

No. 83
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Thursday, September 6, 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

Pastor Barry Edds of White Pigeon Church of Christ of White Pigeon offered the following invocation:

Lord, we thank You for another beautiful day in our great state. We thank You, Father, for the smell of fall in the air and that time that we can come together as we see our schools and our children all gathered back from their vacations and their trips. Father, let us remember them.

Father, we thank You for the gift of life that You have given us and, Father, for the power of Your strength that You sustain us and for the wonderful creation, Father, that you created with us in mind, that we might enjoy it. We thank You, Father, for the opportunity that we have to serve the great people of our state and to serve You.

Lord, grant the members of this assembly the wisdom, the understanding, and the discernment that they might serve You well. Lord, bless them in such a way that they might lead out in our great country and that they might be an example to other state legislatures and senates throughout this country.

Lord, bless our nation's leaders. Guide them in truth and in strength and in justice in times of both peace and war. Lord, bless our men and women in uniform. Grant them success and vanquish our foes. Lord, bless the families of those who serve and those who have died. For them, Lord, the war is not so distant. God bless America, the land that we truly love, and this great state of Michigan. Stand with us, Lord, and guide us.

For this we pray in the precious name of our Lord and Savior Jesus Christ. Amen.

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

Motions and Communications

Senators Richardville, Garcia and Jelinek entered the Senate Chamber.

Senators Brown and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

Mr. President, our tribute is prefaced today by a statement, really a scripture. I'd like to read it to you; it is from Revelation 21:4—"He will wipe every tear from their eyes. There will be no more death or mourning or crying or pain, for the old order of things has passed away."

In memory of First Lieutenant Jonathan "John" Wade Edds, special tribute from the state of Michigan:

"LET IT BE KNOWN, That on behalf of the citizens of Michigan, we pay tribute to the ultimate sacrifice made by First Lieutenant Jonathan W. Edds who, by willing service to his country in protecting its citizens, was killed in Baghdad, Iraq, on August 17, 2007, while serving in the United States Army as a Scout Platoon Leader since deployment to Iraq in March 2007. He was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Brigade Combat Team, 3rd Infantry Division based at Fort Benning, Georgia.

In the course of our history as a nation, there have been countless men and women in our military forces who have gone into battle placing their lives in peril. All are respected for their bravery, but our hearts turn especially to those who found themselves in harm's way and who did not return to the loving embrace of family and friends. To those brave guardians of liberty, we stand and salute their gallantry and their selfless devotion to the United States, to the rule of law, and to freedom and liberty. Their ultimate act of heroism demonstrated in the sacrifice of their lives will forever be cherished by a grateful nation. And so it is now that our thoughts turn to the memory of Lieutenant Jonathan Edds, and our prayers go out to the Edds family who mourn the loss of a dedicated son and grandson, a loving husband, a loyal brother, and a brave American soldier.

The son of Barry and Julie Edds of White Pigeon and grandson of George and Dixie Musolff, also of St. Joseph County, Michigan, Jonathan W. Edds was born on January 18, 1983, in Hamilton, Ohio. Jonathan spent his formative years in White Pigeon, Michigan, where he graduated from White Pigeon High School in 2001. It was there in the White Pigeon community that Jonathan developed a sense of purpose for his life. While attending White Pigeon High School, he was president of his class, president of the student body, and an honor roll student. He had an excellent performance record whether in the classroom, playing basketball, or running cross country. He grew up a minister's son with two brothers, Joel the eldest and Josh the youngest. His father remains the long-serving pastor of the White Pigeon Church of Christ. In time, all three brothers would share a special bond by which they would express their growing patriotism. In succession, they were all admitted and trained at the U.S. Military Academy at West Point. This unique family experience forged an even greater bond between them as they grew in character and devotion to God and country and to their supportive parents whom they deeply love. On July 2, 2005, Jonathan brought into the Edds family a new member when he married Laura Russel in Boone, North Carolina.

Jonathan's accomplishments can be traced to the work ethic and determination his parents instilled in him as a child. But it wasn't all books and study for John. He enjoyed golfing, fishing, and cooking. And along with his reputation for success in his many endeavors, his most endearing characteristic was the kindness he displayed to his fellow students and soldiers. Jonathan's strength of character and devotion to God, family, and country earned him the respect of his family, community, his fellow soldiers, and all who had the privilege to know him.

Clearly, Jonathan's parents, wife Laura, two brothers, Joel and Josh, and grandparents, George and Dixie Musolff, bear an unspeakable loss. Though our words can do little to comfort their sadness and tears, we join with the citizens of this state to extend our sincere condolences and our deep respect and gratitude for the sacrifice of this brave soldier. May the family of First Lieutenant Jonathan Edds find comfort in the knowledge that we share in their sorrow and that the legacy of accomplishment of this young soldier will remain undimmed throughout the remaining years of our lives and that his name shall be recorded among those noble and gallant souls who knew neither fear nor timidity in the face of present danger as they answered their country's call to duty. His legacy will continue to inspire others and remind us of the great sacrifice made to protect and preserve the blessings of liberty. It will also remind us that there is no greater gift than to lay down one's life for another. We are deeply grateful for the gift of life that was Jonathan Edds and for his unselfish devotion to his country and to the cause of freedom and liberty.

He who, from zone to zone
Guides through the boundless sky thy certain flight,
In the long way that [we] must tread alone
Will lead [our] steps aright.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated as a memorial for First Lieutenant Jonathan W. Edds. May his family know of our esteem and our deepest sympathy for their profound loss."

Of course, this is signed by myself, as the Edds' State Senator, by Representative Rick Shaffer, and lastly, by the Honorable Jennifer M. Granholm, Governor of the state of Michigan.

A moment of silence was observed in memory of Army First Lieutenant Jonathan W. Edds.

Senator Clark-Coleman's statement is as follows:

Colleagues, I rise to pay memorial tribute to my friend and renowned community and political activist, Vince Bruno. Vince, who was well respected in Democratic circles, passed away this week—ironically, on Labor Day. He was one of the most dedicated men I know. He stood firm on his convictions and managed to support his positions without diminishing the views of others. There are many things to which I could attribute his strong spirit of inclusion, but I think it mostly came from his immigrant background.

Vince, whose given name was Vincenzo James Bruno, was born in Sicily and immigrated to the United States with his parents at the age of 16. He graduated from Dearborn Fordson High School and, after graduation, began working at Ford Motor Company, where he was accepted into an electrical engineering apprenticeship program. While working at Ford, Vince pursued his education at Henry Ford Community College and Wayne State University. He held both bachelor's and master's degrees and had completed the coursework for his Ph.D.

During his tenure at Ford, Vince discovered the United Auto Workers union and embarked upon a 45-year journey with that organization that culminated with his dual retirement from Ford and the UAW. Vince loved Dearborn and spent most of his energy making it a better place to live. He was a lifetime member of the NAACP, a member of the Italian American Labor Council, and past president of the Italian American Cultural Center. Vince was equally passionate about his union. He was a member of the UAW International union staff and held several positions, including the education director and the assistant director of the UAW Region 1A.

He was a mentor and a friend to me and many others. He believed that helping people help themselves was far better than doing something for them. Vince could always be counted on for a "hand up" and was ready to carry anyone who couldn't walk for themselves.

Colleagues, I ask for a moment of silence to honor the memory of Vince Bruno, an American success story and, most of all, my friend.

A moment of silence was observed in memory of UAW founder Vincenzo Bruno.

Senator Cropsey moved that rule 3.902 be suspended to allow the Chinese delegation admittance to the Senate floor, including the center aisle.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:26 a.m.

11:34 a.m.

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

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, September 5, for her approval the following bills:

Enrolled Senate Bill No. 298 at 11:51 a.m.
Enrolled Senate Bill No. 299 at 11:53 a.m.
Enrolled Senate Bill No. 301 at 11:55 a.m.
Enrolled Senate Bill No. 303 at 11:57 a.m.
Enrolled Senate Bill No. 69 at 11:59 a.m.

