

No. 79
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, August 22, 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—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

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

Senator James A. Barcia of the 31st District offered the following invocation:

Let us pray this morning that as we make very difficult and important decisions regarding public policy in this state that You will guide us to be compassionate and to be caring in every way about the impact of the policies that are deliberated today in this chamber.

We just want to say amen, and I seek the support of the entire chamber for doing Your good work in Your name. Thank You. Amen.

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

Motions and Communications

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.

11:06 a.m.

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

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

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

The motion prevailed.

Senator Jansen's statement is as follows:

I would like to read the tribute for Private First Class Shawn Gajdos:

“ ‘Peace I leave with you; My peace I give to you; not as the world gives do I give to you.

Do not let your heart be troubled, nor let it be fearful.’

— John 14:27

LET IT BE KNOWN, That it is a distinct privilege to pay tribute to this exemplary and extraordinary individual, Private First Class Shawn Gajdos - United States Army and to extend our condolences to his loved ones and cohorts and their family here today. This incredible man has given his very life to protect ours, serving his personal higher calling and enlisting in the United States Army. Humanity has learned to depend on people such as Private First Class Gajdos. Their courage and commitment to creating a better world have shown the true depth, humanity, and character of our society. Those who are willing to sacrifice everything for the opportunity to serve and protect continuously deserve our absolute admiration and unwavering support.

Following in the traditions of his father's family, Private First Class Shawn Gajdos enlisted in August of 2005 and had since planned to make a career of his efforts in the Armed Forces. At the time of his passing, he was serving as an infantryman in the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division. Private First Class Gajdos is leaving behind a wealth of family and friends who are missing him deeply, along with a team of fellow soldiers still in Iraq who are left without his wisdom and optimism. The state of Michigan has truly lost one of her greatest citizens, a gap in our strength and character that will never be filled. The loss of such an individual weighs heavily on the state and the nation as we once again offer our most sincere sympathy to his family, friends, and fellow soldiers. It has been said that Private First Class Gajdos recruited his mother to send him candy to befriend the local children, an act and intention that wholly illustrates his commitment to helping and protecting those who are in such dire need of comfort and security. It is with memories such as those that we must remember to celebrate his life, ambitions, and personality, knowing that the strength of his dedication will continue to carry on his legacy.

THEREFORE IN MEMORIAL, This document is signed and dedicated to commend and mourn Private First Class Shawn Gajdos - United States Army. May his family and the state of Michigan know of our high esteem and appreciation for his individual commitment and immeasurable sacrifice; our thoughts and prayers are with them all during this incredibly difficult time.”

These are words and impressions of a very brave young man, but I feel as though the most telling portrayal of Private First Class Shawn Gajdos comes from when you listen to one of his fellow soldiers. Army Captain Michael A. Jurick, Jr.,

sent in an essay to the *Grand Rapids Press* from his post in Baghdad and he said the following: “Private First Class Gajdos epitomized the Army’s values—loyalty, duty, respect, selfless service, honor, integrity, and personal courage. He also exemplified the legendary division motto of ‘No mission too difficult, no sacrifice too great. DUTY FIRST!’”

Senator Hardiman’s statement is as follows:

I rise together with Senator Jansen to memorialize the life of a young man from our district. On Friday, June 15, 2007, United States flags were lowered throughout Michigan in honor of Army Specialist Shawn Douglas Gajdos. Private First Class Shawn Gajdos gave the ultimate sacrifice in service to our country when he died from wounds suffered when his unit was attacked by insurgents.

Private Gajdos, who was only 25 years old, has been lost to the war. I hope that his family who is joining us today in the east Gallery can find some comfort in knowing what an incredible debt of gratitude that we realize and understand that we owe. We know that he fought to protect the freedoms that we hold so dear. I attended the funeral of the Private; it was at my church. I met with the family there. I experienced a little deeper than normal because of the personal connection. I saw the pain in the eyes of those who have lost a wonderful brother, son, and friend.

I heard the pain in the voice of his army colleagues as they talked about how he always volunteered, always wanted to be first, and always was willing to lend a helping hand. He was a wonderful young man, and he’s truly missed today. We want to honor his memory and let his family know of our love and appreciation for them.

At this time, I would like my colleague Senator Jansen to share a tribute in his honor.

A moment of silence was observed in memory of Army Private First Class Shawn Douglas Gajdos.

Senator Cherry’s statement is as follows:

“LET IT BE KNOWN, The death of Private First Class Joseph Miracle has deeply saddened those whose lives he touched, whether it was at home, on the football field, or serving his country. In remembrance of his life and service and as an expression of our condolences to his family, we join in offering this tribute as a symbol of our respect.

Joseph impressed those who knew him with his generosity, camaraderie, and bravery. On a high school mission trip, he helped build a community center in a depressed area of Mexico. Before he returned home, he decided to leave most of his possessions to help the people there. As a co-captain and running back on the football team, Joseph inspired those around him. His high school principal said that ‘you would want to have a whole football team of Joe Miracles.’ Joseph brought these qualities with him to the Army, motivating others in his unit, showing leadership as he had on the football field. With the utmost courage and loyalty, Joseph fought for his country and his fellow soldiers, and his actions led to the saving of many lives.

IN SPECIAL TRIBUTE, Therefore, This document is dedicated to express our sympathy to the family of Joseph Miracle in honor of his life and service. May they know of our admiration and our genuine gratitude for keeping us safe at home.”

A moment of silence was observed in memory of Army Private First Class Joseph Miracle.

Senator Switalski stated that had he been present on August 1 when the votes were taken on the advice and consent of the appointments of Brian Fannon and Jacqueline Garrett to the Central Michigan University Board of Control, he would have voted “yea.”

Senator Switalski stated that had he been present on August 1 when the vote was taken on concurring in the House amendments to the Senate substitute to the following bill, he would have voted “yea”:

House Bill No. 4884

Senator Switalski stated that had he been present on August 1 when the votes were taken on the passage of the following bills, he would have voted “yea”:

Senate Bill No. 525

Senate Bill No. 207

Senate Bill No. 633

Senator Switalski stated that had he been present on August 1 when the votes were taken on the passage of the following bills, he would have voted “nay”:

Senate Bill No. 395

Senate Bill No. 396

Senate Bill No. 397
Senate Bill No. 398

Senator Switalski stated that had he been present on August 1 when the vote was taken on the adoption of the following resolution, he would have voted "yea":

Senate Resolution No. 89

Senator Gleason stated that had he been present on August 1 when the votes were taken on the advice and consent of the appointments of Brian Fannon and Jacqueline Garrett to the Central Michigan University Board of Control, he would have voted "yea."

Senator Gleason stated that had he been present on August 1 when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 525
Senate Bill No. 207
Senate Bill No. 633

Senator Gleason stated that had he been present on August 1 when the votes were taken on the passage of the following bills, he would have voted "nay":

Senate Bill No. 395
Senate Bill No. 396
Senate Bill No. 397
Senate Bill No. 398

Senator Gleason stated that had he been present on August 1 when the vote was taken on the adoption of the following resolution, he would have voted "yea":

Senate Resolution No. 89

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

August 13, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Energy Policy & Public Utilities Committee hold a hearing on the appointment of Steven A. Transth to the Michigan Public Service Commission and make a written recommendation to the Government Operations and Reform Committee on the appointment.

Sincerely,
Michael D. Bishop, Chairman
Government Operations and Reform Committee

The communication was referred to the Secretary for record.

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

August 17, 2007

Pursuant to the bylaws for the Michigan Early Childhood Investment Corporation (ECIC) established under PA 7 of 1967, I am making the following appointment to the Executive Committee of the ECIC:

Mr. Michael Behrman of 1080 Great Oaks Boulevard, Rochester, Michigan 48307, county of Oakland, for a term from January 1, 2007 to December 31, 2010.

If you have any questions, please call Bill Sullivan in my office at 373-2417.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

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

August 9, 2007

Enclosed is a copy of the following audit report:
Performance audit of the Special Alternative Incarceration Program, Department of Corrections.

August 10, 2007

Enclosed is a copy of the financial statements, together with the Auditors' Report, of the Bureau of State Lottery for the six-month periods ended March 31, 2007 and 2006.

If you have questions regarding this report, please call me; Scott M. Strong, C.P.A., Deputy Auditor General; or Laura J. Hirst, C.P.A., Audit Division Administrator, who administers our contractual audits.

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

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

July 26, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:21 a.m. this date, administrative rule (07-07-05) for the Department of Labor and Economic Growth, Director's Office, entitled "*Construction Code - Part 8. Electrical Code.*" These rules take effect 120 days after filing with the Secretary of State.

August 3, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 1:11 p.m. this date, administrative rule (07-08-01) for the Department of Labor and Economic Growth, Director's Office, entitled "*Construction Code - Part 9A. Mechanical Code.*" These rules take effect 120 days after filing with the Secretary of State.

August 14, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:27 p.m. this date, administrative rule (07-08-02) for the Department of Community Health, Director's Office, entitled "*Board of Psychology.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 16, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:35 p.m. this date, administrative rule (07-08-03) for the Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules, entitled "*Disciplinary Proceedings.*" These rescissions become effective immediately upon filing with the Secretary of State.

August 16, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of

Administrative Hearings and Rules filed at 4:37 p.m. this date, administrative rule (07-08-04) for the Department of Community Health, Director's Office, entitled "*Disciplinary Proceedings*." These rescissions become effective immediately upon filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Department of Human Services

August 7, 2007

Pursuant to Section 1002 of P.A. 345 of FY 2006, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Adrian Training School	2007C0212027	CS460200931
Approval Study Report	Woodland Center		CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "Online Lookups, Child Welfare Licensed Facilities" at the following address: <http://www.michigan.gov/dhslicensing>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Wilson at 517-373-8383.

Sincerely,
Marianne Udow

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, August 8:
House Bill Nos. 4641 4642 4643 4644

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, August 9:
House Bill No. 4688

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, August 21:
House Bill Nos. 4745 4891

The Secretary announced that the following official bills were printed on Wednesday, August 1, and are available at the legislative website:

Senate Bill Nos. 675 676

The Secretary announced that the following official bills were printed on Thursday, August 2, and are available at the legislative website:

Senate Bill Nos. 666 667 668 669 670 671 672 673 674

The Secretary announced that the following official bills and joint resolution were printed on Thursday, August 9, and are available at the legislative website:

**House Bill Nos. 5087 5088 5089 5090 5091 5092 5093 5094 5095 5096 5097 5098 5099 5100
5101 5102 5103 5104 5105**

House Joint Resolution U

Senator Clark-Coleman stated that had she been present on August 1 when the votes were taken on the advice and consent of the appointments of Brian Fannon and Jacqueline Garrett to the Central Michigan University Board of Control, she would have voted "yea."

Senator Clark-Coleman stated that had she been present on August 1 when the vote was taken on concurring in the House amendments to the Senate substitute to the following bill, she would have voted "yea":

House Bill No. 4884

Senator Clark-Coleman stated that had she been present on August 1 when the votes were taken on the passage of the following bills, she would have voted “yea”:

Senate Bill No. 207

Senate Bill No. 633

Senator Clark-Coleman stated that had she been present on August 1 when the votes were taken on the passage of the following bills, she would have voted “nay”:

Senate Bill No. 525

Senate Bill No. 395

Senate Bill No. 396

Senate Bill No. 397

Senate Bill No. 398

Senator Clark-Coleman stated that had she been present on August 1 when the vote was taken on the adoption of the following resolution, she would have voted “yea”:

Senate Resolution No. 89

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

The motion prevailed.

Senator Allen’s statement is as follows:

I also have a wonderful intern who is going to be departing us. Today we are sad to lose Ashley Casperson. Ashley is a family member whose father also has an opportunity to serve in the House. She has done a phenomenal job for us in the 37th District. She’s been active as far as making sure that constituent services get taken care of. She’s done a phenomenal job greeting different constituents and individuals who contact our office. She has overall done a phenomenal job as our intern.

She heads back to Michigan State this fall and will be close by but will be taken on in another office. We wish her well in her endeavors, and we’re really grateful for her services.

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 message from the Governor was received:

Date: August 2, 2007

Time: 8:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 354 (Public Act No. 47), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 40107c.

(Filed with the Secretary of State on August 3, 2007, at 2:55 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on August 8, 2007, and read:

EXECUTIVE ORDER
No. 2007-38

**Declaration of a State of Emergency
Luce County**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency or threat thereof, and may issue executive orders, proclamations, and directives having the force and effect of law to implement the Act;

WHEREAS, under Section 3 of the Emergency Management Act, 1976 PA 390, MCL 30.403, the Governor shall, by executive order or proclamation, declare a state of emergency if the Governor finds that an emergency has occurred or that the threat of an emergency exists;

WHEREAS, on August 2, 2007, Luce County sustained widespread and severe damage, and loss of property caused by a wildland fire;

WHEREAS, the wildland fire continues to grow due to exceptionally dry and hot weather conditions and shifting wind patterns, and has thus far consumed more than 16,000 acres of land in Luce County;

WHEREAS, Luce County lacks the financial resources and the man-power to contain the rapidly progressing fire, and has formally requested the Governor to declare a state of emergency and to provide state assistance;

WHEREAS, since August 2, 2007, multiple state and local units of government have worked cooperatively and exhaustively, combining manpower and other resources in attempts to contain the rapidly spreading wildfire;

WHEREAS, despite these valiant efforts, the wildfire is not contained and it continues to destroy forest land in Luce County;

WHEREAS, additional state assistance is needed to supplement existing firefighting capabilities to lessen or avert the threat of a catastrophe, and to protect and preserve the lives and property, and public health and safety in Luce County;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

1. A state of emergency is declared in Luce County.

2. Consistent with the Michigan Emergency Plan, the Director of the Department of State Police, or his or her designee within the Department of State Police, shall coordinate and maximize all state efforts to assist political subdivisions and officials in Luce County and may call upon all state departments and agencies to utilize available resources, including, but not limited to: man-power, supplies, equipment, materials, or facilities, to assist with response to the state of emergency.

