoration of the Capitol Building. Jerry led the three-year restoration project completed in 1992 to national acclaim. As such, the National Trust for Historic Preservation awarded the project America's most prestigious restoration award. That very same year, the Michigan State Capitol was named a national historic landmark. Following the restoration, Jerry was named the director of the newly-created Legislative Council Facilities Agency, in addition to his duties as Capitol Committee executive director.

Jerry was not one to seek recognition nor accept accolades. His greatest desire was to see the Capitol preserved and maintained for generations of Michiganders. As such, following his retirement, the Jerry Lawler Capitol Enhancement Fund was created to fund projects which enhance the Capitol and its history; projects for which no funding had existed previously.

Jerry is remembered for his commitment to excellence, his intelligence, his commitment to team, his professional expertise, his commitment to duty, his sense of honor, and his great devotion to preserving this state's history. We have a tribute prepared for Jerry's family. They could not be here today. They will be here at a later date and we will have an opportunity to formally recognize them. But at this time, I would hope that you would join with me in observing a moment of silence in recognition of Jerry Lawler, a devoted family man and a true steward of history.

A moment of silence was observed in memory of Jerry Lawler.

Senator Schauer's statement is as follows:

Thank you for those remarks on behalf of Democratic members of this caucus. I would also like to use this opportunity to express our deep sadness for the loss of a great person.

I had the honor of serving with Jerry as a member of the Michigan Capitol Committee my first term in the Michigan Senate, and the Majority Leader used all of the words to describe Jerry: honor, dedication, and commitment.

He was an incredibly kind person, a generous person, but a fierce protector for this Capitol and these grounds. He is someone we will miss dearly. Certainly, there are big shoes to fill in this building we have around us. I hope we all remember Jerry when we see this work that he oversaw and took such great pride in, and I think it's our obligation as stewards here that we share what Jerry taught us, whether it's to fourth graders or anyone here who visits this great building.

So, Jerry, we will miss you. It's very sad that we've lost him and we want to pass our condolences to his family as well.

**Messages from the Governor**

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

**Senate Bill No. 436**

The motion prevailed.

The following messages from the Governor were received:

Date: September 11, 2007

Time: 3:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 298 (Public Act No. 55), being**

An act to amend 1836 PA 25, entitled “An act concerning the records of deeds and other conveyances of land,” by amending section 1 (MCL 565.581).

(Filed with the Secretary of State on September 12, 2007, at 3:33 p.m.)

Date: September 11, 2007

Time: 3:03 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 299 (Public Act No. 56), being**

An act 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.

(Filed with the Secretary of State on September 12, 2007, at 3:35 p.m.)

Date: September 11, 2007

Time: 3:05 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 301 (Public Act No. 57), being**

An act 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).

(Filed with the Secretary of State on September 12, 2007, at 3:37 p.m.)

Date: September 11, 2007

Time: 3:07 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 303 (Public Act No. 58), being**

An act 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.

(Filed with the Secretary of State on September 12, 2007, at 3:39 p.m.)

Date: September 11, 2007

Time: 3:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 675 (Public Act No. 59), being**

An act to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

(Filed with the Secretary of State on September 12, 2007, at 3:41 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

### Messages from the House

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

**Senate Bill No. 53**

**House Bill No. 4120**

**Senate Bill No. 418**

**Senate Bill No. 419**

**Senate Bill No. 420**

**Senate Bill No. 421**

The motion prevailed.

#### **Senate Bill No. 232, entitled**

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has appointed Reps. Spade, Cushingberry and Shaffer as conferees to join with Sens. Hardiman, Kahn and Scott.

The bill was referred to the Conference Committee on September 14, 2007.

#### **Senate Bill No. 240, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2008; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Gonzales, Tobocman and Agema as conferees to join with Sens. Hardiman, Cropsey and Anderson.

The bill was referred to the Conference Committee on September 12, 2007.

#### **Senate Bill No. 633, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43537 (MCL 324.43537), as amended by 1996 PA 585.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

#### **Roll Call No. 327**

#### **Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**Senate Bill No. 772, entitled**

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to December 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

**Senate Bill No. 773, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 8b, 11, 11j, 17b, 39a, and 147 (MCL 388.1608b, 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), section 8b as amended by 2003 PA 158, sections 11, 11j, 17b, and 147 as amended by 2007 PA 6, and section 39a as amended by 2006 PA 342; and to repeal acts and parts of acts.