The Secretary announced that the following official bills were printed on Wednesday, September 5, and are available at the legislative website:

Senate Bill Nos.	700	701	702	703	704	705	706	707	708	709	710	711	712	713
	714	715	716	717	718	719	720							

By unanimous consent the Senate proceeded to the order of
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. 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 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.

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 with a substitute therefor, the following bill:

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.

Substitute (S-1).

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

1. Amend page 3, following line 2, by inserting:

“Sec. 102. BUDGETARY SAVINGS

Budgetary savings.....	\$	(100)
GROSS APPROPRIATION.....	\$	(100)

Appropriated from:

State general fund/general purpose	\$	(100)”
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and adjusting the subtotals, totals, and section 201 accordingly.

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:

House Bill No. 4360, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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:

House Bill No. 4344, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Substitute (S-2).

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

1. Amend page 2, line 5, by inserting “(1)”.
2. Amend page 2, line 9, by striking out “0” and inserting “(100)”.
3. Amend page 2, line 13, by striking out “0” and inserting “(100)”.
4. Amend page 2, line 21, by striking out “0” and inserting “(100)”.
5. Amend page 2, following line 21, by inserting:

“(2) BUDGETARY SAVINGS

Budgetary savings.....	\$	(100)
GROSS APPROPRIATION.....	\$	(100)

Appropriated from:

State general fund/general purpose	\$	(100)”
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and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 3, line 2, by striking out “\$0.00” and inserting “(\$100.00)”.

7. Amend page 5, following line 14, by inserting:

“Sec. 269. The amount appropriated in part 1 for medical services pharmaceutical services includes funds to cover reimbursement of mental health medications under the Medicaid program. Reimbursement procedures for mental health medications shall be the same as those that were followed in fiscal year 2005-2006, and utilization procedures for such medications shall adhere to section 1625, the department’s fiscal year 2006-2007 contract with Medicaid health plans, and section 109h of the social welfare act, 1939 PA 280, MCL 400.109h.”

8. Amend page 7, line 12, after “(a)” by striking out “\$0.00” and inserting “\$100.00”.
9. Amend page 7, line 14, after “(b)” by striking out “\$0.00” and inserting “\$100.00”.
10. Amend page 7, line 15, after “(c)” by striking out “\$0.00” and inserting “\$100.00”.
11. Amend page 7, line 16, after “(d)” by striking out “\$0.00” and inserting “\$100.00”.
12. Amend page 7, line 18, after “(e)” by striking out “\$0.00” and inserting “\$100.00”.
13. Amend page 7, line 19, after “(f)” by striking out “\$0.00” and inserting “\$100.00”.
14. Amend page 24, line 9, after “agreements,” by striking out “\$0.00” and inserting “\$100.00”.
15. Amend page 26, line 17, after “part 1,” by striking out “\$0.00” and inserting “\$100.00”.
16. Amend page 29, line 12, after “part 1,” by striking out “\$0.00” and inserting “\$100.00”.

17. Amend page 39, line 7, after “additional” by striking out “\$0.00” and inserting “\$100.00”.
 18. Amend page 39, line 8, after “gross/” by striking out “\$0.00” and inserting “\$100.00”.
 19. Amend page 39, line 16, by striking out “\$0.00” and inserting “\$100.00”.
 20. Amend page 46, line 19, by striking out all of section 1763 and inserting:

“Sec. 1763. In order to reduce healthcare costs, the department shall adopt an interoperable hub that provides secure aggregation and access to medication history data through the use of an existing, outsourced health information exchange infrastructure. The infrastructure will provide cross domain single sign-on allowing for realtime, data aggregation across disparate organizations and system. Funds appropriated in part 1 will be used to fund a risk adverse, budget-neutral 10-month production pilot in Southeast Michigan with a Michigan-based service provider.”.

21. Amend page 48, line 10, by striking out all of section 1776 and inserting:

“Sec. 1776. If the department continues to utilize the Medicare outpatient prospective payment system methodology to reimburse hospitals for Medicaid clients seen in the outpatient setting including the emergency room, then the Medicaid reduction factor utilized by the department to compute the amount of payment made by Medicaid health plans to hospitals must be revenue neutral and actuarially sound.”.

22. Amend page 49, line 2, after “devote” by striking out “\$0.00” and inserting “\$100.00”.

23. Amend page 49, line 2, after “gross” by striking out “\$0.00” and inserting “\$100.00”.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4344

House Bill No. 4346

House Bill No. 4360

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

The President, Lieutenant Governor Cherry, resumed the Chair.

The following bill was read a third time:

House Bill No. 4344, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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. 301

Yeas—24

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

Nays—14

Anderson	Clark-Coleman	Olshove	Scott
Basham	Clarke	Prusi	Thomas

Brater
Cherry

Hunter
Jacobs

Schauer

Whitmer

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Cherry and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4344 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:

Mr. President, I oppose the passage of House Bill No. 4344 for a number of reasons; so many that I don’t know that I’ll be able to express all of them. But, first of all, I oppose a bill that has absolutely no funding in it. I oppose a bill that does not provide care to poor people; no health care. I oppose a bill that provides no support for hospitals, no support for nursing homes, no support for in-home care for the elderly, no support for mental health clients, and no support for substance abuse services.

I understand that this body thinks that we have to pass this bill with nothing in it to move the process forward, but I say that I believe that I have some responsibility to represent the citizens who are in my district. I believe that each one of us is giving up that right if we pass this bill.

We have been talking about having to move the process forward for ten months and we have not done a thing. We had a lot of time to move this process forward and we have not done it. It is my belief that we should take the time that is necessary, put in a bill that shows what you stand for, and if you don’t think we need to be funding services and making cuts, then you should point out exactly where those cuts are going to be made. This is a coward’s bill.

I think that we are making a huge mistake. We are not representing the citizens of this state very well, and I don’t think that we are standing for anything at all. So I am voting “no.”

Senator Whitmer’s statement is as follows:

I am hearing today that it is time to move forward. Well, I could not agree with you more. After eight months of sitting here and not doing anything, I agree. I share the sentiment; we should be moving forward but with what? With nothing, with \$100 here or negative \$100 there or zeros, is that moving forward? Have we done our duty to do our jobs here and set priorities for the people in the state of Michigan? Have we balanced the budget?

Passing zero-dollar budgets is not just irresponsible, but it is ludicrous. We have had eight months and all you can come up with are zeros. This is where we are. It’s embarrassing and it begs the question: Do we not have any priorities, and if we can set priorities, what is our function? This is the Department of Community Health budget and in it there is no Medicaid funding. There is no funding for the doctors who treat the thousands of sick, poor people in our state. There is no money for the thousands of Michigan citizens who depend on free clinics for everything from preventative health care to prenatal care—nothing. I am alarmed that thousands of Michigan’s children will go without dental care. A toothache is painful. Imagine having to go to school with such pain that it is impossible to concentrate. Healthy kids learn. We all say that learning and education are important. Aren’t healthy kids important too? Do we stand for nothing? Are we going to vote out budgets that take the cowardly way out? I am not going to, and I don’t think that any of us should.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

I appreciate the remarks of the previous two speakers and also the remarks of the speaker from the 10th District. Are these budgets perfect? Oh no, they're not perfect. Do we like them? No, I don't think anybody likes them, but we do have a problem. One of the problems is that we are running up against a timeline. I would just suggest to folks who are saying, oh, they're going to vote against it and that they don't want to see the process move along. What are you really saying, that you want to see the government shut down at the end of this month? I don't think so and I'm not going to be part of the obstructionists who want to see this government shut down for partisan political purposes.

I applaud those people who say, "Let's keep this process moving. Even though it's not as good as we like it, we are still under time constraints. We must have this done." So I am not thrilled to support this budget bill, but I think it needs to be supported in order to keep the process going so that we don't stop vital services at the end of this month for some of the neediest people in our society.

Senator Pappageorge's statement is as follows:

We ought to take a minute here and understand what is going on here today. Normally, by this time in the budget cycle, five people would have been in a room—the Governor, the Speaker of the House, the two Appropriations chairs, and the Senate Majority Leader—and those five people would have looked at how many dollars are available and then set targets for all of the budgets.

