

No. 80
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Thursday, August 30, 2007.

12:00 noon

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—excused

Senator Raymond E. Basham of the 8th District offered the following invocation:

Heavenly Father, we thank You for this day that we are here safely gathered together. We thank You for Your bountiful goodness. We pray for strength, wisdom, and clarity of thought as we deliberate and consider the issues confronting this great state. We would ask that You guide us in our united efforts for the common good.

Please bless Senator Hansen Clarke and his new wife Choi. Please bless our soldiers and those who work each day to protect the security and safety of this great state and the nation, and keep them in Your care.

It's in Your name that we pray. Amen.

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

Motions and Communications

Senator Thomas moved that Senator Whitmer be excused from today's session.

The motion prevailed.

The following communications were received and read:

Office of the Senate Majority Leader

August 22, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Families and Human Services Committee hold a hearing on the appointment of Ismael Ahmed as Director of the Department of Human Services and make a written recommendation to the Government Operations and Reform Committee on the appointment.

August 22, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Stephen Hicks to the Michigan Technological University Board of Control 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 communications were referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

August 29, 2007

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Human Services, for the period October 1, 2004 through September 30, 2006.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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

The following communication was received:

Department of State

Administrative Rules

Notice of Filing

August 28, 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 2:28 p.m. this date, administrative rule (07-08-05) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part 528. Spray Finishing Operations.*" 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.

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

The communication was referred to the Secretary for record.

The following communication was received:
Emergency Telephone Service Committee

August 29, 2007

Our office is pleased to present the Emergency Telephone Service Committee's (ETSC) Annual Report to the Legislature as required by MCL 484.1412. This annual report is due on August 30.

The report covers the ongoing work of the ETSC, its subcommittees and the State 9-1-1 Administrator's office. In this year's report we included the P.A. 249 of 2006 Report to the Legislature which is now known as Senate Bills 410 and 411. Our office also requested additional information regarding VoIP deployment in each county. Other than that, the rest of the report is straight forward and follows the effective format established in prior years.

If you have any questions about this report or any 9-1-1 issues, please feel free to contact Ms. Harriet Miller-Brown, State 9-1-1 Administrator at (517) 336-6414 or by email at millerhr@michigan.gov.

Thank you very much for you time.

Sheriff Dale Gribler
Chair

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 22:
House Bill Nos. 4346 4492

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, August 23:
House Bill Nos. 4350 4351 4359

The Secretary announced that the following official bills were printed on Wednesday, August 22, and are available at the legislative website:

Senate Bill Nos. 687 688 689 690 691 692
House Bill Nos. 5106 5107 5108 5109 5110 5111 5112 5113 5114 5115 5116 5117 5118 5119
5120 5121

The Secretary announced that the following official bills were printed on Thursday, August 23, and are available at the legislative website:

Senate Bill Nos. 677 678 679 680 681 682 683 684 685 686
House Bill Nos. 5122 5123 5124 5125 5126 5127 5128 5129 5130 5131 5132 5133 5134 5135
5136 5137 5138 5139

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

Senate Bill No. 595
House Bill No. 4956

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

Messages from the Governor

The following message from the Governor was received on August 27, 2007, and read:

EXECUTIVE ORDER
No. 2007-40

Declaration of State of Emergency
City of Fenton, Genesee County

WHEREAS, a severe storm moved through southern Michigan in the late afternoon of August 24, 2007, spawning several tornados and causing significant damage to buildings, trees, and electrical power lines;

WHEREAS, the city of Fenton suffered widespread and severe damage from this storm including damage to over 200 residences and 30 commercial buildings, as well as to Fenton's city hall, schools, and police department;

WHEREAS, numerous streets and roads within the city of Fenton remain blocked by fallen trees and other storm debris;

WHEREAS, the county of Genesee has declared a local state of emergency for the city of Fenton and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in the city of Fenton in Genesee County.

2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in the city of Fenton, Genesee County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.

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 later than September 22, 2007.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 25th 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.

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 on August 27, 2007, and read:

EXECUTIVE PROCLAMATION

No. 2007-1

Prohibiting the Use of Fire on Forest Lands and Adjacent Lands in Certain Counties

WHEREAS, under Section 1 of Article V, the executive power of the state of Michigan is vested in the Governor;

WHEREAS, Section 51507 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51507, authorizes the Governor, upon finding that an extreme fire hazard exists, to issue a proclamation forbidding the use of fire by any person entering forest lands or lands adjacent to forest lands in parts of this state as deemed necessary by the Governor;

WHEREAS, dried vegetation, lack of rainfall, warm temperatures, low humidity, and high winds have combined to create a condition of extremely high risk of wildfire in the Upper and Lower Peninsulas of Michigan;

WHEREAS, this extremely high fire risk seriously threatens Michigan's fields, forests and wildlands, and endangers life and property in these areas;

WHEREAS, human carelessness related to such activities as outdoor burning and smoking is a leading cause of field, forest and wildland fires;

WHEREAS, state and local resources and personnel are stretched extremely thin fighting a wildfire affecting more than 18,000 acres in Luce County and numerous other small fires;