3. The state of emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions, but in no case longer than September 5, 2007.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 8th day of August, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land

Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on August 9, 2007, and read:

EXECUTIVE ORDER
No. 2007-39

Activation of National Guard to Luce County

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963 the Governor is the Commander-in-Chief of the state armed forces and may call them out to execute the laws;

WHEREAS, Section 151 of the Michigan Military Act, 1967 PA 150, MCL 32.551, authorizes the Governor to order to activate state service any members of the organized militia for service in aid of civil authority in times of public danger, disaster, crisis, catastrophe, or other public emergency within this state;

WHEREAS, by Executive Order 2007-38, the Governor declared a state of emergency in Luce County due to a wildland fire that had consumed over 16,000 acres of land, causing severe damage and loss of property;

WHEREAS, the wildland fire continues to grow due to exceptionally dry and hot weather conditions and shifting wind patterns, and has thus far consumed more than 19,000 acres of land in Luce County;

WHEREAS, additional assistance is needed to supplement existing firefighting capabilities to lessen or avert the threat of a catastrophe, and to protect and preserve the lives and property, and public health and safety in Luce County;

WHEREAS, by Executive Order 2007-38, the Governor ordered, consistent with the Michigan Emergency Plan, that the Director of the Department of State Police, or his or her designee within the Department of State Police, coordinate and maximize all state efforts to assist political subdivisions and officials in Luce County and authority to call upon all state departments and agencies to utilize available resources, including, but not limited to: man-power, supplies, equipment, materials, or facilities, to assist with response to the state of emergency;

NOW, THEREFORE, I, JOHN D. CHERRY, JR., Lieutenant Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

1. THE ADJUTANT GENERAL is directed to order to active state service, units and individuals of the Michigan National Guard which in his discretion he deems appropriate to meet general mission assignments as determined by the Director of the Department of State Police, or his or her designee within the Department of State Police.

2. The Director of the Department of State Police, or his or her designee within the Department of State Police shall coordinate and maximize all state efforts, including such units and individuals of the Michigan National Guard which may be activated to state service, to assist Luce County and other units of government affected pursuant to the Michigan Emergency Management Plan.

3. The Michigan National Guard is activated until such time as determined by the Adjutant General after consultation with the Director of the Department of State Police, or his or her designee within the Department of State Police.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of August, in the year of our Lord, two thousand and seven.

John D. Cherry, Jr.
Lieutenant Governor and
Acting Governor

By the Lieutenant Governor:

Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

August 6, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 2 of the Michigan Veterans' Facility, 1885 PA 152, MCL 36.2:

Michigan Veterans' Facilities Board of Managers

Mr. Willard F. Coffey of 18 Woods Avenue, L'Anse, Michigan 49949, county of Baraga, reappointed to represent the American Legions, for a term expiring February 28, 2013.

Mr. Francis G. Veldman of 2575 Friendship Lane, Muskegon, Michigan 49444, county of Muskegon, reappointed to represent the American Legion, for a term expiring February 28, 2013.

August 6, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office pursuant to Section 2 of 1968 PA 1, MCL 10.72:

Michigan Women's Commission

Ms. Donna L. Budnick of 5153 Hurd Road, Harbor Springs, Michigan 49740, county of Emmett, succeeding Gail J. Glezen, whose term has expired, representing the general public, for a term commencing August 6, 2007 and expiring July 15, 2010.

Ms. Pamela M. Faris of 4116 Orme Circle, Clio, Michigan 48420, county of Genesee, succeeding Renee T. Farhat, who has resigned, representing the general public, for a term commencing August 6, 2007 and expiring July 15, 2008.

Ms. Estelle P. Smyth of 1018 6th Avenue South, Escanaba, Michigan 49829, county of Delta, succeeding Brenda L. Jones Quick, who has resigned, representing the general public, for a term commencing August 6, 2007 and expiring July 15, 2009.

Ms. Ronda E. Stryker of 7487 Cottage Oak, Portage, Michigan 49024, county of Kalamazoo, succeeding Cheryl B. Sugerman, whose term has expired, representing the general public, for a term commencing August 6, 2007 and expiring July 15, 2010.

Ms. Sally Shaheen Joseph of 6263 Stonegate Parkway, Flint, Michigan 48532, county of Genesee, reappointed to represent the general public, for a term expiring July 15, 2010.

Ms. Patricia A. Lowrie of 4365 Stoneycroft, Okemos, Michigan 48864, county of Ingham, reappointed to represent the general public, for a term expiring July 15, 2010.

Ms. Alexandra A. Matish of 2002 Alice, Ann Arbor, Michigan 48103, county of Washtenaw, reappointed to represent the general public, for a term expiring July 15, 2010.

August 8, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 10 of the Michigan Education Trust Act, 1986 PA 316, MCL 390.1430:

Michigan Education Trust Board of Directors

Mr. Gregory L. Clevenger of 11623 Shellbank Lane, Grand Blanc, Michigan 48439, county of Genesee, succeeding Randall J. Richardville, who has resigned, representing nominees of the Majority Leader of the Senate with knowledge, skill and experience in the academic, business or financial fields, for a term commencing August 8, 2007 and expiring December 31, 2008.

Ms. Marlene E. Davis, Ph.D., of 29261 Briarbank, Southfield, Michigan 48034, county of Oakland, succeeding Lon Schneider, whose term has expired, representing nominees of the Speaker of the House of Representatives with knowledge, skill and experience in the academic, business or financial fields, for a term commencing August 8, 2007 and expiring December 31, 2008.

Mr. Albert L. Lorenzo, Ph.D., of 37281 Woodside Lane, Clinton Township, Michigan 48036, county of Macomb, succeeding Paula D. Cunningham, whose term has expired, representing presidents of community or junior colleges, for a term commencing August 8, 2007 and expiring December 31, 2009.

Mr. Michael Rao, Ph.D., of 1214 Forest Lane, Mount Pleasant, Michigan 48858, county of Isabella, reappointed to represent presidents of state institutions of higher education, for a term expiring December 31, 2009.

August 10, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 10 of the Michigan Education Trust Act, 1986 PA 316, MCL 390.1430:

Michigan Education Trust Board of Directors

Mr. John H. Hale III of 26172 Meadow Drive, Franklin, Michigan 48025, county of Oakland, succeeding Kathleen Schmaltz, whose term has expired, representing persons with knowledge, skill and experience in the academic, business or financial fields, for a term commencing August 10, 2007 and expiring December 31, 2008.

August 10, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office pursuant to Section 76103 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76103:

Underwater Salvage and Preserve Committee

Ms. Peggy S. Kurpinski of 960 Butternut Drive, Holland, Michigan 49424, county of Allegan, reappointed to represent a member of the general public having experience in recreational scuba diving, for a term expiring August 17, 2010.

Mr. Peter J. Lindquist of 1204 Commercial Street, Munising, Michigan 49862, county of Alger, reappointed to represent a member of the general public having experience in recreational scuba diving, for a term expiring August 17, 2010.

Mr. Gregory D. MacMaster of 3953 Emily Lane, Traverse City, Michigan 49686, county of Grand Traverse, reappointed to represent the general public, for a term expiring August 17, 2010.

Mr. Brian L. Tippman of 2005 North Partridge Point Road, Alpena, Michigan 49707, county of Alpena, reappointed to represent the general public, for a term expiring August 17, 2010.

Ms. Gail A. Vander Stoep, Ph.D., of 734 Touraine Avenue, East Lansing, Michigan 48823, county of Ingham, reappointed to represent the general public, for a term expiring August 17, 2010.

August 14, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 91 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.191:

Investment Advisory Committee

Mr. James B. Jacobs, Ph.D., of 1017 Balfour Street, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Marina Whitman, whose term has expired, representing the general public, for a term commencing August 14, 2007 and expiring December 15, 2009.

August 14, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 2 of 1927 PA 360, MCL 209.102:

State Tax Commission

Mr. Douglas J. Roberts, a Republican, of 1853 Northgate Drive, East Lansing, Michigan 48823, county of Ingham, reappointed for a term commencing September 14, 2007 and expiring September 13, 2013.

August 16, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Section 3 of Article V of the Michigan Constitution of 1963 and Section 3 of The Social Welfare Act, 1939 PA 280, MCL 400.3:

Director of the Department of Human Services

Mr. Ismael Ahmed of 2534 Holly Street, Dearborn, Michigan 48120, county of Wayne, succeeding Marianne Udow, appointed for a term effective September 10, 2007 and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

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

The following message from the Governor was received and read:

August 17, 2007

Due to an error on the August 14, 2007 letter filed with your office pursuant to Section 2 of 1927 PA 360, MCL 209.102, please be advised of the following correction appearing in bold print:

State Tax Commission

Mr. **Douglas B. Roberts**, a Republican, of 1853 Northgate Drive, East Lansing, Michigan 48823, county of Ingham, reappointed for a term commencing September 14, 2007 and expiring September 13, 2013.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations and Reform.

Messages from the House

Senate Bill No. 53, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 36 to chapter 2.

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.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 69, entitled

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

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

House Bill No. 4120, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 36 to chapter 2.

The House of Representatives has substituted (H-1) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-1) and amended the title to read as follows:

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1.

Pursuant to rule 3.202, the bill was laid over one day.

Third Reading of Bills

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

House Bill No. 4517

House Bill No. 4519

Senate Bill No. 111

Senate Bill No. 624

The motion prevailed.

The following bill was read a third time:

House Bill No. 4517, entitled

A bill to amend 1867 PA 20, entitled "An act relative to recording deeds, mortgages and instruments of record, and to declare the effect thereof," by amending section 1 (MCL 565.491), as amended by 1992 PA 211.

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. 247**Yeas—36**

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

Nays—2

Clark-Coleman

Scott

Excused—0

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 Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4519, 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. 248

Yeas—36

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

Nays—2

Clark-Coleman Scott

Excused—0

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 Senate agreed to the title of the bill.

Protests

Senators Scott and Clark-Coleman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 4517 and 4519.

Senator Scott's statement, in which Senator Clark-Coleman concurred, is as follows:

I shared with each of my colleagues today on the floor a letter from the Wayne County Register of Deeds that outlined pretty clearly how costly and time-consuming this legislation will be to the largest county in this state. With legislation such as this, size does matter. Wayne County can process thousands of documents a day compared to smaller counties that may have five or ten or maybe even 20 documents a day. What we're telling Wayne County and other counties across the state is you need to perform this function, but we aren't going to give you any money to do it. This is an unfunded mandate—a violation of Headlee.

I would also like to point out that according to the Wayne County Prosecutor's Office, there has never been a recorded or documented case of criminal activities dealing with identity theft from a land record or register of deed document. The Wayne County registrar, Mr. Bernard Youngblood, recently received a coveted Eagle Award from the International Association of Clerks, Records, Election Officials and Treasurers. He has been recognized nationally for his good work in Wayne County in fighting fraud and for his leadership in achieving significant efficiencies in Wayne County. This legislation will be devastating to his progress in Wayne County.

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I would like to take this opportunity to recognize a young man who has been a wonderful intern in my office. He's a very hard worker. He's taken an opportunity to work in my office not only once, but twice. Andrew Apling has been an intern in my office; first he came to my office as a sophomore at Michigan State University. He spent the semester in my office while he worked towards his degree in political science. Andrew is a hard worker and has always been willing to help do whatever he can to help our office and serve the people of this great state of Michigan.

I'm so pleased that he has served twice, which proves the myth that working once in my office is way too much. He came back once again. Since that time, he has graduated from Michigan State University and now turns his focus towards law school. Michigan State University, University of Detroit Mercy, and University of Toledo are among the Midwest schools he intends to apply to. In addition to his time in our office, Andrew took time out to volunteer at the Lansing Refugee Development Center. He has spoken of his belief that there is more that can be done for those who are displaced. I agree with his sentiment, and we certainly wish him well in his efforts to help those who are in need.

You can see from his activities that he is a fine young man. He's not only a hard worker, but a person of real character. I have a tribute that I will not read but would like to give to him. Please help me thank him for his service to the Michigan Legislature and to me and to wish him well in his future endeavors.

The following bill was read a third time:

Senate Bill No. 111, entitled

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending section 41 (MCL 125.1041).

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. 249

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 624, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Schauer offered the following amendments:

1. Amend page 12, following line 24, by inserting:

“Sec. 758. ~~(1) For the purposes of AS USED IN~~ this act, “absent voter” means a qualified and registered elector who ~~meets 1 or more of the following requirements:~~

~~(a) On account of physical disability, cannot without another’s assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on the day of an election.

~~(b) On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to~~ **ABSENT VOTER DOES NOT INCLUDE** a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year ~~does~~ **DO** not constitute a residence for voting purposes in this state, except for each of the following:

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a.

Sec. 759. (1) At any time during the 75 days before a primary **ELECTION** or special primary **ELECTION**, but not later than 2 p.m. of the Saturday immediately before the primary **ELECTION** or special primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter ~~, as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary **ELECTION** or special primary **ELECTION** may be for either that primary **ELECTION** only, or for that primary **ELECTION** and the election that follows.

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter ~~, as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the ~~voter stating the statutory grounds for making the application~~ **ELECTOR**.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the clerk, or other authorized election official. ~~shall not be in possession of a signed absent voter ballot application.~~ A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the **CLERK'S** office ~~of the clerk~~ at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

The primary **ELECTION** or special primary election to be held on ~~...., 19....~~.....[DATE].

The election to be held on ~~...., 19....~~.....[DATE].

(Check applicable election or elections)

I,....., a qualified and registered elector of the precinct of the township of or village of or of the ward of the city of, in the county of and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

~~I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.~~

~~I am physically unable to attend the polls without the assistance of another.~~

~~I cannot attend the polls because of the tenets of my religion.~~

~~I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.~~

~~I am 60 years of age or older.~~

~~I cannot attend the polls because I am confined to jail awaiting arraignment or trial.~~

~~(Check applicable reason)~~

Send absent voter ballot to me at:

.....
(Street No. or R.R.)

.....
(Post Office) (State) (ZIP CODE)

My registered address
(Street No. or R.R.)

.....
(Post Office) (State) (ZIP CODE)

Date.....

I ~~declare~~ **CERTIFY** that the statements in this absent voter ballot application are true.

.....
(Signature)

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the **CLERK'S** office ~~of the clerk~~ must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application

I certify that my name is, my address is, and my date of birth is; that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way;

that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) ~~In the event~~ **IF** an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor."

2. Amend page 16, following line 9, by inserting:

"Sec. 759b. (1) ~~Any~~ **A** registered elector may apply for **AN** absent voter ~~ballots~~ **BALLOT** at any time ~~prior to~~ **BEFORE** 4 p.m. on election day if ~~he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which~~ **AN EVENT** has occurred at a time ~~which has~~ **THAT** made it impossible to apply for **AN** absent voter ~~ballots~~ **BALLOT** by the statutory deadline. The application shall be called an emergency absent voter **BALLOT** application.