This year, as near as I can figure, five people got into a room and three of them said, "We're not going to do it that way anymore. We're going to figure out how much money we've got and then add \$1.8 billion as if it's already there." And so the result is that we can't get to closure. Until we get to closure on that issue with those five people, it is disingenuous to stand up in this chamber and say somebody isn't getting any money. What we're doing today is putting in points of difference so when those five people finally sort it out, we can do our budgets.

We are going to waste a lot of time today if people get up and say, "This budget isn't big enough, but I'm not willing to vote to make it bigger." So please let's not waste our time in this chamber and let's continue with the process.

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Clarke offered the following amendment:

1. Amend page 4, following line 26, by inserting:

"Sec. 208. From the amount appropriated in part 1, the department shall conduct a comprehensive performance audit of the Detroit public schools. The audit shall be completed and delivered to the members of the senate and house appropriations committees by March 1, 2008."

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

Senator Cropsey requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 302

Yeas—37

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

Nays—1

Clark-Coleman

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. 303**Yeas—25**

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

Nays—13

Anderson	Clark-Coleman	Olshove	Scott
Basham	Hunter	Prusi	Thomas
Brater	Jacobs	Schauer	Whitmer
Cherry			

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Clarke's statement is as follows:

This amendment would require the state to conduct a performance audit of the Detroit Public Schools. That school district currently performs its own audit—a financial audit—that compares its financial transactions to how it reports them in its budget. I'm talking about an audit that does something much more than just look at numbers and whether

those numbers are reported correctly. I'm asking the state to look at how well that school district is performing; how well the school district is spending its money. The reason why I believe the state has the obligation to do so is because several years ago, this state took over that school district when it had a \$90 million surplus. That school district ended in a multimillion-dollar deficit, which it continues to have.

The allegations of misspending have been well documented, and if they are true, they are gross and egregious and possibly criminal. The reason why I believe that we should conduct a performance audit with the Detroit Public Schools initially is because out of the school aid budget this state spends more money in the Detroit school district than we do in any other. Also, as a Senator from Detroit—as a person who graduated from the Detroit Public Schools—I was appalled by the district's decision to close scores of school buildings because many of those buildings, I believe, were structurally sound, and to keep those buildings open would mean smaller class sizes for students who are being raised in the most challenging environments.

The bottom line is this—the amendment would require a performance audit that would look at two things in the Detroit Public Schools: how well that district is spending the money and how efficiently it is spending the money. I believe that that audit could come up with recommendations that could save the district and this state millions of dollars, but also this audit would look at how effectively the school district is spending the money and make recommendations on how we can better spend the money we appropriate to Detroit schools, so that our young people can get the best education possible. I urge your support.

The following bill was read a third time:

House Bill No. 4360, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. 304

Yeas—24

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

Nays—14

Anderson	Clark-Coleman	Olshove	Scott
Basham	Clarke	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.

Protests

Senators Whitmer and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4360 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 Whitmer’s statement is as follows:

In a surprising turn of events, I rise to oppose this bill. I’m being facetious; it’s not surprising. You know, I served six years on Appropriations when I was in the House. The last four were as the ranking member. I understand how the process works. I understand the Legislature’s rule. I may not look old-school, but I remember a day not that long ago where the Legislature actually put money and numbers in these budgets and set priorities and said, “This is what we stand for.” We care about community colleges; let’s just not put in \$100.

Not everyone in our state can afford a four-year university and some students need to work while attending school. They might need to raise a family. This is the opportunity that our community colleges afford and offer them. I hope these students continue to have choices, and I think we should fund them so that they can. I want them to have the opportunity to receive a degree closer to the community. This bill has \$100 for each community college in the state of Michigan. Now, if you just look at LCC down the road, we have 32,000 students there. Under this bill, if you look at the numbers in the bill—and I’m not just saying there are no numbers there because there are numbers; just zeros—under this one there is \$100, so at LCC that would be 3/100 of a penny for each student to go to LCC. Now I don’t know about you, I can stretch a dollar, but I couldn’t afford to go school on 3/100 of a penny.

I think we should do our job and set priorities and say this is important enough for us to actually put real money here before it leaves the Senate, before it goes to a private room with a handful of people in it. I think we should put our stamp on this and say this is important to the State Senate. This bill does not do that and I will oppose.

Senator Cherry’s statement is as follows:

I also rise to oppose this bill. As a legislator, the public record that we have about our positions on a bill is our vote. We are voting today on record to give our community colleges \$100. I think my community college deserves more than that. I know that it’s a priority of mine, and whether or not it’s a process issue or not, your public statement is that you are giving the universities \$100. I don’t think that is responsible. I think it is bad policy, and I believe that voting “no,” as was said earlier, might stop government from going on on October 1 is not correct. We have not done our jobs for nine months; that is what might stop government. That’s what might close government that we have not done our job.

So I think it is time to put ourselves on the record. I am going on the record saying that I think our community colleges deserve more money.

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

I rise as chairman of the community colleges Senate subcommittee and ask for your support for this bill. We all understand that all of the numbers we would like to see are not present. We have put \$100 placeholders in because we need to move forward, move them to conference. We are within a month of the end of this fiscal year. We need to get the job done.

Now some of my colleagues have stood and said they oppose this process. It is not what I would have liked, but this is where we are right now. Some colleagues have stood and said it is because we have done nothing all year long. Well, I want to say something. I have been busy all year long. I chair three committees. I put a lot of effort into those bills, especially the first two, when we first hit House bills. So it is not as if I have sat and done nothing all year long. You know the things that we have accomplished here. We have had to redo the 2007 budget, we have had to redo the tax replacement for the SBT, and now we are working hard on this. Yes, there are philosophical differences and there are politics at play at times, but it is not because we have done nothing all year long.

You also know the process. We are moving us forward so we can get the job done by the end of the year. Now I would hope that we can move forward on the rest of these bills and do just that so we can serve the people of this great state. Someone mentioned courage before. It’s not courageous to put forth a bill like this. I don’t think it takes much courage to vote “no” on a bill that has just a \$100 placement in it. You can always justify why you vote “no.” It takes courage to lead and that is what we are trying to do and get through this process.

I would ask for your support for this bill.

Senator Jelinek’s statement is as follows:

I would like to say that a “no” vote on this bill is a “no” vote against community colleges; the colleges that we value; the colleges that do us a great service in this state. To vote “no” means that you don’t want to fund them. We do intend to fund them. We do know that they are going to be funded. When we get into conference, we will decide the level of that funding.

But to vote “no” would be an insult to those community colleges. We value their service and we intend to fund them to the fullest extent that we possibly can. So a “no” vote would be a vote against funding them.

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

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

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

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

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

House Bill No. 4348, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-1).

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

1. Amend page 2, following line 23, by inserting:

“Sec. 102. BUDGETARY SAVINGS

Budgetary savings.....	\$	(100)
GROSS APPROPRIATION	\$	(100)
Appropriated from:		
State general fund/general purpose	\$	(100)”

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

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

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

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

House Bill No. 4348

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

The following bill was read a third time:

House Bill No. 4348, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; 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 amendment:
1. Amend page 2, following line 23, by inserting:

“Sec. 103. HEALTH CARE

Hepatitis C testing and treatment	\$	100
GROSS APPROPRIATION	\$	100
Appropriated from:		
State general fund/general purpose	\$	100”

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

The amendment was not adopted, a majority of the members serving not voting therefor.
The question being on the passage of the bill,

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:10 p.m.

1:15 p.m.

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

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. 305

Yeas—24

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

Nays—14

Anderson	Clark-Coleman	Olshove	Scott
Basham	Clarke	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.