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

Senator Thomas 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. 328**

**Yeas—20**

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

**Nays—17**

Anderson	Clark-Coleman	Jacobs	Scott
Barcia	Clarke	Olshove	Switalski

Basham  
Brater  
Cherry

Gleason  
Hunter

Prusi  
Schauer

Thomas  
Whitmer

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

The bills were placed on the order of General Orders.

Senator Cropsy 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:

**Senate Bill No. 772**

**Senate Bill No. 773**

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

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Cropsy 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 Jacobs as Chairperson.

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

**Senate Bill No. 772, entitled**

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to December 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

Substitute (S-1).

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

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

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

**Senate Bill No. 772**

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

The following bill was read a third time:

**Senate Bill No. 772, entitled**

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to October 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

The question being on the passage of the bill,  
 Senator Cropsey moved that the previous question be ordered.  
 The motion prevailed.

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 329****Yeas—20**

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

**Nays—17**

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

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

**Protests**

Senators Cherry and Thomas, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 772.

Senator Cherry's statement is as follows:

I voted "no" on this budget because, first of all, I believe that it is a breach of my oath of office to pass a budget that is out of balance. This continuation budget does not have the revenue that it needs to sustain services. It doesn't have the revenue that's needed to sustain services for public safety, for public health, and for public education. It means that ultimately we have to provide even more revenue to make up the difference.

I believe it's time to solve this problem and to not operate on previous budgets—budgets that were not created by this body, but by other former bodies like our previous leader and Appropriations chair. This is a budget based on another Legislature. I believe it's important to pass a budget that has adequate revenue and does not result in layoffs. This continuation budget does that. It does not protect our children. It does not protect our mental health patients. It does not protect the public. It does not provide for safety in our communities.

Senator Thomas' statement is as follows:

I agree that we need to keep the rhetoric in a place where we can continue to work and continue to talk and continue to do the business of the state. Frankly, I don't feel that the rhetoric may have been somewhat sanctimonious on both sides of the aisles today. Surprise, surprise.



However, I want to take the Majority Leader at his word that it's time for all of us to get into the game and to move forward. But at 5:28 p.m., I read a report that Bishop lays out 4.3 percent income rate plan and it's non-negotiable. Well, if I'm to get into the game and get into the discussions and to start having this, I can't have it non-negotiable. I voted "no" on this because I don't believe that we're there at that non-negotiable stage.

I want us to have a real discussion, and having a continuation budget passed today, even if it's laying the framework, does not take us down to a place where we can continue to have those discussions. I don't want to set the table back and I've been one of the folks who's been always willing to talk about anything. However, it's not in the interest of this Legislature to lay down such ultimatums.

Senators Jacobs, Prusi, Pappageorge, Switalski, Cherry, Jelinek, Schauer, Whitmer, Cropsey, Cassis, Basham and Bishop asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' statement is as follows:

Mr. President, I rise to strongly object to even remotely considering the idea of a continuation as an answer to our current crisis. The idea of a continuation as a solution is preposterous, shortsighted, and ludicrous. It would almost be laughable if we weren't talking about the health and safety of Michigan's children, families, workers, and seniors.

I'm already ashamed and embarrassed that here we are 14 days before the deadline, and now some members of this chamber want to abdicate our responsibility. We've had more than seven months to solve this current dilemma and we've only accomplished delays, inconvenience, and public disdain. Nobody trusts us, and we think the public will extend term limits—think again. We have inconvenienced almost every single school district in Michigan. We've inconvenienced higher education institutions all over the state of Michigan.

If the goal is to shut down government, then a continuation budget will most certainly accomplish this. It will paralyze this entire state by preventing public education, public safety, arts organizations, social service agencies, counties, cities, municipalities, colleges and universities, and any other entity that depends on state funding from moving ahead with plans and services.

But we can no longer paralyze the state because some legislators are paralyzed to do the right thing. We can no longer be paralyzed with threats of recall or paralyzed about winning or losing the next election or the Governor's seat.

A continuation budget will create a bottleneck of gigantic proportions. I cannot vote for this type of budget and I want no part of it.

Senator Prusi's statement is as following:

Mr. President and Senate colleagues, my colleague from the 14th District pretty much laid it out. I don't think she went far enough when she only labeled it as "inconvenience" and that we've inconvenienced the institutions that are relying on us to do our jobs here in Lansing. I think that passing a budget that merely moves the problem off for one more month is merely one more month of gridlock and deadlines and lack of action. There's no great mystery to what's happening here. There's no big dilemma. We know what the problems are; let's not paper it over; let's not pretend we don't understand what's going on here.