(2) Emergency absent voter **BALLOT** applications may be made by letter or on a form **PRESCRIBED BY THE SECRETARY OF STATE AND** provided by the clerk. The application shall set forth that the voter is qualified to vote in the election ~~, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline~~ **AN EVENT** occurred at ~~such~~ a time ~~to make~~ **THAT MADE** it impossible to file an application for **AN** absent voter ~~ballots~~ **BALLOT** by the statutory deadline. **THE SECRETARY OF STATE SHALL PRESCRIBE A STANDARD EMERGENCY ABSENT VOTER BALLOT APPLICATION FORM, INCLUDING THE SIZE OF THE FORM AND THE COLOR OF PAPER UPON WHICH THE FORM IS PRINTED.**

(3) ~~Any~~ **A** person intentionally making a false statement in ~~such~~ **AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a felony. ~~Any~~ **A** person aiding or abetting ~~any~~ **ANOTHER** person to make a false statement ~~on~~ ~~such~~ **IN AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a felony.

(4) Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ~~ballots~~ **ABSENT VOTER BALLOT** to the applicant in person, through a deputy or an election assistant, or ~~he may deliver them~~ at his **OR HER** office to a person named by the applicant in the **EMERGENCY ABSENT VOTER BALLOT** application. The **ABSENT** voter may return the ~~ballots~~ **ABSENT VOTER BALLOT** to the clerk ~~in the sealed envelope provided therefor~~ in any manner. ~~he sees fit.~~ **FOR AN ABSENT VOTER BALLOT TO** be valid, ~~ballots must be returned~~ **THE ABSENT VOTER MUST RETURN THE ABSENT VOTER BALLOT** to the clerk **IN THE SEALED ENVELOPE PROVIDED FOR THAT PURPOSE AND** in time to be delivered to the polls ~~prior to~~ **BEFORE** 8 p.m. on election day."

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 250**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 509o. (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file on or before January 1, 1997. The qualified voter file ~~shall be~~ **IS** the official file for the conduct of all elections held in this state on or after January 1, 1998. The secretary of state may direct that all or any part of the city, township, or village registration files shall be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.

(2) Notwithstanding any other provision of law to the contrary, beginning January 1, 1998, a person who appears to vote in an election and whose name appears in the qualified voter file for that city, township, village, or school district is considered a registered voter of that city, township, village, or school district under this act.

(3) The secretary of state, a designated voter registration agency, or a county, city, township, or village clerk shall not place a name of an individual into the qualified voter file unless that person signs an application as prescribed in section 509r(3). ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), THE** secretary of state or a designated voter registration agency shall not allow a person to indicate a different address than the address in either the secretary of state’s or designated voter registration agency’s files to be placed in the qualified voter file.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AN INDIVIDUAL MAY CHANGE THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR’S OR CHAUFFEUR’S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291 TO 28.300, WITHOUT CHANGING HIS OR HER ADDRESS FOR PURPOSES OF THE QUALIFIED VOTER FILE OR MAY CHANGE HIS OR HER ADDRESS ON THE QUALIFIED VOTER FILE WITHOUT CHANGING THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR’S OR CHAUFFEUR’S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291 TO 28.300.”

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 251**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Brown offered the following amendment:

1. Amend page 2, line 2, after “ON” by striking out the balance of the subsection and inserting “**JANUARY 15, 2008.**”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 252**Yeas—21**

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schauer's statement is as follows:

I appreciate the majority party trying to move this process forward. Democrats support Michigan being relevant in this important presidential-nominating process. However, there are a number of technical issues that remain to be resolved where there isn't a final agreement. So at this time, I will be voting "no" and am hopeful that, assuming that this bill moves, it's fixed in the House, and we have another opportunity to vote on a bill that actually does address those issues.

Senator Garcia's statement is as follows:

I had some concerns about this bill, primarily, because a year or two ago we passed legislation which required that we hold elections four times a year, one of them being in February, August, November, and, I believe, the other one is June. But I've been assured by the principal manager of this bill that the cost for the locals will be covered for this. For that reason, I will go ahead and vote for this bill.

I realize the importance that Michigan plays in the presidential arena, but, again, my concern was we just recently passed a law and there were costs involved for locals, and I believe they are going to be taken care of. So, therefore, I will vote for this bill.

Senator Brown's statement is as follows:

This amendment will ensure that our state is a player on the national stage in the 2008 presidential-election process by moving our primary to January 15th and making it one of the first in the nation. And why is this important? Our issues are of a critical nature. Certainly, this is true of our economy. We want the candidates running for President to take notice of Michigan.

In addition to unemployment and the economy, water and the environment, agricultural issues, our donor-state status, and so many more, these issues need to be relevant in the presidential process. We can make them relevant by placing Michigan in the forefront of our presidential sweepstakes.

Candidates hoping to win our early primary will have to address these issues. Additionally, such an influential primary will pump millions of dollars into our state in the form of organized campaigns, television and radio ads, debates, and multiple visits from candidates and staff on the ground. And, perhaps most importantly, it's an issue of fairness. Everyone, regardless of political party, agrees that the upcoming presidential election is immensely important to the future of our state and nation. Such an important decision should not be left to party insiders in caucuses. Every voter in Michigan should have the opportunity to cast a ballot.

I urge members to give Michigan a vital role in this process by supporting this amendment.

Recess

Senator Cropsey moved that the Senate recess until 1:30 p.m.

The motion prevailed, the time being 12:02 p.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Recess

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

The motion prevailed, the time being 1:32 p.m.

2:07 p.m.

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

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

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Kuipers 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 without amendment, the following bills:

Senate Bill No. 655, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 61 (MCL 169.261), as amended by 1993 PA 262.

Senate Bill No. 657, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21506a (MCL 324.21506a), as amended by 2006 PA 318.

Senate Bill No. 675, entitled

A bill 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.

Senate Bill No. 676, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 17a (MCL 474.67a), as added by 2001 PA 126.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 656, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2006 PA 69.

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

Senate Bill No. 655

Senate Bill No. 656

Senate Bill No. 657

Senate Bill No. 675

Senate Bill No. 676

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

The following bill was read a third time:

Senate Bill No. 655, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 61 (MCL 169.261), as amended by 1993 PA 262.

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. 253

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Jacobs

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 656, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2006 PA 69.

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. 254

Yeas—28

Allen	Cassis	Hardiman	Richardville
Barcia	Cherry	Jansen	Sanborn
Basham	Clarke	Jelinek	Schauer
Birkholz	Cropsey	Kuipers	Stamas
Bishop	George	Olshove	Switalski
Brater	Gilbert	Pappageorge	Van Woerkom
Brown	Gleason	Patterson	Whitmer

Nays—9

Anderson
Clark-Coleman
Garcia

Hunter
Kahn

McManus
Prusi

Scott
Thomas

Excused—0**Not Voting—1**

Jacobs

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 657, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21506a (MCL 324.21506a), as amended by 2006 PA 318.

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. 255**Yeas—26**

Barcia
Birkholz
Bishop
Brown
Cassis
Cherry
Clarke

Cropsey
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jelinek
Kuipers
Olshove
Pappageorge
Richardville
Sanborn

Schauer
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—12

Allen
Anderson
Basham

Brater
Clark-Coleman
Garcia

Jansen
Kahn
McManus

Patterson
Prusi
Scott

Excused—0**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 675, entitled

A bill 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.

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. 256

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 676, entitled

A bill to amend 1976 PA 295, entitled “State transportation preservation act of 1976,” by amending section 17a (MCL 474.67a), as added by 2001 PA 126.

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. 257

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 2:33 p.m.

4:04 p.m.

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

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 Kuipers 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:

Senate Bill No. 235, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 7, following line 11, by inserting:

“Sec.110. BUDGETARY SAVINGS

Budgetary savings.....	\$	<u>(862,000)</u>
GROSS APPROPRIATION.....	\$	(862,000)

Appropriated from:

State general fund/general purpose	\$	(862,000)”
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and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 8, line 26, by striking all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

3. Amend page 10, line 6, by striking all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

4. Amend page 17, following line 13, by inserting:

“Sec. 232. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”.

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

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

Senate Bill No. 238, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 13, following line 16, by inserting:

“Sec. 115. BUDGETARY SAVINGS

Budgetary savings.....	\$ (7,225,500)
GROSS APPROPRIATION.....	\$ (7,225,500)

Appropriated from:

State general fund/general purpose	\$ (7,225,500)”
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and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 15, line 20, by striking all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

3. Amend page 16, line 27, by striking all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

4. Amend page 27, following line 7, by inserting:

“Sec. 239. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 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; and to provide for the disposition of fees and other income received by the state agency.

Substitute (S-1).

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

1. Amend page 11, following line 22, by inserting:

“Sec. 114. BUDGETARY SAVINGS

Budgetary savings.....	\$	(11,929,600)
GROSS APPROPRIATION.....	\$	(11,929,600)

Appropriated from:

State general fund/general purpose	\$	(11,929,600)”
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and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 13, line 13, by striking out all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

3. Amend page 15, line 6, by striking out all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

4. Amend page 29, following line 24, by inserting:

“Sec. 281. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”.

5. Amend page 59, following line 11, by inserting:

“Sec. 573. From the money appropriated in part 1, the department shall allow a community collaborative to use strong families safe children program funds for a prevention program that meets standards agreed upon between the community collaborative and county department offices in accordance with federal regulations regarding expenditure of strong families safe children program funds.”.

6. Amend page 88, following line 21, by inserting:

“(7) From the state funds appropriated in part 1 for child support enforcement, not less than \$9,570,000.00 shall be used to be paid to counties for use as the local/state match for federal Title IV-D services provided by the friend of the court and prosecuting attorney. The money is to be used to offset the net effect of the federal deficit reduction act that prohibits the use of federal performance incentive funds paid to the state as local/state match funds.”.

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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

- Senate Bill No. 232**
- Senate Bill No. 235**
- Senate Bill No. 238**

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

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 1, line 1, by striking out all of part 1 and inserting:

“PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of human services for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF HUMAN SERVICES

APPROPRIATION SUMMARY:

Full-time equated classified positions.....	10,601.2	
Unclassified positions	5.0	
Total full-time equated positions	10,606.2	
GROSS APPROPRIATION.....		\$ 4,558,275,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....	2,416,000	

ADJUSTED GROSS APPROPRIATION	\$ 4,555,859,700
Federal revenues:	
Total federal revenues.....	3,116,678,300
Special revenue funds:	
Total private revenues.....	9,039,200
Total local revenues.....	65,255,800
Total other state restricted revenues.....	67,528,600
State general fund/general purpose	\$ 1,297,357,800
Sec. 102. EXECUTIVE OPERATIONS	
Total full-time equated positions	475.3
Full-time equated unclassified positions.....	5.0
Full-time equated classified positions.....	470.3
Unclassified salaries—5.0 FTE positions.....	\$ 537,200
Salaries and wages—328.3 FTE positions	18,939,300
Contractual services, supplies, and materials.....	5,901,700
Demonstration projects—9.0 FTE positions	7,857,300
Inspector general salaries and wages—106.0 FTE positions.....	5,752,400
Electronic benefit transfer EBT	7,333,600
Office of professional development—12.0 FTE positions	2,352,200
Michigan community service commission—15.0 FTE positions.....	9,733,700
State office of administrative hearings and rules	3,538,000
GROSS APPROPRIATION.....	\$ 61,945,400
Appropriated from:	
Federal revenues:	
Total federal revenues.....	40,330,300
Special revenue funds:	
Total private revenues.....	2,199,600
Total local revenues.....	175,000
Total other state restricted revenue	25,000
State general fund/general purpose	\$ 19,215,500
Sec. 103. CHILD SUPPORT ENFORCEMENT	
Full-time equated classified positions.....	213.7
Child support enforcement operations—207.7 FTE positions	\$ 23,636,900
Legal support contracts.....	138,753,600
Child support incentive payments	32,409,600
State distribution unit—6.0 FTE positions	18,505,800
GROSS APPROPRIATION.....	\$ 213,305,900
Appropriated from:	
Federal revenues:	
Total federal revenues.....	186,113,100
Special revenue funds:	
Total local revenues.....	340,000
Total restricted revenues	2,625,000
State general fund/general purpose	\$ 24,227,800
Sec. 104. COMMUNITY ACTION AND ECONOMIC OPPORTUNITY	
Full-time equated classified positions.....	17.0
Bureau of community action and economic opportunity—17.0 FTE positions	\$ 1,920,700
Community services block grant.....	24,218,000
Weatherization assistance	18,418,700
GROSS APPROPRIATION.....	\$ 44,557,400
Appropriated from:	
Federal revenues:	
Total federal revenues.....	44,557,400
Special revenue funds:	
State general fund/general purpose	\$ 0
Sec. 105. ADULT AND FAMILY SERVICES	
Full-time equated classified positions.....	76.2
Executive direction and support—6.0 FTE positions	\$ 525,700
Domestic violence prevention and treatment—5.5 FTE positions	14,684,200

Rape prevention and services.....	2,600,000
Guardian contract	600,000
Adult services policy and administration—6.0 FTE positions	625,700
Income support policy and administration—28.7 FTE positions.....	4,716,700
Employment and training support services	30,259,300
Wage employment verification reporting	848,700
Urban and rural empowerment/enterprise zones	100
Nutrition education.....	13,100,000
Crisis prevention and elder law of Michigan food for the elderly project.....	70,000
Jobs, education and training expansion—30.0 FTE positions	17,980,800
GROSS APPROPRIATION.....	\$ 86,011,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG from DCH - crime victims fund.....	1,300,000
Federal revenues:	
Total federal revenues.....	51,545,700
Special revenue funds:	
State general fund/general purpose	\$ 33,165,500
Sec. 106. CHILDREN'S SERVICES	
Full-time equated classified positions.....	100.2
Salaries and wages—43.7 FTE positions	\$ 2,734,900
Contractual services, supplies, and materials.....	936,300
Foster care payments	137,021,100
Wayne County foster care payments	49,687,200
Adoption subsidies	237,375,700
Adoption support services—7.7 FTE positions.....	11,629,200
Youth in transition—2.0 FTE positions	13,263,700
Interstate compact.....	231,600
Children's benefit fund donations	21,000
Teenage parent counseling.....	3,815,800
Strong families/safe children	14,908,100
Family preservation and prevention services—32.8 FTE positions	51,303,700
Children's trust fund administration—9.0 FTE positions.....	1,027,300
Children's trust fund grants	3,825,100
ECIC, early childhood investment corporation	14,823,000
Attorney general contract	3,329,300
Prosecuting attorney contracts	1,061,700
Subsidized guardianship program	4,575,000
Marriage and fatherhood initiatives	2,100,000
Child protection—5.0 FTE positions	800,000
GROSS APPROPRIATION.....	\$ 554,469,700
Appropriated from:	
Federal revenues:	
Total federal revenues.....	324,128,100
Special revenue funds:	
Private - children's benefit fund donations	21,000
Private - collections	3,100,000
Local funds - county chargeback	33,578,500
Children's trust fund.....	3,801,600
State general fund/general purpose	\$ 189,840,500
Sec. 107. JUVENILE JUSTICE SERVICES	
Full-time equated classified positions.....	635.5
High security juvenile services—268.0 FTE positions.....	\$ 25,996,100
Medium security juvenile services—254.0 FTE positions	23,901,200
Community juvenile justice centers—37.0 FTE positions.....	3,460,100
Child care fund.....	200,000,000
Child care fund administration—5.8 FTE positions.....	772,300
County juvenile officers	3,890,400
Community support services—2.0 FTE positions	1,495,600