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

1. Due to conditions of extreme fire hazard, it is necessary in the public interest and for the preservation of the public peace, health, and safety, to forbid outdoor burning on forest lands and lands adjacent to forest lands in the following 75 counties: Alcona; Alger; Allegan; Alpena; Antrim; Arenac; Baraga; Barry; Bay; Benzie; Calhoun; Charlevoix; Cheboygan;

Chippewa; Clare; Clinton; Crawford; Delta; Dickinson; Eaton; Emmet; Genesee; Gladwin; Gogebic; Grand Traverse; Gratiot; Houghton; Huron; Ingham; Ionia; Iosco; Iron; Isabella; Jackson; Kalamazoo; Kalkaska; Kent; Keweenaw; Lake; Lapeer; Leelanau; Livingston; Luce; Mackinaw; Macomb; Manistee; Marquette; Mason; Mecosta; Menominee; Midland; Missaukee; Montcalm; Montmorency; Muskegon; Newaygo; Oakland; Oceana; Ogemaw; Ontonagon; Osceola; Oscoda; Otsego; Ottawa; Presque Isle; Roscommon; Saginaw; Saint Clair; Sanilac; Schoolcraft; Shiawassee; Tuscola; Van Buren; Washtenaw; and Wexford.

2. Within the 75 counties identified in Paragraph 1, the following is prohibited upon forest lands and lands adjacent to forest lands:

a. Building a campfire or any nature, except within containers at public or private campgrounds that have permanent staff on site or at places of habitation.

b. Smoking a pipe, cigarette, or cigar, except at places of habitation, public or private campgrounds that have permanent staff on site, or in any automobile or truck.

c. Burning, or causing to be burned, any flammable material, including, but not limited to: refuse, debris, waste, forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, fallow land, slash, and crops or crop residue, unless a permit is first obtained in writing as provided in Part 515 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51501 to 324.51514.

This Proclamation is effective on August 17, 2007 at 4:36 p.m. and remains in effective until rescinded.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 16th 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 Proclamation was referred to the Secretary for record.

The following message from the Governor was received on August 27, 2007, and read:

EXECUTIVE PROCLAMATION
No. 2007-2

**Partially Rescinding the Ban on the Use of Fire on
Forest Lands and Adjacent Lands in Certain Counties**

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

WHEREAS, under Section 26 of Article V of the Michigan Constitution of 1963, if the Governor is absent from the state, the powers and duties of the Office of the Governor shall be performed by the Lieutenant Governor;

WHEREAS, Section 51507 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51507, authorizes the Governor, upon finding that an extreme fire hazard exists, to issue a proclamation forbidding the use of fire by any person entering forest lands or lands adjacent to forest lands in portions of this state deemed necessary by the Governor;

WHEREAS, by August 17, 2007, dried vegetation, lack of rainfall, warm temperatures, low humidity, and high winds combined to create a condition of extremely high risk of wildfire in 75 counties throughout the Upper and Lower Peninsulas of Michigan;

WHEREAS, as of August 17, 2007, Governor Granholm, concluding that the extreme fire hazard risk at the time posed a serious threat to Michigan's fields, forests and wildlands, and potentially endangered life and property in 75 counties, exercised authority under Section 51507 of the Natural Resources and Environmental Protection Act, 1994, PA 451, MCL 324.51507, and issued Executive Proclamation 2007-1;

WHEREAS, based on a finding of an extreme fire hazard in 75 counties, Executive Proclamation 2007-1 prohibited the use of fire on forest lands and adjacent lands in 75 counties;

WHEREAS, certain counties in the Southern Lower Peninsula of Michigan have recently received significant amounts of rainfall, reducing the level of long-term drought and the fire hazard threat in those areas;

WHEREAS, according to the analysis of the drought codes and buildup indices by the Department of Natural Resources, coupled with short-term and long-term weather forecasts for the Southern Lower Peninsula of Michigan, it appears that the extreme fire hazard resulting in the long-term drought has passed in certain counties;

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 and Acting Governor under Michigan law, proclaim:

1. Certain counties in southern lower Michigan have recently received significant amounts of rainfall, reducing the level of long-term drought and the threat of wildfire in the following counties: Allegan, Barry, Calhoun, Clinton, Eaton, Genesee, Gratiot, Ingham, Ionia, Jackson, Kalamazoo, Kent, Livingston, Macomb, Montcalm, Muskegon, Oakland, Ottawa, St. Clair, Saginaw, Shiawassee, Van Buren, and Washtenaw.

2. The Department of Natural Resources advises that the extreme fire hazard risk has diminished in the counties of Allegan, Barry, Calhoun, Clinton, Eaton, Genesee, Gratiot, Ingham, Ionia, Jackson, Kalamazoo, Kent, Livingston, Macomb, Montcalm, Muskegon, Oakland, Ottawa, St. Clair, Saginaw, Shiawassee, Van Buren, and Washtenaw.