Protests

Senators Brater, Cherry and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4348 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 Brater’s statement is as follows:

Mr. President and members, I rise, unfortunately, to say that I am going to vote “no” on this budget today. I appreciate the efforts of the chair to work with the entire subcommittee and a good process was undergone at that level. We did hear from many members of the public—actually, that hasn’t occurred on this side, but on the House side—and many very important issues of boilerplate were put in on the House side that, unfortunately, are not present in the Senate version of the bill. These range from the issue of testing prisoners for dangerous diseases, as has just been discussed, and the huge number of people with mental illness who are in the prison system who need to be treated in a more humane and therapeutic manner, including preventing them from getting into the prison system in the first place. There are other very good things that are in the House version of the bill that do not appear now in our boilerplate. Legislative Corrections Ombudsman’s Office being reinstated is one very important one and various studies to address health care issues in the prisons. We also fail in the Senate version to address the use of administrative segregation for punitive purposes for people with mental illness. That is in the House version of the bill.

Probably far and above all of those boilerplate issues is the overriding issue that there’s no money in this budget to run the corrections system in having this budget zeroed out like the other budgets. It seems ludicrous to me to have a budget for the Department of Corrections before us that has no funding in it for running our corrections system; the 50,000-plus inmates in the system who cost \$30,000 a year or more when you add in the health care costs to keep in prison.

Obviously, I think there’s a lot of ways we could save money in this system if we looked at alternatives to incarceration for some of the nonviolent people who are going into prison. But, be that as it may, we do have these 51,000 inmates in the prison system right now as we speak. It is extremely irresponsible to pass a budget which has no money for the department that is responsible for maintaining the safety and security of this system, so I am going to vote against this budget.

Senator Cherry’s statement is as follows:

Once again, I stand to oppose this bill for much of the same reasons I’ve been opposed to other bills. The facts are this, again, is your record, our record for our position on the Department of Corrections and whether or not prisons should be funded. This bill does not include money to fund prisons. Does that mean we want every prisoner in the state to be let out? I certainly don’t want that to happen. I think this bill does that. We want a safe society. We want a safe state. We need to be funding Corrections.

So, Mr. President, I am voting “no” on this bill because I don’t think we should be closing our prisons.

Senator Whitmer’s statement is as follows:

This Corrections budget is irresponsible. While I hold the chairman of the Corrections budget in great regard, and while I appreciate some of the comments he made about some of the hardships and terrible situations we have here in my district recently, I ask, is it gutsy to pass a bill with all zeroes? Are we setting policy when we say we’re not going to spend a dime anywhere in the state budget? If you want points of difference and you don’t like the proposal the Governor put out there and you don’t agree with her sentencing guideline reforms, then send back a budget that doesn’t have the savings from the sentencing guideline reforms. Don’t send back a budget that has all zeroes. If that’s what your priorities are, be responsible and send back the budget that has the requisite spending to keep the people of the state of Michigan safe. That should be our first question when we’re looking at the Corrections budget. That should be the premier, first question on anybody’s mind.

We can talk about points of difference and la, la, la. All of this just means we’re going to go back and put numbers in later. But what we’re really talking about is setting priorities, and if you don’t like the savings from the sentencing guidelines, propose and enact and send a budget out of here that has real numbers in it; that assumes we’re going to spend on keeping dangerous people locked up. Send that kind of a budget out of here, not one that has all zeroes. That’s nothing. That is nothing and it doesn’t take guts to do nothing. It takes guts to do the right thing. There is no right way to do the wrong thing and this is the wrong thing. We owe better to the people of our districts throughout the whole state of Michigan.

Senator Cropsey asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's first statement is as follows:

I guess I find it so ironic that people would oppose this because we aren't going to be funding prisons. One of the key things that I did this last year because it's been so frustrating working on the Department of Corrections budget, the administration gives me, and for the past two or three years has given me budgets, based upon proposed policy changes in which they never come forward with proposed policy changes.

Let me give you an example on this one. We told them this last year don't give us a phony budget like you did the previous year where you say, "Oh, we're going to have policy changes made, laws need to be changed, until you actually get the laws changed." One of the key ones was, "Well, we want to change sentencing guidelines. We think we have about 5,000 too many prisoners in our prisons." Well, how are you going to do that, sentencing guidelines changes? We had told them until you get those policies enacted, give us a budget based upon current policies. Where are the sentencing guideline changes? They gave us a phony budget again after we warned them not to.

I would suggest to folks on the other side of the aisle who keep voting "no" and saying, "Oh, well, we're not going to fund prisons," tell me, where are the policy changes? Did any of you have the guts to introduce it? I would say those of us on this side of the aisle had the wisdom not to introduce it. Even in the House of Representatives, where the Governor's party controls, do they really expect to get sentencing guideline changes through that are going to let 5,000 criminals out on the streets? No, I don't think so. Nobody in this body has introduced it because people in this body perhaps think a little more and say, "Oh, well, we don't think 5,000 prisoners out on the streets is a good idea." We already have problems with the criminal element in this society. We already have problems with the current situation which we have under the current guidelines. We had a suspect who was let out on parole who is now a suspect on five murders in the last two months within ten blocks of this Capitol. But, no, I was given, this body was given, this Legislature was given a phony budget by this administration

So I don't like hearing from people on the other side of the aisle, "Well, we're voting against it because we don't like this budget." Yeah, well, you should have told your Governor that you didn't like the budget she gave us because she gave us a phony budget. What we're trying to do is move this process along so that we can get things done before the end of this month in which there's money then. I would hope that we would move this budget along and that we would have everybody voting for it. I would hope that at the end of this process that if you really think 5,000 criminals ought to be let out to meet the Governor's budget, you would have the guts to introduce the legislation and then go back and explain to your people why you're letting 5,000 criminals out.

Senator Cropsey's second statement is as follows:

I guess I stand amazed sometimes when one of the previous speakers got up and said that nothing has been done for the previous nine months. I keep thinking, yea, that is amazing that that speaker would say such a thing and then get up and criticize this budget. I would ask that person publicly: Where is your budget? Where is your substitute? Where is your alternative? Have you been earning your paycheck?

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 Hardiman 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. 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.

Substitute (S-1).

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

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

"Sec. 434. Included in the appropriation in part 1 for Michigan State University is \$100.00 for the Michigan future farmers of America association. This \$100.00 appropriation shall not supplant any existing support that Michigan State University provides to the Michigan future farmers of America association."

2. Amend page 11, following line 14, by inserting:

"Sec. 465. It is the intent of the legislature that an independent higher education commission shall conduct an audit of the spending of state universities. Each state university that agrees to participate in this audit shall receive a state appropriation of \$100.00."

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

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

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

House Bill No. 4350

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

The following bill was read a third time:

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 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. 306

Yeas—24

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

Nays—14

Anderson	Clark-Coleman	Olshove	Scott
Basham	Clarke	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.

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 Hardiman 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. 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.

Substitute (S-1).

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

1. Amend page 6, following line 11, by inserting:

“Sec. 22b. (1) From the appropriation in section 11, there is allocated an amount not to exceed ~~\$3,566,000,000.00~~ ~~for 2006-2007~~ **\$100.00 FOR 2007-2008** for discretionary nonmandated payments to districts under this section. Funds allocated under this section that are not expended in the state fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 51c in order to fully fund those calculated allocations for the same fiscal year.

(2) Subject to subsection (3) and section 11, the allocation to a district under this section shall be an amount equal to the sum of the amounts calculated under sections 20, 20j, 51a(2), 51a(3), and 51a(12), minus the sum of the allocations to the district under sections 22a and 51c.

(3) In order to receive an allocation under this section, each district shall do all of the following:

(a) Administer in each grade level that it operates in grades 1 to 5 a standardized assessment approved by the department of grade-appropriate basic educational skills. A district may use the Michigan literacy progress profile to satisfy this requirement for grades 1 to 3. Also, if the revised school code is amended to require annual assessments at additional grade levels, in order to receive an allocation under this section each district shall comply with that requirement.

(b) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(c) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.

(d) Comply with section 1230g of the revised school code, MCL 380.1230g.