Juvenile justice field staff, administration and maintenance—50.0 FTE positions.....	6,858,200
Federally funded activities—13.7 FTE positions	1,859,500
W.J. Maxey memorial fund.....	45,000
Juvenile accountability incentive block grant—1.0 FTE positions.....	1,297,600
Committee on juvenile justice administration—4.0 FTE positions	510,300
Committee on juvenile justice grants.....	5,000,000
GROSS APPROPRIATION.....	\$ 275,086,300

Appropriated from:

Federal revenues:

Total federal revenues.....	96,131,200
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Special revenue funds:

Total private revenues.....	45,000
Local funds - state share education funds	3,103,400
Local funds - county chargeback	26,246,900
State general fund/general purpose	\$ 149,559,800

Sec. 108. LOCAL OFFICE STAFF AND OPERATIONS

Full-time equated classified positions.....	8,300.9
Field staff, salaries and wages—8,019.1 FTE positions.....	\$ 405,350,800
Contractual services, supplies, and materials.....	17,282,300
Medical/psychiatric evaluations	6,300,000
Donated funds positions—131.0 FTE positions	10,769,400
Training and program support—62.0 FTE positions	8,340,900
Food stamp reinvestment—78.8 FTE positions.....	7,343,800
Wayne County gifts and bequests	100,000
Volunteer services and reimbursement.....	1,294,900
SSI advocates—10.0 FTE positions.....	888,700
GROSS APPROPRIATION.....	\$ 457,670,800

Appropriated from:

Interdepartmental grant revenues:

Federal revenues:

Total federal revenues.....	259,859,400
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Special revenue funds:

Local funds - donated funds	1,812,000
Private funds - donated funds	643,900
Private funds - Wayne County gifts	100,000
Private funds - hospital contributions	2,929,700
Supplemental security income recoveries	675,200
State general fund/general purpose	\$ 191,650,600

Sec. 109. DISABILITY DETERMINATION SERVICES

Full-time equated classified positions.....	568.4
Disability determination operations—545.9 FTE positions.....	\$ 82,346,600
Medical consultation program—18.4 FTE positions	2,660,900
Retirement disability determination—4.1 FTE positions	827,000
GROSS APPROPRIATION.....	\$ 85,834,500

Appropriated from:

Interdepartmental grant revenues:

IDG from DMB - office of retirement systems	1,116,000
ADJUSTED GROSS APPROPRIATION	\$ 84,718,500

Appropriated from:

Federal revenues:

Total federal revenues.....	81,911,500
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Special revenue funds:

State general fund/general purpose	\$ 2,807,000
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Sec. 110. CENTRAL SUPPORT ACCOUNTS

Rent.....	\$ 41,581,300
Occupancy charge.....	8,910,500
Travel	5,584,600
Equipment	277,300
Worker's compensation.....	4,259,000

Advisory commissions.....	17,900
Human resources optimization user charges	652,000
Payroll taxes and fringe benefits.....	258,909,900
GROSS APPROPRIATION.....	\$ 320,192,500
Appropriated from:	
Interdepartmental grant revenues:	
ADJUSTED GROSS APPROPRIATION	\$ 0
Federal revenues:	
Total federal revenues.....	187,248,400
Special revenue funds:	
State general fund/general purpose	\$ 132,944,100
Sec. 111. OFFICE OF CHILDREN AND ADULT LICENSING	
Full-time equated classified positions.....	219.0
AFC, children's welfare and day care licensure—219.0 FTE positions.....	\$ 23,750,900
GROSS APPROPRIATION.....	\$ 23,750,900
Appropriated from:	
Federal revenues:	
Total federal revenues.....	11,928,100
Special revenue funds:	
Restricted - licensing fees.....	832,900
Restricted - health systems fees and collections	499,400
State general fund/general purpose	\$ 10,490,500
Sec. 112. PUBLIC ASSISTANCE	
Full-time equated classified positions	2.9
Family independence program	\$ 376,741,500
State disability assistance payments	36,369,700
Food assistance program benefits	1,221,340,900
State supplementation.....	58,692,000
State supplementation administration	2,477,100
Low-income home energy assistance program.....	116,451,600
Food bank funding.....	525,000
Homeless shelter contracts	11,646,700
Multicultural assimilation funding.....	1,715,500
Indigent burial	4,431,900
Emergency services local office allocations.....	21,865,500
Refugee assistance program—2.9 FTE positions	12,715,800
Day care services.....	416,027,400
GROSS APPROPRIATION.....	\$ 2,281,000,600
Appropriated from:	
Federal revenues:	
Total federal revenues.....	1,734,671,700
Special revenue funds:	
Child support collections	46,141,200
Supplemental security income recoveries	9,318,300
Public assistance recoupment revenue	3,610,000
State general fund/general purpose	\$ 487,259,400
Sec. 113. INFORMATION TECHNOLOGY	
Information technology services and projects.....	\$ 100,905,300
Child support automation	53,545,200
GROSS APPROPRIATION.....	\$ 154,450,500
Appropriated from:	
Federal revenues:	
Total federal revenues.....	98,253,400
Special revenue funds:	
State general fund/general purpose	\$ 56,197,100".

2. Amend page 12, line 3, after "is" by striking out "\$1,336,495,600.00" and inserting "1,364,886,400.00".

3. Amend page 30, line 14, by striking out all of sections 303 and 304.

4. Amend page 32, line 1, by striking out all of section 307.

5. Amend page 37, line 1, by striking out all of sections 420, 423(1) and (3), and 424.

- 6. Amend page 37, line 10, by striking out “(2)”.
 - 7. Amend page 40, line 24, by striking out all of subdivision (a) and inserting:
“(a) Placement in an out-of-state facility is in the best interest of the child.”
 - 8. Amend page 51, line 22, after “for” by striking out “new”.
 - 9. Amend page 51, line 23, after “of” by striking out “\$27.00” and inserting “\$19.40”
 - 10. Amend page 55, line 8, by striking out all of section 566.
 - 11. Amend page 56, line 9, by striking out all of section 568.
 - 12. Amend page 64, line 20, by striking out all of section 613 and inserting:
“Sec. 613. From the funds appropriated in part 1 for state emergency relief, the maximum allowable reimbursement limit for indigent burials shall be \$680.00. The funds shall be distributed as follows: \$435.00 for funeral directors; \$145.00 for cemeteries or crematoriums; and \$100.00 for the provider of the vault.”
 - 13. Amend page 72, line 17, by striking out all of section 658.
 - 14. Amend page 83, line 10, by striking out all of sections 721, 722, 723, and 724.
 - 15. Amend page 89, line 22, by striking out sections 904, 905, 906, and 907.
- The amendments were not adopted, a majority of the members serving not voting therefor.
Senator Thomas requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 258

Yeas—17

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: President

Senator Scott offered the following amendments:

- 1. Amend page 11, line 5, by striking out “416,153,900” and inserting “439,753,900”.
- 2. Amend page 11, line 6, by striking out “2,257,874,700” and inserting “2,281,474,700”.
- 3. Amend page 11, line 14, by striking out “466,057,800” and inserting “489,657,800” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 259**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: President

Protest

Senator Patterson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Scott to Senate Bill No. 232.

Senator Patterson's statement is as follows:

I concurred with the Governor's position on the earlier vote.

Senator Gleason offered the following amendment:

1. Amend page 85, following line 21, by inserting:

“Sec. 725. Notwithstanding the provisions of sections 719 to 724, the department shall not contract with private providers of juvenile justice services for direct delinquency services for children and youth at any of the following facilities: W.J. Maxey Boys Training School, Bay Pines Center, Flint House Community Juvenile Center, and Pine Lodge Community Juvenile Center. The department shall place the delinquent youth in the state-operated facilities as required by their service needs.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 260**Yeas—17**

Anderson	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Olshove	Switalski
Brater	Gleason	Prusi	Thomas

Brown
Cherry

Hunter

Schauer

Whitmer

Nays—21Allen
Barcia
Birkholz
Bishop
Cassis
CropseyGarcia
George
Gilbert
Hardiman
JansenJelinek
Kahn
Kuipers
McManus
PappageorgePatterson
Richardville
Sanborn
Stamas
Van Woerkom**Excused—0****Not Voting—0**

In The Chair: President

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. 261**Yeas—22**Allen
Barcia
Birkholz
Bishop
Cassis
CropseyGarcia
George
Gilbert
Hardiman
Jansen
JelinekKahn
Kuipers
McManus
Olshove
PappageorgePatterson
Richardville
Sanborn
Stamas
Van Woerkom**Nays—16**Anderson
Basham
Brater
BrownCherry
Clark-Coleman
Clarke
GleasonHunter
Jacobs
Prusi
SchauerScott
Switalski
Thomas
Whitmer**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Cherry and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 232 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I rise to voice my opposition to Senate Bill No. 232. There are so many reasons I’m voting “no.” I don’t know that I’ll be able to talk about all of them. But the first is that privatization does not work. Privatization hasn’t worked in other areas of government, and I don’t think we should continue this experiment on children. There are examples across the board of the state contracting out work that has cost the state more money.

Michigan experimented with a privatized prison in Baldwin. The result was the most expensive per-prisoner cost in the state. The 1997 privatization of the state’s liquor distribution system cost taxpayers between \$6 million and \$15 million in lost revenue in that year alone.

As a privatization pilot program, a three-year contract for road maintenance was awarded to ABC, even though its bid was nearly 30 percent higher than the MDOT engineering estimate. After that project failed to provide savings to the state, the contract was extended for another three years. A Senate Fiscal Agency report now indicates that the state paid ABC nearly twice what it would have cost had MDOT employees done the work.

Production of the Michigan Natural Resources magazine was outsourced in a so-called revenue-generating contract. A private firm was supposed to pay the state \$10,000 a month and maintain the magazine circulation at 100,000. The firm did not keep up its payments to the state, and the magazine circulation dropped dramatically and then shut down altogether.

The private sector does not have a magic wand to reduce costs. Not every venture in this world is profitable, not monetarily, but that does not mean it is not worth doing. If we are considering this dangerous route, perhaps we would be better served to address the lack of revenue that is causing this debate. These companies are out to make a profit, and they will only put the children they are supposed to be protecting first if they make money doing so. That’s not how I want my state making decisions about the welfare of children.

In addition, this budget cuts childcare in this state dramatically, as was discussed by another Senator, and as we saw in the amendments that have occurred on General Orders, we’ve cut an additional \$11 million at a time when we are also saying that counties will be restored. We are fooling ourselves and fooling county government. I think they will catch on. Once again, this is a budget that, as I said earlier, we have given away our responsibility to determine where cuts should be made. If you want to make cuts, you should be able to say where you want those cuts to be made. This budget does not do that. It is not a good budget for children. It’s not a good budget for the state of Michigan, and I urge my colleagues to vote “no.”

Senator Scott’s statement is as follows:

As the minority vice chair of the DHS subcommittee, I want to say that I appreciate the good working relationship that the chair and I have had over the years. I admire and respect his commitment to his position as chair of this important committee. However, I rise to challenge the privatization of this budget bill. While its intent is cost savings, Senate Bill No. 232 would also come with a high cost.

These foster care workers interact directly with more than 18,000 foster care children in the system. Our No. 1 goal is to give foster children the most stable living and learning environment possible. To change that person the child has come to trust or to change the school or to change the bed that the child sleeps in at night disrupts the life of the child significantly. Imagine how you would have felt at age 6 or 8 or 12 if you were taken from your parents and put in a stranger’s home. You would have to adjust to a whole new family structure. You may have to go to a new school and make all new friends. Now imagine that. Just as you became comfortable in this new situation, someone deemed it more cost effective to move you again. It’s another new home with another new family and yet another new school—maybe even apart from your brother and sister. Once or twice is traumatic, but five or six times can be devastating. How would it affect your school performance, your social skills, or your trust in adults or authority? This is the hidden cost of privatization.

As we’ve seen in the recent past, children’s lives are on the line. I recently witnessed a sign at a Capitol protest against this bill that said, “Children are more than money.” This is not the time to experiment with untested and unproven strategies and fixes. Let us rather find solutions to improve the existing system that is already in place. This is neither the place nor the time to experiment, especially when the failure is the result in the lives of our precious children, our most vulnerable citizens.

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

The motion prevailed.

Senator Gleason's statement is as follows:

I served eight years on the Genesee County Board of Commissioners and I noticed that many obligations were passed down from the state of Michigan to the county. When I look at this math here today regarding this legislation, it looks like the possibility or the reality upon further review that we could be passing on to counties over a \$10 million obligation where they would have oversight of the privatization of these facilities.

It's troublesome enough when families have to deal with family members who have reached a stage in their lives where they are looking out and reaching out for a helping hand, and yet, we as a state will turn this obligation and the care of these Michigan citizens over to a private concern. If the state of Michigan is going to put a priority on our citizenship, we should put it on our most vulnerable citizens; those who will be affected by the privatization are such citizens.

I would ask for a concurrence vote of "yes" in regard to this amendment. Two clear issues rise in this amendment and this legislation that we are trying to remedy with this amendment. One is the vulnerability of our youth and those who already have a compromised life and should rely on the state of Michigan for support; and also, again, the financial obligation that we're going to pass on to a lower level of government. There really isn't a state savings because we are going to be affecting the taxpayers. Whether it is a state obligation or a county obligation, there are still Michigan citizens who will take on the responsibility with their tax dollars.