3. The ban imposed on the use of fire on forest lands and adjacent lands under Executive Proclamation 2007-1 is rescinded in the following counties: Allegan, Barry, Calhoun, Clinton, Eaton, Genesee, Gratiot, Ingham, Ionia, Jackson, Kalamazoo, Kent, Livingston, Macomb, Montcalm, Muskegon, Oakland, Ottawa, St. Clair, Saginaw, Shiawassee, Van Buren, and Washtenaw.

4. Executive Proclamation 2007-1 remains in effect for the following counties: Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan, Chippewa, Clair, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Huron, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Midland, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Sanilac, Schoolcraft, Tuscola, and Wexford.

Given under my hand and the Great Seal of the State of Michigan this 24th day of August, in the year of our Lord, two thousand and seven.

[SEAL]

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

By the Lieutenant Governor:

Terri L. Land
Secretary of State

The Executive Proclamation was referred to the Secretary for record.

The following messages from the Governor were received and read:

August 28, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Sections 16121 and 16907 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16907:

Board of Marriage and Family Therapy

Mr. Gregory B. Varnum of 37570 Dale Drive, #104, Westland, Michigan 48185, county of Wayne, succeeding Scott L. Hickman, whose term has expired, representing the general public, for a term commencing August 28, 2007 and expiring June 30, 2008.

Ms. Lori K. Edelson, MSW, ASCW, BCD, LMFT, of 5136 Corners Drive, West Bloomfield, Michigan 48322, county of Oakland, reappointed to represent licensed marriage and family therapists, for a term expiring June 30, 2011.

Ms. Deborah U. Warsh, M.S.W., A.C.S.W., of 5682 Raven Road, Bloomfield Hills, Michigan 48301, county of Oakland, reappointed to represent licensed marriage and family therapists, for a term expiring June 30, 2011.

August 29, 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 1 of 1939 PA 3, MCL 460.1:

Michigan Public Service Commission

Mr. Orjiakor N. Isiogu, a Democrat, of 2079 Ashland Avenue, Okemos, Michigan 48864, county of Ingham, succeeding Laura Chappelle, who has resigned, for a term commencing September 9, 2007 and expiring on July 2, 2013.

August 29, 2007

Pursuant to Section 2 of 1939 PA 3, MCL 460.2, please be advised that Mr. Orjiakor N. Isiogu of 2079 Ashland Avenue, Okemos, Michigan 48864, county of Ingham, is designated as **Chairperson of Michigan Public Service Commission**, to serve as Chairperson 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 29, 2007

Due to an error on the August 16, 2007 letter sent to your office, 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, please be advised of the following corrections appearing in **bold print**:

Director of the Department of Human Services

Mr. Ismael Ahmed of **7801 West Morrow Circle, Dearborn, Michigan 48126**, 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 message was referred to the Committee on Government Operations and Reform.

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

The motion prevailed.

Senate Bill No. 298, entitled

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

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 280

Yeas—35

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	

Nays—2

Clark-Coleman Scott

Excused—1

Whitmer

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 299, entitled

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

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 281**Yeas—35**

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
Cassia	Hunter	Patterson	

Nays—2

Clark-Coleman Scott

Excused—1

Whitmer

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 301, entitled

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

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 303, entitled

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

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 282

Yeas—35

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	

Nays—2

Clark-Coleman	Scott
---------------	-------

Excused—1

Whitmer

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 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.

Substitute (H-1).

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

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

Roll Call No. 283

Yeas—37

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

Nays—0

Excused—1

Whitmer

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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 George as Chairperson.

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

Senate Bill No. 687, entitled

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

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 595, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105, 1107, 1109, 2111, 2113, 2119, 2123, 2125, 2129, 3103, 3119, 3121, 3123, 3125, 3127, 3135, 3137, 3139, 4101, 4103, 4105, 4107, 4111, 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137, 8105, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.2111, 289.2113, 289.2119, 289.2123, 289.2125, 289.2129, 289.3103, 289.3119, 289.3121, 289.3123, 289.3125, 289.3127, 289.3135, 289.3137, 289.3139, 289.4101, 289.4103, 289.4105, 289.4107, 289.4111, 289.4113, 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and 289.8107), sections 1109, 3119, 4111, 4117, 6101, and 6149 as amended by 2002 PA 487 and section 4116 as added by 2004 PA 267, and by adding sections 6140 and 7106; and to repeal acts and parts of acts.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4956, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105, 1107, 1109, 2111, 2113, 2119, 2123, 2125, 2129, 3103, 3119, 3121, 3123, 3125, 3127, 3135, 3137, 3139, 4101, 4103, 4105, 4107, 4111, 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137, 8105, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.2111, 289.2113, 289.2119, 289.2123, 289.2125, 289.2129, 289.3103, 289.3119, 289.3121, 289.3123, 289.3125, 289.3127, 289.3135, 289.3137, 289.3139, 289.4101, 289.4103, 289.4105, 289.4107, 289.4111, 289.4113, 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and 289.8107), sections 1109, 3119, 4111, 4117, 6101, and 6149 as amended by 2002 PA 487 and section 4116 as added by 2004 PA 267, and by adding sections 6140, 6150, and 7106; and to repeal acts and parts of acts.