Our fiscal agencies of the House and Senate have laid out what the problem is. We've got numerous solutions in front of us. I think the time to act is now and the time to act is soon. The people aren't going to stand by and watch us do this Kabuki theater for another month. We need to get busy and do the work that we were sent to Lansing to do. This doesn't really make us look good in the public's eye. This doesn't really solve the problems that we're sent here to confront. It simply shoves them down the road and lets the media have another field day with the lack of action here in the State Legislature. I won't be a party to it, and I won't support it.

I would encourage you to vote "no" on this, and let's just figure out which of the solutions we've got in front of us works best and get busy and put that in front of us. Let's see whether you want to do it through all cuts, whether you want to put some revenues in the pot, and whether you want to protect the health and safety of the state of Michigan. Or do we just want to play some games here. I would encourage my colleagues to vote "no."

Senator Pappageorge's statement is as follows:

Let's understand something: If we came to an agreement today on how we ought to proceed with regard to revenue, reform, and cuts, it is questionable whether we could put the necessary rules in place to pay our bills during the first week of October. Let me say that again. We have bond payments that have to be made on, I believe, the 6th of October, and if we default on those bonds, it will take us decades to get our credit rating back. So the idea that we are proposing this just to avoid a decision is incorrect. Let me say that again—it is incorrect. It is imprudent not to be able to pay bonds the first week in October, and if we don't pass this today, there is a good chance we will default on bonds the first week in October. That's why we need to pass this today.

Now, for those who keep asking when are we going to talk about revenue, those are the same folks who are coming to me saying we want you to do the revenue. I am already taking hits for cuts; those of you who want revenues increased, take a hit, stand up, put something on the table, and we can proceed.

Senator Switalski's statement is as follows:

It is true, as the prior speaker said, that if we got an agreement today, we would probably need a continuation budget in order to implement that solution. So at some point, a continuation might be necessary, but human nature being what it is, a continuation now would lead to legislators saying that we have a month, there is no rush, no urgency, let's take our time and do this right. Well, every day we go past October 1st without a solution, we go further into debt, and it makes the solution more difficult.

If there was an agreement on a solution, we would have a unanimous vote for continuation, but we don't have that agreement, and we can't have a continuation until we have an agreement. So I think we see this differently. I know there is going to be a division here, so let's keep our focus on the solution we want to reach.

Senator Cherry's statement is as follows:

I also rise in opposition to this bill and to the continuation budget as presented. This budget starts out without adequate revenue to protect the public. With this budget, we are laying off police officers. We are not making our payments to public schools at the level we should be. We are not protecting the public health as we should, not providing services to community mental health patients, not providing services to people in psychiatric hospitals, and not protecting the safety of our public.

It is because this budget is just a continuation of the current budget when we don't even have the revenue for a full year. So, in and of itself, this continuation budget does not protect the public. I want to protect the public, and I think that we should be taking the action necessary to do that. We need to make sure that we are providing services to the level that is necessary and to the level that our citizens expect. This continuation budget does not do it, and I oppose it and I urge members to oppose it also.

Senator Jelinek's statement is as follows:

This is a continuation budget, which means it equals the same services that we are seeing today for the next month. The continuation budget is the only responsible thing that we can do today. Even if we pass agreements, revenues, cuts, or whatever, the signatures must all be done within the next ten days in order for the effect to take place. The process just doesn't move that fast. This continuation needs to be in place to maintain programs, even if agreements are reached beforehand. It already has been stated how dangerous it is to put off proper payments. We must pass this bill today for the assurance of this state's continuation. We must pass Senate Bill No. 772.

Senator Schauer's statement is as follows:

Colleagues, this is gut-check time. We've used that sports analogy a few times here, many times during this fiscal year. Let's be clear, colleagues, a vote for these continuation budget bills on September 17, with two weeks left in the fiscal year, is an admission of failure. With two weeks left, colleagues, in our fiscal year, it's a surrender; it's waving the white flag. Worse yet, we don't even know what's in these budget bills. Apparently, the majority is interested in appointing a ten-member committee to decide what you are actually putting into this one-month continuation budget bill. But, all of that aside, we don't need to pass these continuation budget bills today. We should do our work.