(E) FOR A DISTRICT THAT IS NOT A PUBLIC SCHOOL ACADEMY, BY MAY 1 OF EACH FISCAL YEAR, PROVIDE AN ANNUAL REPORT TO RESIDENTS OF THE DISTRICT THAT INCLUDES THE FOLLOWING:

(i) ON BOTH A PER-PUPIL AND PERCENTAGE BASIS, THE AMOUNT OF THE DISTRICT'S TOTAL FEDERAL, STATE, AND LOCAL FUNDING FOR THE IMMEDIATELY PRECEDING SCHOOL FISCAL YEAR THAT WAS SPENT ON GENERAL ADMINISTRATION; SCHOOL ADMINISTRATION; OTHER BUSINESS AND ADMINISTRATION; TRANSPORTATION; FACILITIES OPERATION AND MAINTENANCE; MEDICAL, OPTICAL, AND DENTAL BENEFITS FOR ACTIVE EMPLOYEES; AND CONTRIBUTIONS FOR PENSION AND MEDICAL, OPTICAL, AND DENTAL BENEFITS FOR RETIRED EMPLOYEES.

(ii) ON BOTH A PER-PUPIL AND PERCENTAGE BASIS, THE AMOUNT OF THE DISTRICT'S TOTAL FEDERAL, STATE, AND LOCAL FUNDING FOR THE IMMEDIATELY PRECEDING SCHOOL FISCAL YEAR THAT WAS SPENT ON INSTRUCTION AND INSTRUCTIONAL SUPPORT SERVICES. THE DISTRICT SHALL ALSO INDICATE HOW MUCH OF THE INSTRUCTION AND INSTRUCTIONAL SUPPORT SERVICES COSTS WERE ATTRIBUTABLE TO SALARIES.

(F) FOR A DISTRICT THAT IS NOT A PUBLIC SCHOOL ACADEMY, USE FOR ADMINISTRATIVE PURPOSES, INCLUDING PAYROLL, HUMAN RESOURCES, AND OTHER BUSINESS FUNCTIONS, SOFTWARE THAT IS COMPATIBLE WITH THAT OF THE INTERMEDIATE DISTRICT IN WHICH THE DISTRICT IS LOCATED AND WITH OTHER CONSTITUENT DISTRICTS WITHIN THAT INTERMEDIATE DISTRICT. IF A CONTRACT IS IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION THAT REQUIRES THE DISTRICT TO USE SOFTWARE THAT DOES NOT COMPLY WITH THIS SUBDIVISION, AND IF THAT CONTRACT DOES NOT ALLOW FOR THE DISTRICT TO COMPLY WITH THIS REQUIREMENT WITH RESPECT TO THE SOFTWARE COVERED BY THE CONTRACT, THEN THE REQUIREMENT FOR COMMON SOFTWARE UNDER THIS SUBDIVISION DOES NOT APPLY WITH RESPECT TO THAT SOFTWARE UNTIL AFTER THE EXPIRATION OF THAT CONTRACT.

(4) From the allocation in subsection (1), the department shall pay up to \$1,000,000.00 in litigation costs incurred by this state associated with lawsuits filed by 1 or more districts or intermediate districts against this state. If the allocation under this section is insufficient to fully fund all payments required under this section, the payments under this subsection shall be made in full before any proration of remaining payments under this section.

(5) It is the intent of the legislature that all constitutional obligations of this state have been fully funded under sections 22a, 31d, 51a, and 51c. If a claim is made by an entity receiving funds under this act that challenges the legislative determination of the adequacy of this funding or alleges that there exists an unfunded constitutional requirement, the state budget director may escrow or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the claim before making any payments to districts under subsection (2). If funds are escrowed, the escrowed funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of litigation. The work project shall be completed upon resolution of the litigation.

(6) If the local claims review board or a court of competent jurisdiction makes a final determination that this state is in violation of section 29 of article IX of the state constitution of 1963 regarding state payments to districts, the state budget director shall use work project funds under subsection (5) or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the amount owed to districts before making any payments to districts under subsection (2).

(7) If a claim is made in court that challenges the legislative determination of the adequacy of funding for this state's constitutional obligations or alleges that there exists an unfunded constitutional requirement, any interested party may seek an expedited review of the claim by the local claims review board. If the claim exceeds \$10,000,000.00, this state may remove the action to the court of appeals, and the court of appeals shall have and shall exercise jurisdiction over the claim.

(8) If payments resulting from a final determination by the local claims review board or a court of competent jurisdiction that there has been a violation of section 29 of article IX of the state constitution of 1963 exceed the amount allocated for discretionary nonmandated payments under this section, the legislature shall provide for adequate funding for this state's constitutional obligations at its next legislative session.

(9) If a lawsuit challenging payments made to districts related to costs reimbursed by federal title XIX medicaid funds is filed against this state, then, for the purpose of addressing potential liability under such a lawsuit, the state budget director may place funds allocated under this section in escrow or allocate money from the funds otherwise allocated under this section, up to a maximum of 50% of the amount allocated in subsection (1). If funds are placed in escrow under this subsection, those funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of the litigation. The work project shall be completed upon resolution of the litigation. In addition, this state reserves the right to terminate future federal title XIX medicaid reimbursement payments to districts if the amount or allocation of reimbursed funds is challenged in the lawsuit. As used in this subsection, "title XIX" means title XIX of the social security act, 42 USC 1396 to 1396v." and adjusting the totals in section 11 and enacting section 1 accordingly.

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

"SEC. 82. FROM THE FUNDS ALLOCATED UNDER SECTION 81, AN INTERMEDIATE DISTRICT MAY DEVELOP AND MAKE AVAILABLE TO DISTRICTS AN EARLY INTERVENING MODEL PROGRAM FOR GRADES K TO 3. THE MODEL EARLY INTERVENING PROGRAM SHALL BE DESIGNED TO INSTRUCT CLASSROOM TEACHERS AND SUPPORT STAFF ON HOW TO MONITOR INDIVIDUAL PUPIL LEARNING AND HOW TO PROVIDE SPECIFIC SUPPORT OR LEARNING STRATEGIES TO PUPILS AS EARLY AS POSSIBLE IN ORDER TO REDUCE THE NEED FOR SPECIAL EDUCATION PLACEMENT. THE MODEL PROGRAM SHALL INCLUDE LITERACY AND NUMERACY SUPPORTS, SENSORY MOTOR SKILL DEVELOPMENT, BEHAVIOR SUPPORTS, INSTRUCTIONAL CONSULTATION FOR TEACHERS, AND THE DEVELOPMENT OF A PARENT/SCHOOL LEARNING PLAN. SPECIFIC SUPPORT OR LEARNING STRATEGIES MAY INCLUDE SUPPORT IN OR OUT OF THE GENERAL CLASSROOM IN AREAS INCLUDING READING, WRITING, MATH, VISUAL MEMORY, MOTOR SKILL DEVELOPMENT, BEHAVIOR, OR LANGUAGE DEVELOPMENT. THESE WOULD BE PROVIDED BASED ON AN UNDERSTANDING OF THE INDIVIDUAL CHILD'S LEARNING NEEDS."

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4359

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

The following bill was read a third time:

House Bill No. 4359, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 11 (MCL 388.1611), as amended by 2007 PA 6, and by adding section 32n.

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. 307

Yeas—24

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

Nays—14

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

Excused—0

Not Voting—0

In The Chair: President

Senator Richardville offered to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 11 and 22b (MCL 388.1611 and 388.1622b), as amended by 2007 PA 6, and by adding sections 32n and 82.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator Cherry, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4359 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:

Of course, the K-12 budget, is the one budget that we say all the time is the most important budget that we do. In this budget, we are not funding schools. We are not saying what our priorities are. We are giving away our right to make our position known about public education. I object to that and I am voting “no” on this budget for that reason.

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:

This amendment looks to address the unintended consequences of the personal property tax credits that were contained as a new part of the Michigan business tax agreement. Everyone agreed that Michigan schools should be held harmless under the new Michigan business tax credit, and therefore, we appropriated a considerable amount of money from the MBT to the School Aid Fund, holding the schools harmless. However, there are 22 districts in the state that are—many of them in my district do not receive any state aid.