Substitute (S-2).

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

Resolutions

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

Senate Resolution No. 93

The resolution consent calendar was adopted.

Senator Kahn offered the following resolution:

Senate Resolution No. 93.

A resolution to recognize Liberty Renewable Fuels, LLC, for its effort in building Michigan's largest ethanol plant in Ithaca, Michigan.

Whereas, Liberty Renewable Fuels was established in June 2006 to construct a 110-million-gallon ethanol facility to address the need for clean, renewable fuels to drive both energy independence and to help fuel Michigan's economic recovery; and

Whereas, Liberty Renewable Fuels purchased 435 acres in North Star Township, adjacent to the city of Ithaca in Gratiot County to construct the facility. The project is currently under construction. Foundations for the fermentation tanks are almost complete and the railroad spur from the Great Lakes Central Railroad is being laid. Ethanol production is estimated to begin in the fall of 2008; and

Whereas, Michigan is facing significant economic challenges that make this renewable fuels project a huge opportunity for the Ithaca community and Gratiot County, providing approximately 50 permanent jobs, 75 spin-off jobs, and \$100,000 annually to the Ithaca Public Schools' bonded indebtedness. This project also is expected to lower the county's unemployment rate by .6 percent; and

Whereas, Liberty Renewable Fuels is designed to positively impact many counties in Michigan in a number of ways, including partnerships with 11 elevator facilities to help procure 40 million bushels of Michigan-grown corn from the Brown Milling Company in Rosebush, Delwin, and Shephard; Auburn Bean and Grain in Auburn, Saginaw, Oakley, and Hemlock; and Cooperative Elevator Company in Pigeon, Elkton, Ruth, and Akron; along with Zeeland Farm Services in Zeeland to market 350,000 tons of distillers grains annually; and

Whereas, Liberty Renewable Fuels became Security Exchange Commission (SEC)-effective on June 7, 2007, to allow for public investment and ownership. Liberty is the only ethanol plant in the state of Michigan to accomplish this. Michigan investment and ownership means keeping the profits made from the production of this value-added agriculture facility right here in Michigan. Liberty Renewable Fuels is conducting a public offering for ownership units to residents in approved states, with Michigan being the main focus and the location of more than 75 informational meetings across the state; now, therefore, be it

Resolved by the Senate, That we recognize Liberty Renewable Fuels as the only Michigan ethanol plant to conduct an SEC ethanol public investment opportunity. We encourage all Michigan residents to learn about this company and the benefits of renewable fuels on the state's economy. We should appreciate the unique significance and value of companies like Liberty Renewable Fuels in their aim to create a Michigan-owned ethanol production company and to recognize its economic value to our state's economy; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Michigan House of Representatives, the Ithaca City Council, the Gratiot County Board of Commissioners, and the Liberty Renewable Fuels Board of Directors. Senators Birkholz, Cherry, Clarke, Gleason, Jacobs, Pappageorge and Thomas were named co-sponsors of the resolution.

Senators Clark-Coleman, Anderson, Schauer, Clarke, Cherry, Gleason, Birkholz, Olshove, Hunter, Brater, Switalski, Barcia, Prusi, Whitmer, Basham, Scott, Jacobs, Thomas and Kahn offered the following resolution:

Senate Resolution No. 92.

A resolution to memorialize the United States Congress to reauthorize the State Children's Health Insurance Program (SCHIP) for the state of Michigan.

Whereas, The Michigan Legislature regards the health of our children to be of paramount importance to families in our state. Poor child health is a threat to educational achievement as well as the social and psychological well-being of the children of our state; and

Whereas, The members of the Michigan Legislature consider protecting the health of our children to be essential to improving the lives of our youngest citizens and the quality of life in this state. The Michigan SCHIP program, which has enrolled uninsured children since its inception, is an integral part of the arrangements for health benefits for the children of the state of Michigan. We recognize the value of the Michigan SCHIP in preserving child wellness, preventing and treating childhood disease, and improving health outcomes, including overall health costs; and

Whereas, The federal funding available to the state of Michigan through SCHIP is an invaluable source of funding to provide health benefits for children of modest means. Furthermore, we encourage all components of state government to work with educators, health care providers, social workers, and parents to ensure that all available public and private assistance to provide health benefits for uninsured children be garnered and used to the maximum extent; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to pass and the President to sign legislation to reauthorize the State Children's Health Insurance Program (SCHIP) for the state of Michigan; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senator Pappageorge was named co-sponsor of the resolution.

Senator Gilbert offered the following concurrent resolution:

Senate Concurrent Resolution No. 18.

A concurrent resolution to express support for Northwest Airlines' application to provide nonstop service to Shanghai and Beijing, China, from Detroit.