What we're doing here today is sending a terrible message to the rest of the world. We're sending a terrible message to Wall Street. We're sending a terrible message to everyone who was already looking at Michigan and the struggles that it is facing. I oppose voting on extending this dilemma, which is actually what a continuation budget would do. We have the ability to move a comprehensive plan, including revenues, out of this chamber today if we wanted to. We have as Democrats stepped up to the plate and we have introduced revenue bills that we could take up today to help solve this problem. Now all it takes for us to solve this problem is the guts to put up the tough votes. This is not a tough vote here today. We should exhaust all the other options and let's show some real leadership before we pass the buck once again.

It has been said by some of my colleagues on this side of the aisle that if we have to do a continuation budget—and this is in contrast to the previous speaker—it shouldn't be the first thing this chamber puts forward. It should be the last and only thing done if the overall fix has been determined.

Once we've solved this problem in a comprehensive way in the next two weeks, and if some sort of stop-gap continuation is necessary to pay the bills, I would expect that my caucus would be willing to support that. But, however, my constituents didn't send me here to keep dodging the tough decisions and I'll bet that yours didn't either. They didn't have that in mind when they elected you.

I would urge us all to take a dose of common sense and avoid a vote here that is mere window dressing; that makes it look like we are actually doing something to solve our budget problem when, in fact, we are punting to a later date. In fact, this would be reward for bad behavior. I would urge a "no" vote on both bills.

Senator Whitmer's statement is as follows:

No, no, no, no. Do I sound like I'm talking to a child? I feel like I am. Another extension? Oh, we're going to go on spring break; we've got plenty of time. That's what I heard back in March. We're going to take off the summer. We've got lots of time. This is the opening of the budget—all this time. Now we're saying, oh, we just need an extra month. Another extension?

We're two weeks out from a government shutdown. Can you think of not only the signal that sends to not only Wall Street, but to the whole world. Michigan government can't put a budget together. The Legislature doesn't know what to do. We don't have a solution. We're two weeks out from a government shutdown. I don't care about government, but I care about the kids in our schools. I care about the people who rely on health care, the poor, the sickest people among us. I care about higher education. I care about public safety, firefighters and police officers, and safe streets and safe neighborhoods and communities. That's what I care about.

I listened all weekend as the House deliberated. I listened to the House Republicans say, "Let's not act until Monday because the Senate Republicans are going to come in with a plan." This is the plan? This is the plan, the comprehensive plan?

Now you've said over and over again we're going to get the budget done. Well, it's not done yet. This isn't the solution. This is another delay. It's irresponsible and it's a simple short-term gimmick. Another extension. What are you going to do three weeks from now that you can't do today? We're going to force an even greater income tax because we're putting off these decisions. This proposal doesn't work. It's a continuation budget and we're continuing to build in the deficit of last year that we still haven't solved.

This proposal does not work, and it's putting in jeopardy public education, public safety, health care, and higher education. We need to stay and finish. We need to stay as long as we need to. We need to show them that we have more to offer, that we can stay and roll up our sleeves and do this work, and do this job even if it means you don't go to Mackinac Island next weekend.

I, for one, will not support this continuation budget right now because I know that this is short-term and irresponsible, and we owe the people of Michigan better. I ask you not to support this continuation budget and stay and get your work done.

Senator Cropsy's statement is as follows:

Did I understand the previous speaker correctly, that she is canceling her vacation to Mackinac Island next weekend? Ok, all right.

I've been in this body years ago. I'm in it now; been in the House years ago, and I'm in it now. Sometimes the logic just fails to escape me on what people are thinking. The Lieutenant Governor, over the weekend said this, "Technically, they've gone beyond the date in which you can administratively implement a budget agreement." Basically, saying we've got to have a continuation budget. Then all of a sudden people, including the Lieutenant Governor, says, "But the Governor will not support a continuation budget unless there is a whole budget agreement."

So let me get this right. You guys want to shut down the government, and yet, you say, "Oh, but we want to make sure people are protected." Well, if the state troopers don't get their money, do you expect them to go out there and to do this service for nothing? Give me a break. You can't have it both ways.

Do we need a continuation budget? Yes. The Lieutenant Governor recognizes we need a continuation budget. Everybody knows it. Why do we need to put this through now? We have a constitution of the state, and the Constitution says that bills have to lay over for at least five days before they can be taken up and voted out of that body. Now we need to at least get a vehicle bill over to the House of Representatives so that they can also deal with this issue because if we don't, we are going to run into a five-day problem.