Therefore, this amendment would assure that the funding is in place to make sure that these schools are not negatively impacted by the personal property tax cut. However, these 22 schools would not be impacted in this fiscal year. Therefore, with the leave of the body, I respectfully withdraw this amendment.

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 Hardiman 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. 4354, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; 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 2, following line 17, by inserting:

“Sec. 102. BUDGETARY SAVINGS

Budgetary savings.....	\$	(100)
GROSS APPROPRIATION	\$	(100)

Appropriated from:

State general fund/general purpose	\$	(100)”
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and adjusting the subtotals, totals, and section 201 accordingly.

- 2. Amend page 4, following line 17, by inserting:

“WILDLIFE MANAGEMENT

Sec. 503. From the funds appropriated in part 1, the department shall submit quarterly reports to the state budget director, the senate and house appropriation subcommittees on natural resources, and the senate and house fiscal agencies that provide detail about enforcement actions taken to eradicate bovine TB, the number of infected deer found, new science it is working on to detect bovine TB, and other relevant information about the department’s efforts to address the presence of bovine TB in the state.

FISHERIES MANAGEMENT

Sec. 603. From the funds appropriated in part 1, the department shall establish a groundwater conservation advisory council with identical membership and purpose as the one eliminated by executive order 2007-08. The department shall work with the Michigan departments of agriculture and environmental quality to provide joint resources to the council.”.

- 3. Amend page 5, following line 22, by inserting:

“Sec. 707. The department shall work with the natural resources commission to create a plan for generating at least \$5,000,000.00 in annual corporate sponsorship revenue for state parks operations. The department shall inventory all state park assets and determine a plan for attracting sponsorships of those assets in a tasteful and appropriate manner without detracting from the image of the park itself. The plan shall be submitted to the state budget director, the senate and house appropriation subcommittees on natural resources, and the senate and house fiscal agencies by January 31, 2008.”.

- 4. Amend page 6, following line 2, by inserting:

“Sec. 809. From the funds appropriated in part 1 from the state general fund/general purpose, \$100.00 is provided for fire control activities, including but not limited to, the Sleeper Lake fire.”.

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:
House Bill No. 4358, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; 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 2, following line 17, by inserting:

“Sec. 102. BUDGETARY SAVINGS

Budgetary savings..... \$ (100)

GROSS APPROPRIATION..... \$ (100)

Appropriated from:

State general fund/general purpose \$ (100)”

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

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

“Sec. 708. From the funds appropriated in part 1, the department shall not expend any funds for the promulgation of proposed rule 336.1640.

WASTE AND HAZARDOUS MATERIALS

Sec. 803. As defined in part 625 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.6501 to 324.6539, the department shall annually provide a report to the city of Romulus, city of Taylor, and Wayne County with respect to multisource commercial hazardous waste disposal well activities in Wayne County containing all of the following:

(a) Information concerning the release or discharge of any hazardous waste or hazardous waste constituent that may endanger public drinking water supplies or the environment.

(b) Information concerning the fire, explosion, or other release or discharge of any hazardous waste or hazardous waste constituent that could threaten human health or the environment or a spill that has reached surface water or groundwater.

(c) A summary of groundwater quality data, data graphs, data tables, statistical analyses to date, and identification of any statistically significant increases.

(d) With respect to the information described in subdivisions (a) to (c), a description of any noncompliance and its cause; the periods of noncompliance, including exact dates and times; whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur.”.

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:

House Bill No. 4354

House Bill No. 4358

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:

House Bill No. 4354

House Bill No. 4358

House Bill No. 4592

The motion prevailed.

The following bill was read a third time:

House Bill No. 4354, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe

certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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. 308**Yeas—24**

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

Nays—14

Anderson	Clark-Coleman	Olshove	Scott
Basham	Clarke	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.

The following bill was read a third time:

House Bill No. 4358, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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. 309**Yeas—24**

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

Nays—14

Anderson	Clark-Coleman	Olshove	Scott
Basham	Clarke	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 Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4358 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 Brater’s statement is as follows:

Mr. President, I, unfortunately, rise to oppose this budget for several reasons. First of all, as with all the other budgets we are passing today, it is irresponsible to pass these zero budgets this far into the budget process. And then on top of it, to create all sorts of responsibilities for the department without any funding at all, let alone the amount of funding that they started out with. It is impossible to improve efficiency in the short-run if you don’t give the department the tools it needs in terms of resources and person power to do its job. And in the boilerplate, there are a number of compliance guides that are being demanded of this department to make available to business. How are they going to do this without any additional resources, let alone the zero funding in this budget?

Another—to me—outrageous thing that this boilerplate does is basically disarray the wetland protection law in the state of Michigan. There is a requirement that no county under 100,000 could enforce wetland law unless there is wetland inventory mapping in place. Well, that takes, Mr. President, a great deal of money, and there are no resources in order to provide that, so, basically, we are saying that we won’t have any wetland protection in the greater number of counties of this state.

There are guidelines for CAPOs that try to apply federal one-size-fits-all requirements for these factory farms that are spilling pollution in the form of liquid manure into the waters of our state. There are changes in the boilerplate to part 201 which would completely define the way we change the way we define a polluted facility in this state and in a ridiculous way that would require the department to define parcel by parcel if that particular parcel—even if it’s just a residential property of an acre or less—would be polluted instead of defining the parameters of the problem as they do now in order to go ahead and force a polluter to clean that pollution up.

So there are a number of reasons why we should not approve this budget today. I do hope that in the coming days and weeks we will move swiftly to correct these mistakes that we are making in this budget.

The following bill was read a third time:

House Bill No. 4592, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding part 7B.

The question being on the passage of the bill,

Senator Jelinek offered the following amendments:

1. Amend page 1, line 3, after “(1)” by inserting “**SUBJECT TO SUBSECTION (3),**”.
2. Amend page 2, line 25, after “**UNDER**” by striking out “**SUBSECTION (1)**” and inserting “**THIS SECTION**”.
3. Amend page 3, following line 1, by inserting:

“(3) IF AN INTERMEDIATE SCHOOL DISTRICT HAS ALREADY CONDUCTED A STUDY THAT MEETS THE REQUIREMENTS OF SUBSECTION (1), THE INTERMEDIATE SCHOOL DISTRICT IS NOT

REQUIRED TO CONDUCT ANOTHER STUDY BUT SHALL SUBMIT A REPORT ON THE RESULTS OF THE STUDY TO THE DEPARTMENT AS REQUIRED UNDER SUBSECTIONS (1) AND (2)." and renumbering the remaining subsections.

4. Amend page 3, line 3, after "**UNDER**" by striking out "**SUBSECTION (1)**" and inserting "**THIS SECTION**". The amendments were adopted, a majority of the members serving voting therefor.

Senator Jelinek offered the following amendment:

1. Amend page 2, line 26, after "**PER**" by striking out "**PUPIL**" and inserting "**CONSTITUENT DISTRICT**". 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. 310

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

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

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

"An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts."

The Senate agreed to the full title.

Recess

Senator Cropsey moved that the Senate recess until 4:00 p.m.

The motion prevailed, the time being 2:49 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 Brown moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:01 p.m.

6:05 p.m.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Allen offered the following resolution:

Senate Resolution No. 96.

A resolution to memorialize the Congress of the United States to extend the H2B returning worker exemption permanently.