Whereas, The United States and China reached an historic new air transport agreement on May 23, 2007, which provides for extensive new service opportunities to Shanghai and Beijing in the critical and underserved Chinese market. The United States Department of Transportation plans to award six new air routes to China between 2007 and 2009. Northwest Airlines has applied to fly nonstop from Detroit to Shanghai and from Detroit to Beijing; and

Whereas, Northwest Airlines has proven its ability to serve the Asian market from Detroit Metropolitan Airport and its WorldGateway hub, the largest and most successful airline hub gateway to China. Detroit is the largest new U.S.-China gateway in terms of local traffic. Northwest Airlines currently flies 60,000 passengers a year on connecting flights to

China out of Detroit and operates nonstop routes to several Japanese cities as well. The WorldGateway hub at Detroit, with its state-of-the-art terminal facility, offers broad coverage of the entire eastern half of the United States and would provide connecting service to China from more than 100 U.S. cities; and

Whereas, The proposed China routes would serve key manufacturing and industrial interests in Michigan and the Midwest. The Wayne County Airport Authority estimates that Northwest Airlines' two new flights would generate more than \$265 million annually in economic benefit to Southeast Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Transportation to ensure that Michigan remains an important gateway to Asia by approving Northwest Airlines' application to provide nonstop service to Shanghai and Beijing, China, from Detroit; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Transportation, the Federal Aviation Administration, and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Anderson, Basham, Birkholz, Cherry, Clarke, Gleason, Garcia, Jacobs, Kuipers, Pappageorge, Richardville, Schauer and Thomas were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 689

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

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 George 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. 689, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19k. 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 689

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

The following bill was read a third time:

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 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. 284**Yeas—21**

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

Nays—16

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

Excused—1

Whitmer

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Brater, Switalski, Cherry and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 689.

Senators Brater and Switalski moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement, in which Senator Scott concurred, is as follows:

I rise to register my deep opposition to this bill. This is a very shortsighted approach. We are still reeling from the effects of the last two rounds of downsizing of state government.

I understand that there are many people on the other side of the aisle for whom this is their exact intention to downsize state government; to continue reducing its scope. Yet when specific services come up in various departments, we each have our pet projects and are very anxious to make sure that those services continue, but we seem to have an inability to understand the essential services as a whole when we take this kind of meat-cutter approach.

What we are doing is making the underperformance of state government a self-fulfilling prophecy when we reduce the work force below the level needed to provide essential services. Then we criticize our departments for getting sued, for not doing their jobs, and for overspending their budgets when all they are trying to do is comply with state and federal regulations. We really can’t have it both ways.

One of the things I’m very concerned about is that we don’t really know what we are voting on here today. Not only, as my colleagues have said earlier on General Orders in a very thorough discussion, we don’t know department by department what the scope of these cuts is. We also don’t know program by program what we are doing here. We know in certain essential services, as was said in Corrections, and one other example where we know that this won’t have the same effect, but there are other essential services. For example, in the mental health field where we’ve already made

such deep, drastic cuts, people with mental illness are not getting services. In the Mount Pleasant Center, 139 of 481 people will be eligible; that's 28.9 percent of that work force; at the Caro Center, 188 of 405; that's 46.4 percent of that work force; at the Forensic Center, 170 of 460, 40 percent of that work-force; and the Hawthorn Center, which is the only center still open which serves children with mental illness in this state in an inpatient setting, 125 of 214; 58 percent of that work force would be eligible for this early retirement. This list goes on and on. Walter Reuther, 295 of 432; 68 percent of that work force.

This is unconscionable. We need to know there's a face on the citizens whose lives are being affected by these types of deep cuts.

Senator Switalski's statement is as follows:

This bill starts with the laudable goal of cutting \$200 million from the state budget. That would be a good thing if it were a true cut. Unfortunately, Senate Bill No. 689 repeats a pattern of behavior that has plagued Michigan's response to its fiscal crisis for six years now. Instead of a permanent structural fix to our deficit, Senate Bill No. 689 is again a one-time fix that will cost us more tomorrow than we will appear to have saved today.

How will it cost us more? Well, let me quote from the Budget Office, the head of the retirement system in a letter from August 29, yesterday I suppose, "In the next ten years, approximately 50 percent of all active state employees will be eligible for retirement, leads one to question whether an early retirement window is needed." If all of these people are going to be retiring, why are we having an early retirement window? "Most windows end up costing the employer money because employment levels return to their former level much more quickly than expected; vacancies are quickly filled. Two persons are on the health rolls, the retiree and the replacement employee, during the period between early retirement and when the employee would have retired without the window." By my estimate, people could retire as early as age 44. That's 21 years you're caring for them before they are eligible for Medicare. "Retirement costs are deferred to later years, so investment income is foregone." And, finally, "The incentives cost additional money in pension payouts compared with regular retirements, and they are so generous that more people retire than expected or desired."

Early retirement packages only make sense if they are used with the precision of a surgeon's scalpel, but Senate Bill No. 689 does not excise a small growth. It takes a meat cleaver to the right arm, lops off three fingers on the left hand, and removes the Achilles heel on the left foot and the right leg at the knee cap. State government will limp on accordingly.