I ask for support of this amendment by the membership of the Senate.

Senator Hardiman's first statement is as follows:

I rise to oppose the amendment. While I can appreciate the Senator's passion for children, I also have a passion for children. This bill will address a few things. One thing it will not do is it will not move kids from their foster homes. That is not part of this bill. It's the foster care workers who will change, but the change will bring about a few things: one, performance-based contracting which will help to improve quality; two, the use of national accrediting standards which will also help to assure quality which DHS is not accredited; third, it will draw more federal dollars which will help us to provide more services for more children. It's important that we move forward, so we do not continue to do the same thing over and over again and expect different results. This bill will do that. It is compassionate in the way that it addresses the issues, and I believe it improves quality.

I would ask for the body to turn down this amendment which would undo privatization. One more comment, we are already privatized in this state. My bill would provide more privatization for better quality and less cost.

Senator Hardiman's second statement is as follows:

I appreciate the Senator from the 2nd District and her sentiments on this issue. The Governor proposed reducing the billable hours as we have it reflected in the bill, and adopting the Scott amendment would add additional costs. I would ask that the body concur with the Governor's amendment on this item and defeat the Scott amendment.

Senator Hardiman's third statement is as follows:

I rise to oppose the amendment. The bill that is before you does provide for improved quality of service. I've already talked about national accreditation; I've already talked about performance-based contracting. We are already contracting the private organizations for these services. This only increases that. The argument that we're giving away our responsibility does not hold water.

Finally, I'm looking at a document that shows some of the increased costs for public services, the rates that were published just very recently: a rise for Maxey Training School from \$413 per day to \$553 per day. You do the math, 365 days a year.

Yes, we do want to provide excellent service. We're already doing that through using a variety of private providers, but we're doing that at a lower cost. I ask for the body to defeat this amendment.

Senator Hardiman's fourth statement is as follows:

I certainly appreciate the debate because this is a very important topic. I ask that my previous remarks and these remarks be printed in the Journal. My previous remarks spoke to the quality issues which this bill addresses. It's about quality and it's about improving the system for children. It is not about trying to do the same thing and end up with the same results.

I've already made my statements, and I simply ask for this body to approve this bill and let us move our system forward in providing for children and families.

The following bill was read a third time:

Senate Bill No. 235, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department

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

The 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. 262

Yeas—20

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

Nays—18

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 235

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 232

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 238, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The 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. 263**Yeas—21**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—17

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Cherry, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 238 and moved that the statement she made during the discussion of the bill be printed as her reason for voting “no.” The motion prevailed.

Senator Cherry’s statement is as follows:

I also will be voting “no” on the State Police budget. If you remember, we added dollars to the State Police budget because we were so concerned that we have enough troopers for public safety in this state. This budget cuts money in the State Police budget more than what we had originally said in the Senate Appropriations Committee. It’s unsafe. It’s also silly to make budget cuts without even knowing where the cuts are going to come from.

I, again, am going to be voting “no.”

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 238

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

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 Kuipers 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:

Senate Bill No. 222, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

Substitute (S-1).

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

- 1. Amend page 6, following line 1, by inserting:
 “Viral hemorrhagic septicemia surveillance 125,000”.
- 2. Amend page 6, line 7, by striking out “1,127,300” and inserting “1,252,300”.
- 3. Amend page 7, line 6, by striking out “2,667,400” and inserting “2,667,300”.
- 4. Amend page 7, following line 6, by inserting:
 “Livestock facility construction certification..... 100”.
- 5. Amend page 11, following line 17, by inserting:
 “Sec. 113. BUDGETARY SAVINGS
 Budgetary savings \$ (539,300)
 GROSS APPROPRIATION \$ (539,300)
 Appropriated from:
 State general fund/general purpose \$ (539,300)”

and adjusting the subtotals, totals, and section 201 accordingly.

- 6. Amend page 13, line 8, by striking out all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

- 7. Amend page 14, line 6, by striking out all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

- 8. Amend page 19, following line 6, by inserting:

“Sec. 230. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”.

9. Amend page 24, following line 12, by inserting:

“Sec. 457. On or before October 15, 2007, and on a monthly basis thereafter, the department shall report to the senate and house agriculture committees, the senate and house appropriations subcommittees on agriculture, and the senate and house fiscal agencies on the department’s progress toward meeting the USDA requirements as outlined in the March 2007 bovine TB program review. The report shall include, but is not limited to, information and data on: wildlife risk mitigation plan implementation in the modified accredited zone; implementation of a movement certificate process; progress toward annual surveillance test requirements set out in the June 2007 MOU; compliance efforts and rates for animals crossing the Mackinac Bridge; efforts to work with slaughter facilities in Michigan, as well as those that slaughter a significant number of animals from Michigan; educational programs and information for Michigan’s livestock community; any other item the legislature should be aware of that will promote or hinder efforts to achieve bovine TB-free status for Michigan.”.

10. Amend page 28, following line 9, by inserting:

“Sec. 712. From the appropriation in section 109 for agriculture development, 20% of federal funds received through the specialty crop block grant program of the United States department of agriculture shall be used to support the sale of specialty crops at farm markets and agricultural tourism activities.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 229, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

Substitute (S-3).

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

1. Amend page 6, following line 2, by inserting:

“(4) BUDGETARY SAVINGS

Budgetary savings.....	\$	(672,000)
GROSS APPROPRIATION	\$	(672,000)
Appropriated from:		
State general fund/general purpose	\$	(672,000)”.

2. Amend page 7, following line 10, by inserting:

“(4) BUDGETARY SAVINGS

Budgetary savings.....	\$	(258,800)
GROSS APPROPRIATION	\$	(258,800)
Appropriated from:		
State general fund/general purpose	\$	(258,800)”.

3. Amend page 9, following line 10, by inserting:

“(4) BUDGETARY SAVINGS

Budgetary savings.....	\$	(95,500)
GROSS APPROPRIATION	\$	(95,500)
Appropriated from:		
State general fund/general purpose	\$	(95,500)”.

4. Amend page 16, following line 3, by inserting:

“(3) BUDGETARY SAVINGS

Budgetary savings.....	\$	(162,600)
GROSS APPROPRIATION	\$	(162,600)
Appropriated from:		
State general fund/general purpose	\$	(162,600)”.

5. Amend page 20, following line 17, by inserting:

“(8) BUDGETARY SAVINGS

Budgetary savings.....	\$	(620,500)
GROSS APPROPRIATION	\$	(620,500)
Appropriated from:		
State general fund/general purpose	\$	(620,500)”.

6. Amend page 26, following line 8, by inserting:

“(9) BUDGETARY SAVINGS

Budgetary savings.....	\$ (2,584,000)
GROSS APPROPRIATION.....	\$ (2,584,000)
Appropriated from:	
State general fund/general purpose	\$ (2,584,000)”.

7. Amend page 32, line 25, by striking out “395,885,000” and inserting “400,885,000”.

8. Amend page 33, line 3, by striking out “1,081,352,000” and inserting “1,086,352,000”.

9. Amend page 33, following line 18, by inserting:

“(14) BUDGETARY SAVINGS

Budgetary savings.....	\$ (477,900)
GROSS APPROPRIATION.....	\$ (477,900)
Appropriated from:	
State general fund/general purpose	\$ (477,900)”

and adjusting the subtotals, totals, and section 201 accordingly.

10. Amend page 37, line 8, by striking out all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

11. Amend page 38, line 9, by striking out all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

12. Amend page 42, following line 24, by inserting:

“Sec. 222. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”.

13. Amend page 83, following line 11, by inserting:

“Sec. 824. From the funds appropriated in part 1 to the department of state, branch operations, the department shall maintain a full service secretary of state branch office in Buena Vista Township.

Sec. 825. From the funds appropriated in part 1 to the department of state, branch operations, the department shall maintain a full service secretary of state branch office in Milan.

Sec. 826. From the funds appropriated in part 1 to the department of state, branch operations, the department shall maintain a secretary of state branch office in each location that existed on August 1, 2007.”.

14. Amend page 94, line 16, after “and” by striking out the balance of the sentence and inserting “state agency accounts, and all active business tax accounts older than 36 months.”.

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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 229

Senate Bill No. 222

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

The following bill was read a third time:

Senate Bill No. 229, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,

Senator Anderson offered the following amendment:

1. Amend page 46, following line 23, by inserting:

“Sec. 312. All money or other proceeds received by the department of attorney general for debts due or penalties forfeited to the people of this state, or deriving from the settlement of any lawsuit entered into by the attorney general on behalf of a state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or an individual acting on behalf of the executive branch of state government against a private individual or business or any other private organization, shall be immediately deposited in conformity with MCL 14.33 and shall not be available for expenditure or disbursement until appropriated.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 264

Yeas—17

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: President

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. 265

Yeas—21

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Cherry, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 229 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I am going to be voting “no” on Senate Bill No. 229 and I ask my colleagues to do so also. This bill, as we talked about earlier, has major cuts to the departments, including a significant cut to DMB, which has resulted in millions and millions of dollars of savings because of the government efficiencies that that department has led. It makes little sense to me to cut in departments that are actually saving the state money.

In addition, as we have talked about in the other bills, there is a \$5 million cut across the board. While we have restored revenue sharing on one hand, we're cutting the same amount of money from this budget on the other hand. I believe that local governments will not be fooled by such action. We need to stand up to the kinds of cuts that we want to make. If we're going to make cuts, we should be saying exactly what they are. I ask my colleagues to vote "no."

Senators Richardville 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 Richardville's statement is as follows:

I rise today to encourage my colleagues to vote "yes" on this bill and also to thank them for supporting my earlier amendment to keep the Secretary of State branch office in Milan, Michigan, open. That office is a very efficient operation that serves the needs of the people of southern Washtenaw, northern Monroe, and northeast Lenawee counties, and consolidating the office would be a great disservice to the many thousands of people in that area. In addition, public transportation in this area is scarce and the closing of the office would be a great burden, especially to the senior citizens and to the disabled.

I spoke with Secretary Land personally about this and her staff several times. I know that she's worked hard to further modernize operations of the Department of State, and I applaud many of her efforts. However, on this particular branch office issue, I have to respectfully disagree with the Secretary. I remain in favor of reforming state government and making necessary reforms to help Michigan's economy, but closing the Milan branch office that provides great service for area residents is not the right answer.

I thank members once again for supporting the amendment.

Senator Kahn's statement is as follows:

I, too, come to talk about a local Secretary of State branch office—the one in Buena Vista Township—and to thank my colleagues for the passage of the amendment restoring it and to ask for passage of this bill which maintains that office.

The Buena Vista Secretary of State office has over 75,000 transactions a year. It's the second-busiest one in Saginaw County. It serves working-class families and seniors, those on a fixed income, and those who are immobile. Secretary of State Land has worked hard for our state in a time when there are budget deficits and little money. I appreciate her efforts. I've talked to her many times about this particular branch office, and I disagree with her decision in closing it, although I, in general, applaud most of her efforts.

We're looking now at an office that serves not just Buena Vista Township. A few years ago, the other office on the east side of Saginaw County that is in the city of Saginaw was closed, and therefore, closure of this particular office would be a double blow to eastern Saginaw County and would have disadvantaged nearly 125,000 people.

I thank my colleagues for their vote on the amendment and look forward to final passage of this bill.

By unanimous consent the Senate returned 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, Lieutenant Governor Cherry, designated Senator Kuipers 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:

Senate Bill No. 240, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

- 1. Amend page 9, line 9, by striking out "29,618,400" and inserting "29,618,300".
- 2. Amend page 9, following line 9, by inserting:
"Structurally deficient bridges..... 100".
- 3. Amend page 10, following line 17, by inserting:
"Airport infrastructure, safety, protection, and operations 100".

4. Amend page 10, line 26, by striking out “7,810,500” and inserting “7,810,600” and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 15, line 4, by striking out all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

6. Amend page 16, line 16, by striking out all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

7. Amend page 28, line 10, by striking out all of section 384 and inserting:

“Sec. 384. (1) Notwithstanding any other provision of law, the state transportation department shall not, directly or indirectly, expend any funds appropriated in part 1 of this bill to continue the Detroit River international crossing study project nor further participate in any manner whatsoever with the border transportation partnership, unless the following conditions are met:

(a) The senate and house appropriations committees hold hearings on the involvement of the department on the Detroit River international crossing study project at which time the department shall present an accounting of past and future, direct and indirect expenditure of funds.

(b) The passage of a concurrent resolution that acknowledges that the department has justified past and future, direct and indirect appropriations of the Detroit River international crossing study project.

(2) Notwithstanding any other provision of law, the state transportation department shall not, directly or indirectly, expend any funds appropriated in 2006 PA 345, 2005 PA 158, 2004 PA 361, 2003 PA 162, or 2002 PA 561 to continue the Detroit River international crossing study project nor further participate in any manner whatsoever with the border transportation partnership, unless the following conditions are met:

(a) The senate and house appropriations committees hold hearings on the involvement of the department on the Detroit River international crossing study project at which time the department shall present an accounting of past and future, direct and indirect expenditure of funds.

(b) The passage of a concurrent resolution that acknowledges that the department has justified past and future, direct and indirect appropriations of the Detroit River international crossing study project.

(3) Within 10 days of the effective date of this act, the department shall submit a report to the senate and house of representatives appropriations subcommittees on transportation and to the state transportation commission that identifies the source and use of all funds attributable to or expended in furtherance of the Detroit River international crossing study or the border transportation partnership. The report shall include copies of all contracts, agreements, and expenses associated with the project from October 1, 2003 to June 30, 2007.”.

8. Amend page 32, following line 16, by inserting:

“Sec. 505. From the funds appropriated in part 1 for structurally deficient bridges, the department shall utilize such appropriations to repair or replace bridges in Michigan which have been rated as structurally deficient under the national bridge inventory ratings scale.”.

9. Amend page 35, line 1, after "January 1," by striking out "2007" and inserting "2008".

10. Amend page 37, line 12, by striking out all of section 659 and inserting:

"Sec. 659. For pavement projects for which there are no Michigan actual historic project maintenance, repair, and resurfacing schedules and costs as recorded by the pavement management system, the department may use actual historical and comparable data for equivalent designs from states with similar climates, soil structures, and vehicle traffic."