Whereas, Seasonal workers are a key component of our state's and our nation's tourism and recreation industries. Annually, thousands of young men and women use seasonal employment to begin their journey on the path to a career. Many tourism areas, however, do not have the populations necessary to fill all the seasonal jobs available. In Michigan, for example, world-renowned Mackinac Island hires up to 4,500 seasonal workers each year. Its 500 year-around residents cannot begin to supply the workforce necessary for peak-season employment levels; and

Whereas, Foreign workers supplement the seasonal staff needs in a host of our tourism and recreation destinations. Many of these employees are in our country under the H2B visa program; and

Whereas, All workers under the H2B visa program are here legally, are tracked by the federal government to ensure they are doing the work their visa is intended for, and are paid under federally-prescribed wage scales; and

Whereas, Congress took action to help alleviate problems with the H2B visa program by capping the number of visas available at 66,000, but also exempting workers who already held an H2B visa. This action ensures that there is enough of a workforce available for those industries that depend on seasonal workers; and

Whereas, There is a sunset in the law on the federal level that would remove the returning worker exemption. As of September 30, 2007, every returning worker will again be considered a new worker and be forced to apply under the 66,000 visa limit. This cap had been reached for each of the previous few years before Congress took action, just as the national economy has surged and more and more people are traveling. The cap also distorted hiring patterns across the nation, as employers are forced to put on workers far beyond service needs to help assure that they will have the employees they need when their season begins; and

Whereas, Legislation has been introduced in Congress to revise the H2B visa program. The measure would extend the H2B returning worker exemption by removing the sunset language from current law. Clearly, this is an issue that needs prompt action; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to continue exempting returning workers allowed into this country under the H2B visa program by passing H.R. 1843; 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 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 Commerce and Tourism.

The motion prevailed.

Senators Anderson, Gleason, Jacobs, Kahn, Pappageorge and Prusi were named co-sponsors of the resolution.

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

Senate Resolution No. 97.

A resolution celebrating the grand opening of the new Detroit Institute of Arts (DIA).

Whereas, The DIA has completed a \$158-million Master Plan renovation and expansion that spanned more than six years, which included completely refurbished and reinstalled galleries displaying over 5,000 works of art, presented in a way designed to engage its visitors, inspiring them to find personal meaning in works of art; and

Whereas, The DIA contributes to the state of Michigan culturally and economically. It is one of the premier art museums in the United States, and the lifestyle of area residents is greatly enhanced by easy accessibility to a world-class art museum. Additionally, the DIA's renowned, international reputation draws tourism to the region, making the museum a vital contributor to the state's economy on a number of levels. The museum lends works of art to other Michigan museums, provides them with conservation services, and freely shares its expertise in a variety of areas from education to marketing to volunteer development; and

Whereas, The DIA has achieved national and international prominence for its outstanding collection of more than 60,000 works of art that comprise a multicultural survey of human creativity from ancient times through the 21st century. From the first van Gogh painting to enter a United States museum (*Self-Portrait*, 1887) to Diego Rivera's world-renowned *Detroit Industry* murals (1932-33), the DIA has amassed an encyclopedic collection known for its quality, range, and depth; and

Whereas, Serving the educational needs of residents and visitors, the DIA provides enjoyable and enriching experiences for people with all levels of familiarity with art. The DIA welcomed nearly 12,000 student groups last year at a time when the museum was significantly reduced in size due to construction. In addition, the DIA brings art education programs into the classroom and community, with volunteers traveling as far as Lansing and Kalamazoo to promote art education; and

Whereas, The DIA shares its extraordinary and admired collections with other museums in the U.S. and abroad, affording people an opportunity to experience a part of the DIA; and through reciprocal exhibitions, brings great art from museums around the world which would otherwise not be seen by many of our citizens. The museum's collaboration is recognized as critical to fostering the world's knowledge and enjoyment of art; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the grand opening of the new DIA. We commend the DIA's regional leadership, as well as the city of Detroit, the museum's executive team and staff, and all others who have contributed to the transformation of this national treasure to ensure its legacy for future generations; and be it further

Resolved, That a copy of this resolution be transmitted to DIA as a token of the high esteem in which it is held.

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 resolution was adopted.

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

The motion prevailed.

Senator Switalski's statement is as follows:

You know, the Detroit Institute of Arts is one of the leading museums in the country and has over 60,000 works of art in the building there. It has been at the Woodward Avenue location since 1927, and its last renovation project took place in the late 1960s when the north and south wings were added.

The purpose of the current renovation and expansion project, the Detroit Institute of Arts' Master Plan Project, was to make extensive infrastructure improvements to the building and create a more user-friendly museum. As a result, the Detroit Institute of Arts will have increased gallery space, an improved traffic pattern within the museum, a new facade on the north and south wings, and a new Education Center.

The grand opening gala celebration will take place on November 10th and the new public opening on November 23rd.

I was just out there last week because during the renovations they have miniature golf—putt-putt golf—on the lawn all designed by architects and artists from the area. It's a wonderful thing and a great resource to this state.

So please join me in celebrating the grand opening of the new Detroit Institute of Arts.

Senators Olshove, Richardville, Birkholz, Garcia, Pappageorge, Kahn, Hardiman, Jelinek, Gilbert, Allen, Van Woerkom, Cropsey, McManus, Cassis, Kuipers, Jansen, Jacobs, Brown, Stamas, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 98.

A resolution to memorialize the Congress of the United States to enact legislation to increase funding for Veterans Affairs health claims processing.

Whereas, The medical care provided to our wounded and sick veterans by the Department of Veterans Affairs (VA) is of the highest quality. The medical staff is committed to our veterans, and we are thankful for their efforts. But this level of care means little to our wounded and sick veterans who have defended us overseas when the federal government has insufficiently funded the staffs needed to get our wounded and sick veterans into the VA health care system where our veterans can benefit from the services they are entitled to receive; and

Whereas, Despite being at war in Iraq for four years and in Afghanistan for more than five years, the federal government has not expanded the claims processing system and staff to handle the number of wounded and sick military personnel discharged from the military and eligible to be cared for in the VA health system. Getting the benefits that our VA can provide our veterans is dependent on evaluating and processing each veteran to rate them for their injuries or illness; and

Whereas, A number of steps should be taken to expedite the process of a veteran claiming benefits and the VA rating that veteran to determine the level of support available to the veteran. When a claim is received by the VA, the claim is analyzed and processed through a succession of steps that require personnel to gather supporting records and documentation or make decisions about the veteran and the claim. Adding clerical staff to expedite the processing and make sure supporting records and documents are quickly retrieved would avoid months of potential delay. Modernizing the record storage and handling systems could eliminate the problem of lost or delayed documentation. Hiring and training more rating specialists would further speed up the process as would ensuring that patient advocates are available in sufficient numbers to guide veterans through the process and help them overcome obstacles; and

Whereas, Congress must be united in improving the efficiency of the claims process from the time a claim is received to the point when a veteran is receiving the care he or she needs. Funding proper staffing levels to end the often lengthy wait our discharged military personnel in need of medical care now face before getting the care they need must be a priority; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to increase funding for Veterans Affairs health claims processing; 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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson, Clark-Coleman, Clarke and Prusi were named co-sponsors of the resolution.

Senators Richardville, Allen, Birkholz, Garcia, Pappageorge, Kahn, Hardiman, Jelinek, Gilbert, Van Woerkom, Patterson, Cropsey, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Stamas, Brown, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 99.

A resolution to memorialize the Congress of the United States to ensure that all members of the Armed Forces receive post-deployment health assessments for possible post-traumatic stress disorder and traumatic brain injuries, and that these assessments follow these servicemembers as they transition from active duty to civilian life or reserve duty.

Whereas, The wars in Iraq and Afghanistan are creating new medical needs for our veterans of these campaigns. Repeated deployments for many members of the Armed Forces are testing their ability to endure the stress of combat. Post-traumatic stress disorder (PTSD), a potential result of prolonged combat, has been recognized since our Civil War. This disorder is a type of combat wound that may not be apparent initially or may not manifest itself until years later. Ensuring that post-deployment health assessments are conducted and processed that demonstrate a veteran was exposed to conditions that could have caused PTSD could be crucial to getting a veteran the health care needed years or decades later; and

Whereas, Roadside bombs are the weapon of choice for our enemies which are causing wounds being called the signature injury of combat in Iraq, and to a lesser extent, Afghanistan. Constantly improving body armor and rapid access to high quality medical care have resulted in far more servicemembers surviving their wounds than in past wars.