Projections indicate that Senate Bill No. 689 will result in a 20 percent cut to the work force of 53,000, which is already 20 percent below the employee levels of 2001, which was after a decade, Mr. President, of John Engler and three years of total Republican control. I say that not for partisan reasons, but to illustrate that 2001 was not an artificially high number of employees. If we really believe state government can function with a 20 percent reduction of employees, we should commit to that. It makes no sense to replace employees lost through early retirement. That is how a budget cut becomes a short-term fix that worsens our structural deficit.

In past early outs, we promised to replace only 1 in 4 retirees. The reality has been closer to 1 in 2. Why will this time be any different? In fact, as you get to a lower level of employees, it gets harder to cut more because you've already cut to the bone. Think of it department by department. Are we going to cut the number of foster care workers who are already staggering under unreasonable caseloads? Are we going to cut the number of representatives available to serve you at the Secretary of State offices? No. We just put through an amendment saying they can't close any Secretary of State offices. Are we going to cut the number of people who issue permits and licenses and forms? Are we going to reduce the number of people who maintain our state parks, our campgrounds, and our trails, picnic and rest areas? Are we going to reduce the number of workers available to administer vaccinations and inoculations to our children? The number of people who follow up on child support payments and unemployment compensation? The number of workers who are out inspecting our roads and bridges? Are we going to trim people who offer services to the aging, to seniors? I doubt that.

Mr. President, history indicates that we will replace these employees. I would submit to you Exhibit A, which this morning in the Appropriations Committee, right before we voted on this bill, we approved two transfers which would add ten employees to the state. So we are adding employees while on the other hand we are paying employees to leave and saying we are not going to replace them. It shows that these employees are essential; that we can't cut them.

Exhibit B would be the budgets we just passed out of this chamber last week. Those budgets did not reflect cuts in manpower. That's our opportunity to say, hey, we need to downsize state government. Did we cut employee levels? No, we didn't do that.

You do know, Mr. President, what Wall Street's reaction will be to yet, once again, a one-time fix because we've been through that for five years now. We've gone from the highest rating in the state of AAA to now we are AA- with a negative outlook. For six years we've been engaging in these one-time fixes like securitization, raiding the restricted funds, and selling assets and leasing buildings back. Wall Street has criticized this approach and lowered our rating.

If this was a good idea, we'd have met on it, we'd have discussed it, and gone into detail about how this would work instead of moving it through in one day all the way with very little time to consider or debate.

I will say that I find the \$200 million estimate of savings wildly optimistic. I would note from the Senate Fiscal analysis that it's based on zero replacements. That hasn't been our history. It's based on the idea that people would retire on October 1 and we would get a full-year savings. Well, that's not going to happen. In fact, the amendment to the bill we put through this morning said they can retire as late as December 31, 2010. So there is very little savings upfront if people choose to take the early retirement, take the sweetener, but stay on the job.

To the extent that people are replaced, this assumes that they are going to be replaced at the minimum wage, at the lowest level for their position. That's not true. We will probably replace people from within by moving people up and then bring in people from outside. So you've got additional bumping increments, and the Senate Fiscal says that, yeah, that will occur, but they don't have a hard estimate of what that will amount to.

There is a huge increase in pension liabilities. I would quote from the pension office again: "This bill significantly increases the pension liability and retiree health care costs that we continue to pay today. If financed over 30 years, the annual payments would need to be \$63.1 million and \$126 million if everyone took it." It's \$63 million if half take it. In the case of medical, it's \$97 million over five years. Those are significant annual costs that will be taken on. I think cumulatively just the medical part is \$1 billion by the pension office estimate.

So, Mr. Chair, in conclusion, I think this proposal is shortsighted, reckless, and will cost the state dearly and deepen our structural deficit. I oppose it.

Senator Cherry's statement is as follows:

Mr. President, I voted "no" on this bill because I believe that it is shortsighted and will do harm to the state of Michigan. This bill cuts employees if it's done in a way that might be intended. It's never really clear as to how many employees will actually be replaced. If all employees are to be replaced, it will cost the state money. It definitely will shift costs from the General Fund to the retirement fund. It seems to be that's something that this body has wanted to reform, and instead, we are adding costs to it.

If employees are not replaced at 100 percent, we are cutting vital services. The Senator from the 10th District outlined what those services will be, but don't assume that this will not have a cost. We have not been doing nothing for four years. We have been making government more efficient with less. You have seen that by the number of employees who have been cut, while at the same time we have been able to provide services, but it has not come without pain and hardship.

We cannot continue to cut the number of employees without seeing services have some effect. This bill will do that if employees are not replaced on a 1-for-1 basis. Again, if they are, it costs the state money. It is not a cost-saving bill. We have done it with less time and attention spent on this. We, in this body, don't even have the bravery to say where we want cuts to be made. We have cut budgets last week without having any ability to say what services are going to be cut. This is just another way to do that.

So I object to this bill being passed. That is why I voted "no."

Senator Scott's statement is as follows:

Are we trying to just really cut out state government, period?

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 693, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 10 (MCL 125.2688a and 125.2690), section 8a as amended by 2006 PA 476 and section 10 as amended by 2005 PA 164.