11. Amend page 39, line 20, after "September 30," by striking out "2007" and inserting "2008".

12. Amend page 43, line 19, after "performance." by striking out the balance of the 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:

Senate Bill No. 240

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

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

Senate Bill No. 240

Senate Bill No. 222

The motion prevailed.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 229

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Basham offered the following amendment:

1. Amend page 28, line 10, by striking out all of section 384.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 266

Yeas—18

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter
Jacobs

Olshove
Patterson
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Nays—20

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

Excused—0**Not Voting—0**

In The Chair: President

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. 267**Yeas—21**

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

Nays—17

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

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:
Senate Bill No. 222, entitled

A bill to make appropriations for the department of agriculture 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 require

reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The question being on the passage of the bill,

Senator Switalski offered the following amendments:

1. Amend page 7, line 6, after “stewardship—” by striking out “27.7” and inserting “32.7”.
2. Amend page 7, line 6, by striking out “2,667,400” and inserting “3,136,600”.
3. Amend page 8, line 8, by striking out all of line 8.
4. Amend page 8, line 10, by striking out “3,082,000” and inserting “3,551,200” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Thomas offered the following amendments:

1. Amend page 9, line 26, by striking out “1,148,500” and inserting “1,004,101”.
2. Amend page 10, line 1, by striking out “963,200” and inserting “842,098”.
3. Amend page 10, line 2, by striking out “1,614,000” and inserting “1,411,074”.
4. Amend page 10, line 3, by striking out “3,031,700” and inserting “2,650,529”.
5. Amend page 10, line 4, by striking out “170,900” and inserting “149,413”.
6. Amend page 10, line 5, by striking out “1,273,000” and inserting “1,112,948”.
7. Amend page 10, line 6, by striking out “2,305,700” and inserting “2,015,808”.
8. Amend page 10, line 7, by striking out “1,040,000” and inserting “909,242”.
9. Amend page 10, line 8, by striking out “1,063,100” and inserting “929,438”.
10. Amend page 10, line 9, by striking out “44,900” and inserting “39,255”.
11. Amend page 10, line 10, by striking out “3,092,400” and inserting “2,703,597”.
12. Amend page 10, line 11, by striking out “159,900” and inserting “139,796” and adjusting the subtotals, totals, and section 201 accordingly.
13. Amend page 19, following line 6, by inserting:

“Sec. 230. During the fiscal year ending September 30, 2008, \$2,000,000.00 in the Michigan agriculture equine industry development fund shall be transferred to the city of Detroit to be used only for crime reduction programs conducted by the Detroit police department.”.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 268

Yeas—5

Clark-Coleman	Hunter	Scott	Thomas
Clarke			

Nays—33

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

Excused—0

Not Voting—0

In The Chair: President

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. 269**Yeas—21**

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

Nays—17

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

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 222 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott’s statement is as follows:

I would like to thank the chair of our subcommittee for all his hard work in crafting the bill we have before us. I appreciate the chair’s inclusion of the ag equine fund, the partial funding for conservation districts, and at least a placeholder for the intercounty drain program. The money spent funding the Department of Agriculture budget can be seen providing a tangible return on investments, from the office of the racing commissioner to fruit and vegetable inspections, to the select Michigan programs. Money appropriated for this budget provides quantifiable return. That is why it is disheartening to realize that the general fund for this budget has dropped from \$60 million just a few years back now to just over \$29 million today.

I had anticipated in voting in favor of this bill, but with a 1.25 percent cut to the department’s budget, the \$539,300 cut, I can’t now support it.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 222

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

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 Kuipers 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 8:01 p.m.

8:07 p.m.

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

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:

Senate Bill No. 231, entitled

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

Substitute (S-1).

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

1. Amend page 5, following line 25, by inserting:

“Sec. 108. BUDGETARY SAVINGS

Budgetary savings.....	\$	(298,400)
GROSS APPROPRIATION	\$	(298,400)

Appropriated from:

State general fund/general purpose	\$	(298,400)”
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and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 7, line 17, by striking out all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

3. Amend page 8, line 20, by striking out all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

4. Amend page 15, following line 1, by inserting:

“Sec. 225. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”.

5. Amend page 23, following line 19, by inserting:

MACKINAC ISLAND STATE PARK COMMISSION

Sec. 701. There is appropriated \$200,000.00 from the Mackinac Island State Park operations fees fund to the Mackinac Island state park commission, historic projects division, revenue bond fund for infrastructure improvements.”.

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

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

Senate Bill No. 233, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Substitute (S-1).

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

1. Amend page 2, line 21, by striking out “11,081,900” and inserting “11,127,600”.

2. Amend page 2, line 23, by striking out “10,377,800” and inserting “10,388,100”.

3. Amend page 3, line 4, by striking out “259,100” and inserting “100”.

4. Amend page 4, line 4, by striking out “22,754,100” and inserting “22,551,100”.

5. Amend page 4, line 7, by striking out “19,277,600” and inserting “19,480,700”.

6. Amend page 4, line 13, by striking out “17,241,300” and inserting “17,444,400” and adjusting the subtotals, totals, and section 201 accordingly.

7. Amend page 9, line 21, by striking out all of section 214 and inserting:

“Sec. 214. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”.

8. Amend page 17, line 2, by striking out all of section 316 and inserting:

“Sec. 316. The state court administrative office shall evaluate various strategies for court systems to use to better respond to defendants with mental illnesses. Such strategies may include, but not be limited to, mental health treatment courts, dedicated probation caseloads for people with mental illnesses, specialized pretrial release programs, and court-based diversion programs. The evaluation should consider the full range of problems that occur when people with mental illnesses enter the criminal justice system and factors such as key stakeholders, eligibility criteria, case processing, treatment options, funding sources, and disposition of cases upon program completion.”.

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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 231

Senate Bill No. 233

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

The following bill was read a third time:

Senate Bill No. 231, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Clark-Coleman offered the following amendments:

1. Amend page 3, line 16, by striking out “6,519,300” and inserting “10,144,300”.

2. Amend page 3, line 23, by striking out “6,123,700” and inserting “9,748,700” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 270

Yeas—17

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: President

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. 271**Yeas—20**

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

Nays—18

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

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Clark-Coleman, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 231.

Senator Clark-Coleman's statement is as follows:

I'm protesting the proposed reduction in the History, Arts, and Libraries budget, specifically as it relates to the arts and culture grants. We've heard repeatedly that an educated citizenry is the foundation for the future that Michigan seeks to build. I do not need to remind you, my colleagues, of the value I place on education.

You have witnessed my advocacy. You have observed firsthand my support, but I hope you also know that my perspective on education is not a narrow one. Education is far more than algebra and biology and English. It includes an historical perspective and a futuristic vision. It's about expanding imagination. It's about encouraging creativity. It's about cultivating ingenuity. These are the qualities that arts and culture grants contribute to our state through a program that has recently received national recognition from the National Endowment for the Arts for its grants application and review process.

Whether through school classes offered by skilled artists or outdoor sculpture for a Michigan city, the Michigan Council for the Arts and Cultural Affairs grants provide opportunities for thousands of talented and creative artists who make our state and our lives rich, vibrant, and attractive. They are the very qualities that Michigan must embrace as we educate and prepare our citizens for the future. Art is life itself, and when you allow culture to languish, you are allowing people to languish as well. How can we in good conscience be responsible for that decline? If we don't have the revenue to provide this crucial piece of education for our citizens, perhaps we should address our lack of revenue rather than eliminate the grants. Let me repeat that—perhaps we should address our lack of revenue rather than eliminate the grants.

Please restore the funding to the Michigan Council for the Arts and Cultural Affairs grants to assure that the future Michigan is as enriched and well-rounded as we can provide. I was going to ask that you don't deprive us of this vital effort, but since you already have, then I'm explaining to you why I voted "no" on it.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 231

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 233, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The 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. 272

Yeas—21

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 233 and moved that the statement she made during the discussion of the bill be printed as her reason for voting “no.” The motion prevailed.

Senator Brater’s statement is as follows:

I rise to call your attention to some concerns that I have about this budget as it is now before us. Although I did vote for it as it came out of committee, I do think that there are a number of problems in it that need to be called to your attention. I don’t think I can support it as it currently stands.

First of all, I want to thank the chair of the committee again for his approach and openness to listening to concerns from all sides about the issues regarding this budget. He did hold very deliberative hearings and was very patient and heard all points of view. I appreciate that openness.

I do want you to know that in addition to my concern that I raised during General Orders about the removal of the money from the mental health court, which I believe will be missed as not only a way of more humanely treating people to get people with mental illness out of the criminal justice system and back into the mental health system when they are there because of a not-serious offense, it's also a money-saving measure. As I said, the cost of treating someone in the outpatient mental health system is \$8,000 to \$11,000 per year per person as opposed to upwards of \$30,000 a year in the corrections system. It's more humane and it's more cost-effective to treat people in the mental health system, when possible. I do hope that we can continue to work on this issue.

Furthermore, I want the members to know that we heard some eloquent testimony from SADO, the State Appellate Defenders Office, about the shortfalls in funding in their program. They say they have a need for five additional attorneys. You may recall that some years ago, this Legislature chose to take away the right of representation on appeal for felons who had pleaded guilty. A court case found not only in favor of the prisoners on this issue, but also held under a case called *Helbert v. Michigan*, held the decision retroactive, which means there is going to be a large number of people in the corrections system who are going to be appealing their cases and are deserving of representation under this court decision. So SADO recommended additional funding for an additional five attorneys which they didn't get. They thought that would cost about \$300,000 a year, but we need to fully fund that.

There is a backlog of cases in the Michigan Court of Appeals that we heard about. We heard about shortfalls of funding in the very successful drug courts, and we also heard about problems of shortfalls in the indigent defense program, which the state also has responsibility to fund. At the county level, there is a multicounty lawsuit now pending against the state for proper funding of that program.

There are a number of problems with this budget even though it didn't suffer the across-the-board cut that the other budgets that we voted on this evening did suffer. I do think there are reasons to oppose it, which I will be doing at this point. But I do look forward to further opportunities to working with the chair to resolve some of these issues.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 233

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator McManus introduced

Senate Bill No. 677, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21503, 21506, and 21550 (MCL 324.21503, 324.21506, and 324.21550), section 21503 as amended by 2006 PA 318 and sections 21506 and 21550 as amended by 2004 PA 390.

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

Senator Stamas introduced

Senate Bill No. 678, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 6 (MCL 129.96), as added by 1997 PA 196.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Patterson introduced

Senate Bill No. 679, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 717 (MCL 484.1717), as amended by 2006 PA 249; 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 Energy Policy and Public Utilities.

Senators Richardville, Birkholz, Kuipers, Van Woerkom, Sanborn, Pappageorge, Kahn and Jansen introduced
Senate Bill No. 680, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 6, 8d, and 9 (MCL 125.2686, 125.2688d, and 125.2689), section 6 as amended by 2006 PA 304 and section 8d as amended by 2006 PA 93.

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

Senators Clarke, Gleason, Jacobs, Thomas, Kahn, Pappageorge and Hunter introduced
Senate Bill No. 681, entitled

A bill to prescribe the senior medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

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

Senators McManus and Jacobs introduced
Senate Bill No. 682, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 8302, 8303, 8310, 8317, 8325, and 8715 (MCL 324.1301, 324.8302, 324.8303, 324.8310, 324.8317, 324.8325, and 324.8715), section 1301 as amended by 2004 PA 381, section 8302 as amended by 2002 PA 418, section 8303 as amended by 2004 PA 24, section 8310 as amended by 2004 PA 325, section 8317 as amended by 2003 PA 82, and section 8715 as amended by 2000 PA 100, and by adding section 8310a.

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

Senators Jacobs and Thomas introduced
Senate Bill No. 683, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 503 (MCL 436.1503).

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

Senators Jacobs and Thomas introduced
Senate Bill No. 684, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 1111, 1113, and 1114 (MCL 436.2111, 436.2113, and 436.2114), section 1113 as amended and section 1114 as added by 2004 PA 134.

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

Senator Hunter introduced
Senate Bill No. 685, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500.

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

Senator Kahn introduced
Senate Bill No. 686, 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.

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

Senator Gilbert introduced
Senate Bill No. 687, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201).

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

Senator Van Woerkom introduced

Senate Bill No. 688, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 10 (MCL 431.310), as amended by 2000 PA 164.

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

Senators Bishop, Cropsey, Jelinek, Cassis, Patterson, Stamas, Gilbert, Jansen, Birkholz, McManus, Richardville, Van Woerkom, Allen, Hardiman, Brown, Kuipers and Sanborn introduced

Senate Bill No. 689, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19k.

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

Senators Allen, Clarke, Thomas and Barcia introduced

Senate Bill No. 690, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2006 PA 69.

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

Senators Sanborn, Jelinek, Gilbert, Cropsey and Garcia introduced

Senate Bill No. 691, entitled

A bill to limit a public employer's portion of the cost of health insurance benefits; and to provide for exceptions.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Pappageorge, Hunter, Kahn, Jacobs, Olshove, McManus, Jansen, Birkholz, Richardville and Hardiman introduced

Senate Bill No. 692, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4dd.

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

House Bill No. 4641, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

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

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders for consideration today.

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

House Bill No. 4642, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 6 (MCL 280.6).

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

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

House Bill No. 4643, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 247 (MCL 280.247).

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

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

House Bill No. 4644, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 421 (MCL 280.421).

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

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

House Bill No. 4688, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 196 (MCL 280.196), as amended by 1989 PA 149.

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

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

House Bill No. 4745, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," (MCL 32.271 to 32.274) by amending the title and by adding section 3b.

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

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

House Bill No. 4891, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 6a (MCL 205.6a), as added by 2006 PA 12.

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

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

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 Kuipers 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. 4641, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

Substitute (S-1).

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

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

Senate Bill No. 234, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

Substitute (S-1).

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

1. Amend page 2, line 27, by striking out "17,215,600" and inserting "17,015,600".
2. Amend page 3, line 4, by striking out "13,199,500" and inserting "13,059,500".
3. Amend page 3, line 5, by striking out "55,962,100" and inserting "55,622,100".
4. Amend page 3, line 17, by striking out "918,000" and inserting "578,000".
5. Amend page 7, line 2, by striking out "34,956,600" and inserting "37,256,600".