Now if you want to sit here and just be a naysayer and vote "no," and say, "We want to get the problem solved, but yet we don't want to see government shutdown, but yet we're going to vote 'no' so that government can shutdown." That doesn't make any sense to me. I just fail to see the logic.

Has this been done before? Oh yeah, it's been done before. Interestingly enough, it was done before when the Democrats controlled the State House of Representatives, just like they do today, done back in 1980 when Representative Bobby Crim was Speaker of the State House of Representatives and the Democrats controlled the State Senate at the time too. Bill Faust, I believe, was the Majority Leader in the State Senate. Lo and behold, at that time instead of just a 30 days' continuation budget that is being proposed here, they had to go for three months of a continuation budget.

Now I guess I'm being optimistic that maybe the Democrats who control the State House will come up and say, yeah, they will finally get their act together and get a budget done within the next 30 days. Will they? Boy, I don't know. I sure hope they do. Everybody knows we're going to have to have a continuation budget. People who know the Constitution, which we are all sworn to uphold, know that we have a five-day problem. We've got to pass this. You know it. We know it. Let's get on with the business.

By the way, I don't plan on being at Mackinac next weekend.

Senator Cassis' statement is as follows:

Today we have an opportunity to act, not just talk. The worst thing that could happen is for the Governor, the Speaker of the House, and, yes, even some of my Democratic colleagues here in the Senate to push our state over the precipice

into a shutdown. I, for one, reject that strategy. While a negotiator recently on the Michigan business tax, I witnessed eight persons come together and find a way to compromise.

Unfortunately, this last weekend, we witnessed a breakdown, a paralysis of that process in the House. On this side of the aisle, we will become part of a budget solution. We hope that you will all join us and not continue to be part of the problem and the rhetoric that goes along with the problem. We have to do a continuous budget right now. We have no other choice in order just to meet our responsibilities and obligations in October.

Say “no” to a shutdown. Say “yes” to put in place a comprehensive plan this week.

Senator Basham’s statement is as follows:

I was going to say something light to change the mood here in this chamber; something to the effect of the Lions are on a winning streak, and finally, the University of Michigan is on a winning streak, and we should get on one too.

But, you know, hearing my colleagues go make comments from the other side of the aisle—by the way, you do have the majority in this chamber. You can pretty much pass anything that you want to pass in this chamber and you can lead. You don’t have to wait on the House to lead. You can lead also if you desire. You can listen to all of what my previous colleagues have said about how we would pass a continuation budget if we had an agreement. But you left that part out when you were talking about you guys.

There was also some mention about the State Police and my colleagues—I have been working some of the issues with my colleagues across the aisle dealing with the State Police and 9-1-1 systems, and even though I might not agree with what is coming out of the House with those particular bills, Senate Bill Nos. 410 and 411, I agree that they are at least trying to fund the State Police and their programs. I have not seen any funding for the State Police coming out of this chamber. If you talk about funding it out to the general funds, I haven’t seen any proposals coming out of this chamber talking about funding the State Police.

You talk about public education and public safety, yet you are talking about cuts. You control a majority in this chamber. How can you cut \$1.8 billion out of the state’s budget when the Governor has already cut over 10,000 employees and she has cut over \$3 billion. We have actually cut to the bone, and that pig out in front of the Capitol should have the rear leg removed and its ribs removed because, quit frankly, this pig is not fat anymore. This pig is down to bare bones.

So, my colleagues, I ask you to listen to everything that goes back and forth across both aisles of this chamber and not get the rancor up as high as it is in the House to sit down and lead and give us a comprehensive budget that we can vote on. Sometimes I am glad that I sit on policy instead of Appropriations because I am sitting here waiting to vote and make some tough decisions. I have yet to see those tough decisions in front of me. So give me those tough decisions and let me do my job and push a button to support revenues for this state that it so sorely needs.

Senator Bishop’s statement is as follows:

I’ve been here now for—this is my second term. I had a chance to serve in the House as well. I’m very concerned at the direction that we’ve gone. Just the tenor of the discussion today is troubling to me—to be called a child and to have egos drive a really one-sided, very silly objection to something that all of us realize has to happen today. It’s a reality; we’ve run out of time. It’s not our fault. We’re trying to get the things done. We’re waiting for the House to get things done. They spent the whole weekend beating each other over the head. Nothing was done. So here we are. We’re a couple of weeks out from our deadline. Even if we were to come up with a solution today, there is no way that we could get the job done in time to firm it up by October 1.