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

Senator Thomas introduced

Senate Bill No. 694, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

Senators Jacobs, Scott, Whitmer, Clark-Coleman, Brater and Hunter introduced

Senate Bill No. 695, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Senators Jacobs, Scott, Whitmer, Clark-Coleman, Brater and Hunter introduced

Senate Bill No. 696, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Garcia, Gleason, Hunter, Schauer and Jansen introduced

Senate Bill No. 697, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52.

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

Senators Garcia and Gleason introduced

Senate Bill No. 698, entitled

A bill to amend 1995 PA 30, entitled "Electric transmission line certification act," by amending section 10 (MCL 460.570), as amended by 2004 PA 198, and by adding section 5a.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Garcia, Gleason and Van Woerkom introduced

Senate Bill No. 699, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 33 (MCL 28.733), as added by 2005 PA 127.

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

House Bill No. 4346, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

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

House Bill No. 4350, entitled

A bill to make appropriations for certain state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2008; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

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

House Bill No. 4351, entitled

A bill to make appropriations for Michigan State University, University of Michigan - Ann Arbor, and Wayne State University and certain state purposes related to education for the fiscal year ending September 30, 2008; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

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

House Bill No. 4359, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 6a, 8b, 11, 11a, 11f, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20j, 22a, 22b, 22c, 22d, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32c, 32d, 32j, 32l, 37, 38, 39, 39a, 41, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 64, 65, 74, 76, 81, 94a, 98, 99, 99e, 99h, 104, 107, 147, and 163 (MCL 388.1603, 388.1606, 388.1606a, 388.1608b, 388.1611, 388.1611a, 388.1611f,

388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622c, 388.1622d, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1629, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632c, 388.1632d, 388.1632j, 388.1632l, 388.1637, 388.1638, 388.1639, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1676, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699e, 388.1699h, 388.1704, 388.1707, 388.1747, and 388.1763), sections 3, 11, 11g, 11j, 22a, 22b, 26b, 31a, 51a, 51c, 65, 81, and 147 as amended by 2007 PA 6, sections 6, 11a, 11f, 11k, 15, 18, 20, 20j, 22d, 24, 26a, 31d, 31f, 32c, 32d, 32j, 32l, 37, 39a, 41, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 94a, 98, 99, and 107 as amended and sections 11m, 22c, 24a, 24c, 29, 32b, 64, 99e, 99h, and 104 as added by 2006 PA 342, section 6a as amended by 1997 PA 93, sections 8b and 38 as amended by 2003 PA 158, sections 19 and 39 as amended by 2005 PA 155, section 76 as amended by 1996 PA 300, and section 163 as amended by 2004 PA 351, and by adding sections 31g, 32, 32e, 32f, 65a, 77, 98d, 99a, and 99i; and to repeal acts and parts of acts.

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

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

House Bill No. 4492, entitled

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

The House of Representatives has passed the bill.

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

Recess

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

The motion prevailed, the time being 1:44 p.m.

3:01 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

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 House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 613a, 614a, 615a, 616a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.616a, 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 616a as added by 1988 PA 275, 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 19, 615c, and 759c; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Cropsey moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 285

Yeas—36

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

Nays—0

Excused—1

Whitmer

Not Voting—1

Kuipers

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 as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The motion prevailed.

Senator Schauer’s statement is as follows:

I rise in support of the House changes to Senate Bill No. 624. I have spoken in committee, while this bill was before us on General Orders, and on final passage out of the Senate in opposition to the bill because of technical changes that needed to be made to the bill. Fortunately, those changes have been made on the House side that now allow me to be supportive.

As I’ve said all along, it’s important for it to be said in the record here that Democrats have consistently supported an early, open primary, presidential primary that puts Michigan in an important position to be part of not only the presidential-nominating process, but also for Michigan citizens to receive direct assurances from these presidential candidates, Democrats and Republicans, as to federal policies they would support that will help Michigan’s manufacturing economy, that will help Michigan’s economy transform itself to be competitive in a global economy, to help Michigan’s

workers and families who are struggling during this economic transformation, and to hear promises about protecting the Great Lakes Basin.

So I rise as Democratic Leader of this body to indicate my support for this early presidential primary. I would ask that these remarks be printed in the Journal and ask that all of my colleagues would support this House-passed version of Senate Bill No. 624.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Mary Church Terrell, a dynamic African-American writer and civil rights activist spanning two centuries, said, "If we fight, we get our rights. We're second-class citizens because we sit idly by." Well, Michigan drivers and homeowners are not second-class citizens, nor are we going to sit idly by while the prosperous insurance companies continue to accumulate profits on our backs. We are going to continue our fight to get our rights. And we will not settle for watered-down, diminished coverages that further discriminate against low-income urban residents.

My bills will assure accessible and affordable insurance for all Michigan drivers. They are fair, objective, and unbiased. And they will correct more than 30 years of discrimination in insurance rate setting. Let us restore justice to insurance rates and pass my bills.

Senator Gleason's statement is as follows:

This September 1 is a birth date of a great American labor leader. On September 1, this will be the 100th anniversary of a great labor leader, Walter P. Reuther. He would have celebrated his 100th birthday, and in remembrance of him, we honor him today in this august body. We are grateful for this opportunity to recognize one of our state's and nation's exceptional citizens and indelible leaders as we celebrate and acknowledge the impact he had on the labor movement and the generations of men and women who followed him in our factories and our plants.