- 6. Amend page 7, line 3, by striking out “174,956,600” and inserting “177,256,600”.
- 7. Amend page 7, line 9, by striking out “34,956,600” and inserting “37,256,600”.
- 8. Amend page 7, line 16, by striking out “4,333,300” and inserting “4,633,200”.
- 9. Amend page 8, line 21, by striking out “3,121,500” and inserting “3,421,400”.
- 10. Amend page 11, line 16, by striking out “42,899,100” and inserting “42,799,100”.
- 11. Amend page 11, line 17, by striking out “42,899,100” and inserting “42,799,100”.
- 12. Amend page 11, line 22, by striking out “5,977,400” and inserting “5,877,400”.
- 13. Amend page 14, line 6, by striking out “55.0” and inserting “30.0”.
- 14. Amend page 14, line 7, by striking out all of line 7.
- 15. Amend page 14, line 10, by striking out “9,065,600” and inserting “5,185,500”.
- 16. Amend page 14, line 13, by striking out all of line 13.
- 17. Amend page 14, line 14, by striking out “6,704,300” and inserting “3,789,900”.
- 18. Amend page 14, line 18, by striking out “1,540,100” and inserting “862,800”.
- 19. Amend page 14, line 21, by striking out “47,500,000” and inserting “19,000,000”.
- 20. Amend page 14, line 24, by striking out “173,937,800” and inserting “188,937,800”.
- 21. Amend page 14, line 27, by striking out “3,079,700” and inserting “3,079,800”.
- 22. Amend page 15, line 2, by striking out “9,010,500” and inserting “10,910,500”.
- 23. Amend page 15, line 7, by striking out “526,295,900” and inserting “514,696,000”.
- 24. Amend page 15, line 20, by striking out “47,500,000” and inserting “19,000,000”.
- 25. Amend page 15, line 21, by striking out “166,602,700” and inserting “181,602,700”.
- 26. Amend page 16, line 4, by striking out “5,300,000” and inserting “8,500,000”.
- 27. Amend page 16, line 5, by striking out “3,710,500” and inserting “2,410,500”.
- 28. Amend page 16, line 8, by striking out “27,706,500” and inserting “27,706,600”.
- 29. Amend page 17, following line 11, by inserting:

“Sec. 116. BUDGETARY SAVINGS

Budgetary savings.....	\$	(213,700)
GROSS APPROPRIATION.....	\$	(213,700)
Appropriated from:		
State general fund/general purpose	\$	(213,700)”

and adjusting the subtotals, totals, and section 201 accordingly.

- 30. Amend page 20, line 6, by striking out all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

(2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”.

- 31. Amend page 21, line 2, by striking out all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are

manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”

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

“Sec. 222. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”

33. Amend page 34, line 17, after “370.” by inserting “(1)”.

34. Amend page 34, following line 24, by inserting:

“(2) It is the intent of the legislature that MSHDA allocate \$750,000.00 from the cities of promise blight elimination program for the city of Saginaw for building demolition.”

35. Amend page 36, following line 10, by inserting:

“Sec. 376. By November 15, 2007, the liquor control commission, in conjunction with the authorized distribution agents shall submit a report to the house and senate appropriations subcommittees with an estimate on how much state revenue is lost due to spirits being purchased from other states and brought into Michigan for individual consumption or illegal re-sale. The report shall include the estimated cost of increasing the number of law enforcement officers needed to reduce the amount of out-of-state spirits being transported and sold in Michigan illegally.”

36. Amend page 46, line 8, after “services,” by inserting “the department of history, arts, and libraries”.

37. Amend page 46, following line 26, by inserting:

“Sec. 436. (1) From the funds appropriated in part 1, the department shall allocate an amount not to exceed \$0.00 for a statewide before- or after-school program for children and youth. Before-school programs are limited to school-aged children as defined in 2005 PA 202. This allocation will be distributed via grants to counties based upon demonstrated need. No single county shall receive any more than 20% of the total allocation and priority for distribution of this funding shall be granted to programs that have secured additional governmental and non-governmental matching funds.

(2) The department shall share the administrative duties of operating this program with the department of human services, department of community health, department of history, arts and libraries, and the state board of education.

(3) Funding referenced in subsection (1) shall be reserved for programs that use curriculum focused upon improving academic performance, healthy behavior, including abstinence from abuse of alcohol and illegal drugs.”

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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 234

House Bill No. 4641

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

The following bill was read a third time:

Senate Bill No. 234, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The question being on the passage of the bill,

Senator Anderson offered the following amendments:

1. Amend page 15, line 6, by striking out “100” and inserting “15,000,000”.

2. Amend page 16, line 8, by striking out “27,706,500” and inserting “42,706,400” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 273**Yeas—18**

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

Nays—19

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

Excused—0**Not Voting—1**

Cropsey

In The Chair: President

Senator Anderson offered the following amendments:

1. Amend page 14, line 24, by striking out “173,937,800” and inserting “213,937,800”.
2. Amend page 16, line 8, by striking out “27,706,500” and inserting “67,706,500” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 44, line 27, by striking out all of section 432 and inserting:

“Sec. 432. (1) Of the funding appropriated for workforce training program subgrantees, \$77,000,000.00 is appropriated for the no worker left behind free tuition program. No worker left behind is a commitment to provide opportunities through the award of tuition for two years of training.

(2) These funds are designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for the expenditure of grants until the project has been completed. The total cost is estimated at \$77,000,000.00 and the tentative completion date is September 30, 2009.”.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 274**Yeas—18**

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

Nays—20

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

Excused—0**Not Voting—0**

In The Chair: President

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. 275**Yeas—20**

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

Nays—18

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

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Cherry, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 234.

Senator Cherry's statement is as follows:

As the chair of this subcommittee said, we need a solution, and I believe that there is a solution and that is to find the revenue to invest in our workers of this state. Unfortunately, this budget does not do that. That is why I voted "no." I believe that this budget along with the rest of the budgets has, as I've said earlier, an across-the-board cut abrogates our responsibility as a Legislature and really questions the role of the Appropriations Committee. The across-the-board cut shows that we can't even come up with where we want cuts to come from if that is what the solution supposedly is. We need to be investing in this state. I voted "no" because I believe that this budget does not invest in our workers.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 234

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4641, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 1, line 8, after "earlier." by striking out the balance of the subsection and inserting "**IF, BECAUSE OF A DISABILITY, A DRAIN COMMISSIONER IS UNABLE TO PERFORM THE DUTIES OF HIS OR HER OFFICE AND A DEPUTY COMMISSIONER HAS NOT BEEN APPOINTED UNDER SECTION 24, THE PRESIDING JUDGE OR SENIOR JUDGE OF PROBATE, THE COUNTY CLERK, AND THE PROSECUTING ATTORNEY OF THAT COUNTY MAY APPOINT, IF THE COUNTY BOARD OF COMMISSIONERS APPROVES, A TEMPORARY REPLACEMENT TO HOLD THE OFFICE UNTIL THE COMMISSIONER IS ABLE TO RETURN TO HIS OR HER DUTIES, UNTIL A NEW DRAIN COMMISSIONER IS APPOINTED OR ELECTED, OR UNTIL THE EXPIRATION OF THE COMMISSIONER'S TERM OF OFFICE. THE TEMPORARY REPLACEMENT SHALL PERFORM THE SAME DUTIES, HAVE THE SAME RESPONSIBILITIES, AND RECEIVE THE SAME COMPENSATION AS THE DRAIN COMMISSIONER. THE APPOINTMENT SHALL BE MADE IN WRITING AND FILED WITH THE CLERK OF THE COUNTY. IF A VACANCY IN THE OFFICE OF DRAIN COMMISSIONER ARISES WHILE AN INDIVIDUAL IS SERVING AS TEMPORARY DRAIN COMMISSIONER, THE TEMPORARY DRAIN COMMISSIONER SHALL HAVE ALL THE POWERS AND DUTIES OF A DRAIN COMMISSIONER UNTIL A DRAIN COMMISSIONER IS ELECTED OR APPOINTED. AS DETERMINED BY THE COUNTY BOARD OF COMMISSIONERS, A TEMPORARY DRAIN COMMISSIONER SHALL BE COVERED BY A BLANKET BOND OR SHALL FILE A BOND WITH THE COUNTY CLERK IN A SUM NOT TO EXCEED \$100,000.00, CONDITIONED UPON THE FAITHFUL DISCHARGE OF HIS OR HER DUTIES.**".

The question being on the adoption of the amendment,

Senator Cropsey moved that further consideration of bill be postponed temporarily,

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 91

The resolution consent calendar was adopted.

Senator Birkholz offered the following resolution:

Senate Resolution No. 91.

A resolution observing September 2007 as National Alcohol and Drug Addiction Recovery Month in the state of Michigan.

Whereas, The dependence on and abuse of alcohol and other drugs affects millions of people every year without regard to social, economic, or ethnic background. This results in enormous financial and human costs including absenteeism, impaired work productivity, property damage, incarceration, accidents, medical expenses, dependence on public assistance, child neglect, bodily injury, destruction of family ties, and loss of life; and

Whereas, Based on information from the 2005 National Survey on Drug Use and Health, an estimated 22.2 million persons in the United States (9.1 percent of the population aged 12 or older) were classified with substance dependence or abuse in the past year; and

Whereas, Every day men, women, and adolescents in the state of Michigan experience the many benefits of recovery and seek to reestablish their place in the community by entering treatment for substance abuse. Meanwhile, their families pursue hope and recovery in support programs and counseling; and

Whereas, Effective treatment and support for the individuals, families, and children affected by substance abuse and dependence can help our young people succeed in school, provide children with capable and caring parents, reduce the incidence of drug-related crime, and help people get their lives back through restored health and productivity, thereby, saving both lives and dollars; and

Whereas, There is a need to erode social stigmas about addiction and educate the public, community organizations, public officials, and civic leaders about the impact of alcohol and other drugs on our community, the value of treatment, and the hope of recovery; and

Whereas, To help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment, and the White House Office of National Drug Control Policy invite all persons to participate in National Alcohol and Drug Addiction Recovery Month each September; and

Whereas, National Alcohol and Drug Addiction Recovery Month is a national initiative and annual observance that highlights the societal benefits of substance abuse treatment, celebrates people in recovery, recognizes those in the treatment field who dedicate their lives to helping people recover from addiction, and promotes the message that recovery from substance abuse is possible; now, therefore, be it

Resolved by the Senate, That we hereby observe September 2007 as National Alcohol and Drug Addiction Recovery Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Substance Abuse and Mental Health Services Administration as a token of our support.

Senators Basham, Cassis, Cherry, Clarke, Gleason, Hunter, Jacobs, Jelinek, Kuipers, Pappageorge and Switalski were named co-sponsors of the resolution.

Senators Richardville, Birkholz, Kuipers, Van Woerkom, Patterson, Sanborn, Kahn, Pappageorge, Jansen and Basham offered the following resolution:

Senate Resolution No. 90.

A resolution to memorialize the Congress of the United States and Indiana Department of Environmental Management to stop the increased dumping of pollutants into Lake Michigan by the British Petroleum refinery in Indiana.

Whereas, The Indiana Department of Environmental Management recently issued a permit to the British Petroleum (BP) refinery in Whiting, Indiana, that would allow the refinery to increase polluted discharges into Lake Michigan. The permit would allow 54 percent more ammonia and 35 percent more suspended solids to be discharged into Lake Michigan; and

Whereas, These increased discharges have the potential to affect public health and the health of fish and wildlife that depend on clean water not only in Indiana, but the other three states bordering Lake Michigan. Millions of people in Michigan, Wisconsin, Illinois, and Indiana depend on Lake Michigan for drinking water, swimming, and fishing; and

Whereas, The Great Lakes states and the federal government are currently making a concerted collaborative effort to restore and protect the Great Lakes. This is not the time to provide an exemption from longstanding policy prohibiting increased discharges to the Great Lakes and the use of mixing zones without a clear understanding that there will be no impact on public health or the ecology of the Great Lakes; now, therefore, be it

Resolved by the Senate, That we urge the Congress of the United States and Indiana Department of Environmental Management to suspend the approval for increased dumping of pollutants into Lake Michigan until a full review is completed and confirms no impacts on waters or water-dependent natural resources of the lake; 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, the members of the Michigan congressional delegation, the Commissioner of the Indiana Department of Environmental Management, and the Governor of the state of Indiana.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Cassis, Cherry, Clarke, Gleason, Hunter, Jacobs, Jelinek and Switalski were named co-sponsors of the resolution.

House Concurrent Resolution No. 22.

A concurrent resolution to express the commitment of the Michigan Legislature to the development of a health care system that provides comprehensive coverage to all residents.

Whereas, Article IV, Section 51 of our state constitution declares that health care is a primary concern. Moreover, statutory law requires the state to prepare a state health plan that includes “mechanisms to promote adequate access to health care for all segments of the state’s population.” (MCL 325.2010(2) (a)); and

Whereas, In part, because of fragmentation in health care delivery and financing, health care costs have risen at rates well above wage increases and inflation. All competing, manufacturing countries provide health care to everyone as a shared responsibility of the whole society instead of as a benefit of employment; and

Whereas, We believe access to health care is a human right. Michigan needs a system that controls costs while providing high quality, comprehensive care. More than 1 million Michigan residents are still uninsured and thousands more are underinsured or are losing coverage; and

Whereas, Governor Granholm is committed to improving the stewardship of Michigan health care dollars to secure more affordable health care, and she is also working to assure the quality and accessibility of health care, including offering coverage for all the uninsured; and

Whereas, Democratic and Republican legislators also are working to secure more affordable, quality, and accessible health care, including supporting the goal of health care coverage for all in the state of Michigan but also avoiding cost-shifting to those employers, individuals, and taxpayers already paying for health insurance; and

Whereas, The newly formed Michigan Health Insurance Access Advisory Council is working on a nonpartisan basis to develop an objective study of the costs of the current health care system as a basis for considering how the members of the council can work with Republicans and Democratic officials toward the goal of offering health care coverage for all residents of the state; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we in the Michigan Legislature commit to the design and enactment of legislation for a health care system based on the principles of shared responsibility and good stewardship; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the House of Representatives and the Senate Majority Leader as an expression of our shared responsibility and good stewardship.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Basham, Cherry, Clarke, Gleason, Hunter, Jacobs and Switalski were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4641, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 1226.)

The question being on the adoption of the amendment offered by Senator Brater,

Senator Brater withdrew the amendment.