So here are your options: You can sit on your hands and do nothing and complain, which you’ve become very good at, or you can actually do something. Our option today is to put a continuation budget on the table that will allow us to move things forward and give us that relief valve in case we need it. You all know that we need it. This is not a partisan issue. This is about getting the job done.

If you look at your oath of office, in Article XI of the Constitution, you’ll see where it says—all of you took this oath—“I do solemnly swear that I will support the Constitution of the United States and the Constitutions of this state, and that I will faithfully discharge the duties of the office.” Then you can look at Article IX, Section 28, where it specifically says that no expenses shall be made by state government without an appropriation. So here we are, we’re reaching the point where our state departments have no appropriations and what we’re telling them is that they have to shut down their operations. I would argue that that is a breach of your oath of office.

If you want to be political about that and if you want to stand up and complain in a political posturing manner and continue down this path just like the House did this whole weekend, then go ahead and do it, but we’re going to ignore that and move forward. You know full well that we need to do this. Stop the complaints. Stop telling us what you don’t want to do and start participating in the future of this state.

I heard someone say, “No, no, no” yesterday. That’s all they hear. All the reforms that we have put up so far have been “No, no, no” from that side. We’ve passed every single one of them with Republican votes. That’s the resounding response that we get: “No, no, no.” It’s about time that you participate in the solution and not be the problem and obey and live up to the oath that you took to the Constitution of this state. Let’s get this job done.

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

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Jacobs as Chairperson.

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

**Senate Bill No. 773, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 8b, 11, 11j, 17b, 39a, and 147 (MCL 388.1608b, 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), section 8b as amended by 2003 PA 158, sections 11, 11j, 17b, and 147 as amended by 2007 PA 6, and section 39a as amended by 2006 PA 342; and to repeal acts and parts of acts.

Substitute (S-1).

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

- 1. Amend page 11, line 9, by striking out "\$50,000.00" and inserting "\$25,000.00".

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

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

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

**Senate Bill No. 773**

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

The following bill was read a third time:

**Senate Bill No. 773, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 8b, 11, 11j, 17b, 39a, and 147 (MCL 388.1608b, 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), section 8b as amended by 2003 PA 158, sections 11, 11j, 17b, and 147 as amended by 2007 PA 6, and section 39a as amended by 2006 PA 342; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 330**

**Yeas—20**

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

**Nays—17**

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

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

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

**Senate Bill No. 776, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 90h. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Gleason, Brater, Scott and Clark-Coleman introduced

**Senate Bill No. 777, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30 and 51 (MCL 206.30 and 206.51), section 30 as amended by 2005 PA 214 and section 51 as amended by 1999 PA 6; and to repeal acts and parts of acts.

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

Senators Pappageorge and Jelinek introduced

**Senate Bill No. 778, entitled**

A bill to amend 1971 PA 140, entitled “Glenn Steil state revenue sharing act of 1971,” by amending section 13 (MCL 141.913), as amended by 2006 PA 437.

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

Senator Kahn introduced

**Senate Bill No. 779, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2006 PA 304, and by adding section 8g.

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

**Statements**

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

The motion prevailed.

Senator Scott’s statement is as follows:

The Reverend Martin Luther King, Jr., once said, “Every step toward justice requires sacrifice, suffering and struggle,” and I humbly accept his assessment of the process. But at some point, even the most sincere seekers of justice get tired and discouraged when the sacrifice, suffering, and struggle seem never-ending. But Dr. King went on to say that “the search for justice requires the tireless exertion and passionate concerns of dedicated individuals.”

I am here to remind you that, while I may occasionally get weary, I and thousands of drivers and homeowners across Michigan are tireless and passionate when it comes to continuing the fight for fairness in insurance, and we will not rest until we win that fight.

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Campaign and Election Oversight submitted the following:  
Meeting held on Wednesday, September 12, 2007, at 1:00 p.m., Room 405, Capitol Building  
Present: Senators McManus (C), Brown, Jansen, Jacobs and Schauer

### **Scheduled Meetings**

**Appropriations** - Tuesday, September 18, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Energy Policy and Public Utilities** - Thursday, September 20, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Families and Human Services** - Tuesday, September 18, 2:30 p.m., Room 210, Farnum Building (373-0797)

**Health Policy** - Wednesday, September 19, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Homeland Security and Emerging Technologies** - Thursday, September 20, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

**Natural Resources and Environmental Affairs** - Wednesday, September 19, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Senior Citizens and Veterans Affairs** - Wednesday, September 19, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 6:09 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, September 18, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