Walter Reuther was born one hundred years ago on September 1, 1907, in Wheeling, West Virginia. There he learned the practicality of trade unionism, and after an apprenticeship in tool and die work, he left for the boomtown of Detroit to complete his education and work in the automobile industry.

He quickly became an influential figure in the union organization of Detroit's automotive industry. By 1937, he was president of the large UAW Local 174 on Detroit's West Side and a member of the UAW Executive Board. In 1939, Walter was head of the UAW General Motors Department and led a successful strike that solidified the union's position with the great corporation.

Walter was elected president of the UAW in 1946, a post he would hold until 1970. During that period, he provided his membership with gains unheard of during the early years of the automotive industry. Beyond economic achievements, auto workers enjoyed enhanced job security, vacations, benefits, pensions, and supplemental unemployment benefits. Under his leadership, the automotive-making industry transformed from a low-wage, part-time field to full security in an industry that supplied a living wage and optimism for the future.

As a leader in the Democratic Party, Walter was an advisor to Presidents from Franklin Roosevelt to Lyndon Johnson. He sought to widen the federal government's role as a guarantor of civil liberties and provider of expanded social programs. He was influential in the passage of civil rights legislation and was a close consultant in developing the War on Poverty program.

Throughout his career, Walter continually promoted the concept that automobile corporations had an obligation beyond making money and that their actions should also take into account the welfare of their workers and society at large. Walter also believed the social and economic impact of unions should expand beyond its own membership. He marched with civil rights activists in Mississippi and hospital workers in South Carolina, and he was a strong supporter of the Southern Christian Leadership Council and a great friend of Dr. Martin Luther King, Jr. The UAW financed the enormous Freedom Marches in both Detroit and Washington in 1963 where Dr. King delivered his "I Have a Dream" speech.

Once described as the only man who can remember the future, Walter exercised that visionary leadership by calling for equal pay for equal work regardless of sex or race. He is also credited with establishing a guaranteed annual wage and supported national health care. Walter Reuther's enormous contributions have made a lasting impact on our American society.

With a great deal of privilege and honor as a UAW member, I stand before you and acknowledge the great accomplishments of a great labor leader, Walter Reuther.

Senator Clarke's statement is as follows:

The last six days have been the most extraordinary of my entire life. I wanted to thank all of the Senate staff for the warmth and the love you have shown me and my wife today.

Committee Reports

The Committee on Agriculture reported

Senate Bill No. 595, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105, 1107, 1109, 2111, 2113, 2119, 2123, 2125, 2129, 3103, 3119, 3121, 3123, 3125, 3127, 3135, 3137, 3139, 4101, 4103, 4105, 4107, 4111, 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137, 8105, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.2111, 289.2113, 289.2119, 289.2123, 289.2125, 289.2129, 289.3103, 289.3119, 289.3121, 289.3123, 289.3125, 289.3127, 289.3135, 289.3137, 289.3139, 289.4101, 289.4103, 289.4105, 289.4107, 289.4111, 289.4113, 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and 289.8107), sections 1109, 3119, 4111, 4117, 6101, and 6149 as amended by 2002 PA 487 and section 4116 as added by 2004 PA 267, and by adding sections 6140 and 7106; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Gleason and Whitmer

Nays: None

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

The Committee on Agriculture reported

House Bill No. 4956, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105, 1107, 1109, 2111, 2113, 2119, 2123, 2125, 2129, 3103, 3119, 3121, 3123, 3125, 3127, 3135, 3137, 3139, 4101, 4103, 4105, 4107, 4111, 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137, 8105, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.2111, 289.2113, 289.2119, 289.2123, 289.2125, 289.2129, 289.3103, 289.3119, 289.3121, 289.3123, 289.3125, 289.3127, 289.3135, 289.3137, 289.3139, 289.4101, 289.4103, 289.4105, 289.4107, 289.4111, 289.4113, 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and 289.8107), sections 1109, 3119, 4111, 4117, 6101, and 6149 as amended by 2002 PA 487 and section 4116 as added by 2004 PA 267, and by adding sections 6140, 6150, and 7106; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Gleason and Whitmer

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Wednesday, August 22, 2007, at 8:00 a.m., Room 110, Farnum Building

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

Excused: Senator Birkholz

The Committee on Appropriations reported

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

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

Ron Jelinek
Chairperson

To Report Out:

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

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

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, August 30, 2007, at 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees Audit Fee Subcommittee submitted the following:

Meeting held on Monday, August 27, 2007, at 3:00 p.m., Room S-929, House Office Building

Present: Senator Clarke

Excused: Senator McManus

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Wednesday, September 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Legislative Retirement Board of Trustees - Wednesday, September 5, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Transportation - Tuesday, September 4, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 3:14 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, September 4, 2007, at 12:00 noon.

CAROL MOREY VIVENTI
Secretary of the Senate