Senator Brater offered the following amendment:

1. Amend page 1, line 8, after “earlier.” by striking out the balance of the subsection and inserting “**THE TEMPORARY REPLACEMENT SHALL PERFORM THE SAME DUTIES, HAVE THE SAME RESPONSIBILITIES, AND RECEIVE THE SAME COMPENSATION AS THE DRAIN COMMISSIONER.**”

THE APPOINTMENT SHALL BE MADE IN WRITING AND FILED WITH THE CLERK OF THE COUNTY. IF A VACANCY IN THE OFFICE OF DRAIN COMMISSIONER ARISES WHILE AN INDIVIDUAL IS SERVING AS TEMPORARY DRAIN COMMISSIONER, THE TEMPORARY DRAIN COMMISSIONER SHALL HAVE ALL THE POWERS AND DUTIES OF A DRAIN COMMISSIONER UNTIL A DRAIN COMMISSIONER IS ELECTED OR APPOINTED. AS DETERMINED BY THE COUNTY BOARD OF COMMISSIONERS, A TEMPORARY DRAIN COMMISSIONER SHALL BE COVERED BY A BLANKET BOND OR SHALL FILE A BOND WITH THE COUNTY CLERK IN A SUM NOT LESS THAN \$100,000.00, CONDITIONED UPON THE FAITHFUL DISCHARGE OF HIS OR HER DUTIES.”.

The question being on the adoption of the amendment,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

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 Kuipers 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:

Senate Bill No. 239, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-1).

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

- 1. Amend page 2, line 21, by striking out “5,717,500” and inserting “6,717,500”.
- 2. Amend page 3, following line 1, by inserting:
“Entrepreneurial training and mentoring program 100”.
- 3. Amend page 3, line 13, by striking out “27,300,700” and inserting “27,300,800”.
- 4. Amend page 3, following line 13, by inserting:

“Sec. 103. BUDGETARY SAVINGS

Budgetary savings.....	\$ (177,500)
GROSS APPROPRIATION.....	\$ (177,500)

Appropriated from:

State general fund/general purpose	\$ (177,500)”
--	---------------

and adjusting the subtotals, totals, and section 201 accordingly.

- 5. Amend page 5, line 6, by striking out all of section 205 and inserting:

“Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or agency. The hiring freeze described in this section applies regardless of the fund source financing the position but does not apply to appointments required by law.

- (2) The state budget director may grant exceptions to the hiring freeze if 1 or more of the following apply:

(a) The creation of a position or filling a vacant position by any method is required by legal mandate, federal mandate, or court order.

(b) The creation of a position or filling a vacant position by any method is necessary to protect the health or safety of Michigan citizens.

(c) The creation of a position or filling a vacant position by any method is necessary to produce budgetary savings or to protect existing state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any method is necessary to provide for the basic daily living requirements of residents of a state institution or facility.

- (3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations and the respective fiscal agencies the number of exceptions to the hiring freeze approved for each state department or agency during the immediately preceding quarter and the reasons to justify the exception.

(4) The attorney general and secretary of state may grant exceptions to the hiring freeze for their respective departments under the same criteria that the state budget director is able to grant exceptions.”

6. Amend page 6, line 2, by striking out all of section 209 and inserting:

“Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.”

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

“Sec. 220. Appropriation authorization adjustments required due to negative appropriations for budgetary savings shall be made only after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.”

8. Amend page 22, following line 26, by inserting:

“Sec. 1021. (1) From the funds appropriated in part 1 for the Michigan promotion program, \$1,000,000.00 shall be used to accelerate efforts to promote the state’s tourism industry in coordination with local tourism efforts.

(2) The funds are considered work project appropriations and any unencumbered or unallotted funds at year-end shall be carried forward into the succeeding fiscal year. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the funding is to promote the state’s tourism industry.

(b) The project shall be accomplished by contract or employees employed by the Michigan strategic fund or the Michigan economic development corporation.

(c) The total estimated cost of the project is \$1,000,000.00.

(d) The expected completion date is September 30, 2010.”

9. Amend page 23, line 26, after “programs,” by striking out “\$3,000,000.00” and inserting “\$2,000,000.00”.

10. Amend page 24, following line 14, by inserting:

“Sec. 1027. Of the funds appropriated in part 1 for the entrepreneurial training and mentoring program, the fund shall partner with the Michigan works! agencies and the department of labor and economic growth to develop and implement a training and mentoring program for students enrolled in secondary and postsecondary educational programs.

Sec. 1028. Of the funds appropriated in part 1, the \$5,000,000.00 from the jobs for Michigan investment fund - returns to fund shall only be used to fund the SBIR/STTR matching grant program and the Michigan promotion program. The appropriation from the 21st century jobs trust fund shall only be used to fund the twenty-first century programs.”

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 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:

Senate Bill No. 239

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

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

House Bill No. 4641

Senate Bill No. 239

The motion prevailed.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4641, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

(This bill was announced earlier today, amendment withdrawn, amendment offered and consideration postponed. See p. 1228.)

The question being on the adoption of the amendment offered by Senator Brater, Senator Brater withdrew the amendment.

Senator Brater offered the following amendment:

1. Amend page 2, line 6, after “OFFICE.” by inserting “THE TEMPORARY REPLACEMENT SHALL PERFORM THE SAME DUTIES, HAVE THE SAME RESPONSIBILITIES, AND RECEIVE THE SAME COMPENSATION AS THE DRAIN COMMISSIONER. THE APPOINTMENT SHALL BE MADE IN WRITING AND FILED WITH THE CLERK OF THE COUNTY. IF A VACANCY IN THE OFFICE OF DRAIN COMMISSIONER ARISES WHILE AN INDIVIDUAL IS SERVING AS TEMPORARY DRAIN COMMISSIONER, THE TEMPORARY DRAIN COMMISSIONER SHALL HAVE ALL THE POWERS AND DUTIES OF A DRAIN COMMISSIONER UNTIL A DRAIN COMMISSIONER IS ELECTED OR APPOINTED. AS DETERMINED BY THE COUNTY BOARD OF COMMISSIONERS, A TEMPORARY DRAIN COMMISSIONER SHALL BE COVERED BY A BLANKET BOND OR SHALL FILE A BOND WITH THE COUNTY CLERK IN A SUM NOT LESS THAN \$100,000.00, CONDITIONED UPON THE FAITHFUL DISCHARGE OF HIS OR HER DUTIES.”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 276

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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 codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 239, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 2, line 21, by striking out “5,717,500” and inserting “15,717,500”.
2. Amend page 3, line 13, by striking out “27,300,700” and inserting “37,300,700” and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 22, following line 26, by inserting:

“Sec. 1021. (1)From the funds appropriated in part 1 for the Michigan promotion program, \$10,000,000.00 shall be used to accelerate efforts to promote the state’s tourism industry and business marketing activities.

(2) The funds are considered work project appropriations and any unencumbered or unallotted funds at year-end shall be carried forward into the succeeding fiscal year. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the funding is to promote the state’s tourism industry and business marketing activities.
- (b) The project shall be accomplished by contract or employees employed by the Michigan strategic fund or the Michigan economic development corporation.
- (c) The total estimated cost of the project is \$10,000,000.00.
- (d) The expected completion date is September 30, 2010.”.

The question being on the adoption of the amendments,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that the Committee on Natural Resources and Environmental Affairs be discharged from further consideration of the following bill:

Senate Bill No. 174, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 54B.

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

Senator Cropsey moved that the bill be referred to the Committee on Health Policy.

The motion prevailed.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Thursday, August 30, at 12:00 noon; and when the Senate stands adjourned on Thursday, August 30, it stand adjourned until Tuesday, September 4, at 12:00 noon.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 239, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 1232.)

The question being on the adoption of the amendments offered by Senator Scott,

Senator Scott withdrew the amendments.

Senator Scott offered the following amendment:

1. Amend page 23, line 14, by striking out all of section 1024.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 277

Yeas—18

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Scott offered the following amendments:

1. Amend page 2, line 21, by striking out “6,717,500” and inserting “15,717,500”.
2. Amend page 3, line 13, by striking out “28,300,700” and inserting “37,300,700” and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 22, following line 26, by inserting:
 “Sec. 1021. (1) From the funds appropriated in part 1 for the Michigan promotion program, \$10,000,000.00 shall be used to accelerate efforts to promote the state’s tourism industry and business marketing activities.
 (2) The funds are considered work project appropriations and any unencumbered or unallotted funds at year-end shall be carried forward into the succeeding fiscal year. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:
 (a) The purpose of the funding is to promote the state’s tourism industry and business marketing activities.
 (b) The project shall be accomplished by contract or employees employed by the Michigan strategic fund or the Michigan economic development corporation.
 (c) The total estimated cost of the project is \$10,000,000.00.
 (d) The expected completion date is September 30, 2010.”

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 278

Yeas—18

Allen	Cherry	Jacobs	Scott
Anderson	Clark-Coleman	Olshove	Switalski

Barcia
Basham
Brater

Clarke
Gleason
Hunter

Prusi
Schauer

Thomas
Whitmer

Nays—20

Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—0

Not Voting—0

In The Chair: President

Senator Gleason offered the following amendment:

1. Amend page 24, following line 14, by inserting:

“Sec. 1029. It is the intent of the legislature that the fund only award tax breaks or other economic development incentives to companies that hire 100% Michigan workers. It is also the intent of the legislature that the Fund create a sliding scale in which a company that employs 100% Michigan workers is more likely to get a tax break than one that employs any percentage less than 100.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 279

Yeas—23

Allen
Barcia
Birkholz
Bishop
Brown
Cropsey

Garcia
George
Gleason
Hardiman
Jacobs
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge
Patterson

Richardville
Scott
Stamas
Switalski
Van Woerkom

Nays—15

Anderson
Basham
Brater
Cassis

Cherry
Clark-Coleman
Clarke
Gilbert

Hunter
Olshove
Prusi
Sanborn

Schauer
Thomas
Whitmer

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 235 and 239.

Senator Cassis' statement is as follows:

I would respectfully the Journal to record my "no" vote explanation on Senate Bill Nos. 235—Military and Veterans Affairs—and 239—the Strategic Fund budget. I voted "no" on these two budgets as they reflect increases above the 2.1 percent rate of inflation projected for next year. In fact, the Strategic Fund itself is approximately 88 percent above that projected 2.1 percent rate of inflation for next year. That is out of sight.

All of the other budgets we voted on today were below inflationary increases, and in Michigan's economic crisis are, in my opinion, accountable and responsible to our taxpayers in containing spending.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 231, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See pp. 1215, 1217.)

The question being on the motion to reconsider the vote by which the bill was passed, Senator Cropsey withdrew the motion.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 233, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See pp. 1214, 1218.)

The question being on the motion to reconsider the vote by which the bill was passed, Senator Cropsey withdrew the motion.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 235, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See p. 1199.)

The question being on the motion to reconsider the vote by which the bill was passed, Senator Cropsey withdrew the motion.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 238, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for certain reports and

the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See p. 1200.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Cropsey withdrew the motion.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 229, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See pp. 1205, 1209.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Cropsey withdrew the motion.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 234, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See pp. 1223, 1226.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Cropsey withdrew the motion.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 222, entitled

A bill to make appropriations for the department of agriculture 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 require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See pp. 1210, 1213.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Cropsey withdrew the motion.

By unanimous consent the Senate returned to consideration of the following bill:

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.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See pp. 1190, 1200.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Cropsey withdrew the motion.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Clark-Coleman, Garcia, Scott and Jacobs asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

Today I submitted a Senate resolution urging the United States Congress and the White House to reauthorize and expand the federal/state children's health insurance program, more commonly known as SCHIP, MICHild in Michigan. I consider protecting the health of our children essential to improving the quality of life of our families in this state. It is unconscionable to even consider underfunding one of the most successful federal programs to date.

SCHIP has proven to preserve child wellness, prevent and treat childhood disease, and improve health costs via early prevention. Nationwide, more than 6 million children were covered under SCHIP last year. In Michigan, nearly 119,000 children had been enrolled in MICHild and have received medical care.

Poor childhood health is a threat to educational achievement as well as the social and physiological well-being of the children of our state. As we approach the SCHIP's expiration date of September 30, America must decide to dig deeper and invest in the health of our children. We now have the opportunity to show the world that we care about our youth and will stop at nothing to give them the tools they need to pursue and achieve the American Dream.

Senator Garcia's statement is as follows:

I rise for two purposes, first of all, to give my voting intentions for votes that I missed while I was gone over the summer. As many of you know, I was fulfilling some military obligations. On July 18, Roll Call Nos. 230 and 231, I would have voted "yes." On July 19, Roll Call No. 232, I would have voted "yes." On July 25, Roll Call Nos. 233, I would have voted "yes." On July 26, Roll Call Nos. 234 and 235, I would have voted "yes." On August 1, Roll Call Nos. 236 through 246, I would have voted "yes" on all of those votes.

The second reason I rise is to clarify my vote on the Michigan Strategic Fund budget. I had a concern with the budget in that we were earmarking funds out of the Michigan Strategic Fund for two programs. One was for the Van Andel Institute and the other was for a project to help fund the Holland Pfizer project. In the first one, I agree with one of my colleagues on the other side of the aisle that they should compete just like everyone else, but as you saw, I felt that the budget had many redeeming qualities in it, and therefore, I voted for the budget. Also in the second part of that, the Holland Pfizer area, a unique opportunity arose to bring federal dollars in to save jobs and to save a facility that I think would benefit not only western Michigan, but the rest of the state as well. So, therefore, again I made an exception for that and still voted for the bill because I think the chairman did great work and has many redeeming qualities.

I just want to point out that those are exceptions to the standard, which is to eliminate or reduce the amount of political influence that we have on earmarking that money.

Senator Scott's statement is as follows:

Martin Luther King, Jr., once wisely said, "He who starts behind in a race, must forever remain behind or run faster than the man in front." Well, I've been behind for many years in the race to win justice for Detroit residents in obtaining fair insurance rates, but I do not plan on remaining behind forever. I stand before you today to tell you I am going to run faster and farther, if I must, to be sure that I win fair and reasonable insurance rates for all Michigan citizens. I absolutely refuse to concede this race, and my prize for winning will be to see the passage of my bills.

Senator Jacobs' statement is as follows:

I was out of the chamber when we voted on Senate Bill No. 655, Roll Call No. 253. Had I been here, I would have voted "yes."

Scheduled Meetings

Legislative Retirement Board of Trustees -

Subcommittee -

Audit Fee - Monday, August 27, 3:00 p.m., Room S-929, House Office Building (373-0575)

Michigan Law Revision Commission - Thursday, August 23, 2:00 p.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:22 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, August 30, 2007, at 12:00 noon.

CAROL MOREY VIVENTI
Secretary of the Senate