But surviving these blasts has come at the price of an often hidden wound known as traumatic brain injuries (TBI). These soft-tissue injuries may take years to become a visible problem. Worse, the physical injuries of TBI may often be misdiagnosed as PTSD. The resulting counseling and other treatments that may be ordered will be inappropriate for a physical injury. Recognizing TBI is essential to receiving appropriate care; and

Whereas, Heavy use of our reserve component forces of the National Guard and Reserves is also challenging the various bureaucracies as servicemembers are activated and sent overseas and then sent back to their reserve units or discharged into civilian life. Paperwork must cross from one responsible bureaucracy to another, as servicemembers fall under different organizations. Since PTSD and TBI are afflictions that may need to be treated for the lifetime of a veteran, our system must be robust enough to follow veterans for decades in the future to ensure that our veterans receive effective and timely care; and

Whereas, The Department of Defense (DOD) should make sure that all servicemembers who have been deployed to Iraq, Afghanistan, and other overseas combat assignments are screened to identify potential PTSD and TBI. The DOD needs to make sure that case management for servicemembers returning from overseas duty is seamless so that records are properly transitioned from the Department of Defense to the Department of Veterans Affairs (VA). The DOD must make sure that servicemember records are accessible to other organizations charged with a veteran's health care needs. The VA must also monitor and support post-deployment health care needs of National Guard and Reserve military personnel to ensure that they are scheduled for needed care and enrolled in the VA health system. Our duty to our veterans does not end when they hang up their uniforms. With injuries that can follow years or decades after military service, our health care assessment and response must be equal to that challenge; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to ensure that all members of the Armed Forces receive post-deployment health assessments for possible post-traumatic stress disorder and traumatic brain injuries, and that these assessments follow these servicemembers as they transition from active duty to civilian life or reserve duty; 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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson and Prusi were named co-sponsors of the resolution.

Senators Allen, Richardville, Birkholz, Garcia, Pappageorge, Kahn, Hardiman, Jelinek, Gilbert, Van Woerkom, Patterson, Cropsey, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Stamas, Brown, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 100.

A resolution to urge the United States Department of Defense to accept records of state screening for post-traumatic stress disorder and traumatic brain injuries in the absence of a federal screening record.

Whereas, Combat veterans of Iraq, Afghanistan, and other locations face two long-term health problems stemming from the length of duty and the weapons our enemies use. Post-traumatic stress disorder (PTSD) is a mental health form of a combat wound recognized since our Civil War. Prolonged exposure to combat is the cause of this disorder, which can plague veterans long after they return from war if not treated. Traumatic brain injuries (TBI) result from blast effects inflicted by improvised explosive devices (IEDs) and mines encountered during combat operations. TBI is being called the signature injury of the campaign in Iraq and is sometimes confused with PTSD; and

Whereas, Early treatment of both PTSD and TBI is necessary to prevent these injuries from growing worse. Early treatment may be difficult to provide when symptoms may not appear for years after the event. The military has recognized the importance of screening for these injuries and educating military personnel and their families about the symptoms of PTSD and TBI and the need to quickly seek treatment when the injuries are recognized. The military has implemented post-deployment screening and rescreening questionnaires that are part of the medical records of all military personnel. If a veteran later develops symptoms of either PTSD or TBI after completing military service, these records will be key to ensuring prompt and appropriate treatment at Veterans Affairs medical facilities; and

Whereas, These records will be of great value moving forward, but past veterans of Iraq, Afghanistan, and other places may not have adequate screening documents as part of their records. If a state seeks to fill gaps in medical records for current National Guard members released from federal service prior to obtaining a full screening or for residents released from military service without a proper screening, these state-administered screening records should be accepted by the Department of Defense. With appropriate standards regarding the screening questions and

processing that the department may wish to establish, these state-based screenings should be considered a valid part of the medical records of that veteran or member of the National Guard; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Defense to accept records of state screening for post-traumatic stress disorder and traumatic brain injuries in the absence of a federal screening record; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the Department of Defense 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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson and Prusi were named co-sponsors of the resolution.

Senators Pappageorge, Allen, Richardville, Birkholz, Garcia, Kahn, Hardiman, Jelinek, Gilbert, Van Woerkom, Patterson, Cropsey, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Stamas, Brown, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 101.

A resolution to urge the Department of Defense to provide copies of Defense Department Form 214 to the home county of each member of the Armed Forces at the conclusion of their service.

Whereas, Upon discharge from the Armed Forces, each person receives a copy of their Defense Department Form 214, also known as the DD 214. These discharge papers summarize the military record of each soldier, sailor, airman, or Marine, including rank, military occupational specialty, awards and decorations, service overseas, and the type of discharge, among other information; and

Whereas, The DD 214 is a valuable document essential for veterans to demonstrate that they qualify for a variety of benefits and assistance available to veterans. From health services, to veterans preferences in employment, to burial honors, the DD 214 is indispensable for veterans and their families. Unfortunately, the importance of the DD 214 is not always recognized by members of the Armed Forces when they leave the military. This form is often stuffed in a drawer or box and forgotten. It is easily misplaced in the years after discharge. Years later, when the form is needed, a veteran may not know where to go to acquire a replacement; and

Whereas, The traditional location for safely storing discharge papers such as the DD 214 has been the county clerk where the veteran lives. This secure method of local storage, however, requires a veteran to file the document. While means of requesting replacement forms exist at both the state and federal level, restoring the value of the county storage option where the veterans live and work would reduce the chance that veterans will miss benefits they have earned with their service because they do not know where to get their DD 214; now, therefore, be it

Resolved by the Senate, That we urge the Department of Defense to send the DD 214 of a discharged member of the Armed Forces to the county clerk in the county designated by the member as their home county; and be it further

Resolved, That a copy of this resolution be transmitted to the United States Secretary of Defense.

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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson, Clark-Coleman and Prusi were named co-sponsors of the resolution.

Senators Prusi, Allen, Richardville, Birkholz, Garcia, Pappageorge, Kahn, Hardiman, Jelinek, Gilbert, Van Woerkom, Patterson, Cropsey, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Stamas, Brown, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 102.

A resolution to memorialize the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula.

Whereas, A measure of the respect our nation accords the men and women who protect us through their military service is how we treat our veterans long after they have finished their military duty. The network of national cemeteries

under the administration of the United States Department of Veteran Affairs (VA) is a most appropriate expression of the respect a grateful citizenry holds for those who have worn the nation's uniforms and faced grave perils to safeguard our freedoms; and

Whereas, Ever since President Lincoln signed legislation during the Civil War to create national cemeteries as final resting places "for soldiers who have died in the service of the country," this network of cemeteries has grown. Today, there are 141 national cemeteries, with 125 under the VA National Cemetery Administration. New facilities are regularly developed; and

Whereas, Despite the growth in the number of national cemeteries, including the addition of the Great Lakes National Cemetery in Holly that opened in 2005, veterans in our Upper Peninsula remain very far from any such facility. In fact, the nearest national cemeteries are hundreds of miles away, near Milwaukee and Minneapolis. This distance presents a significant obstacle for the families of many veterans. We should do all we can to make this measure of honor and respect more readily available to all veterans; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula; 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, and the Department of Veterans Affairs.

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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson and Clark-Coleman were named co-sponsors of the resolution.

Senators Allen, Richardville, Garcia, Birkholz, Pappageorge, Kahn, Hardiman, Jelinek, Gilbert, Van Woerkom, Patterson, Cropsey, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Stamas, Brown, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 103.

A resolution to urge the Michigan Civil Service Commission to amend the civil service rules regarding the veterans' hiring preference to extend the eligibility period from 5 years to 10 years following completion of active military duty.

Whereas, A measure of the respect our state accords the men and women who protect us through their military service is how we treat our veterans after they have finished their military duty. Qualified veterans, having made great sacrifices for their state and country, are presently given a justly deserved preference for Michigan civil service employment for up to 5 years after having been released from active military duty; and

Whereas, Today's international conflicts place even greater demands on men and women in the military than previously. The demands of war have resulted in repeated and extended tours of duty and increased hardships for our military and their families. An extension of the veterans' preference for civil service opportunities from 5 years to 10 years would be commensurate with their greater sacrifice; and

Whereas, The state of today's economy and career market often means people will change jobs or careers several times throughout their working lifetime. Veterans may be among those changing jobs over the course of 5 years or more after completing active military duty. Extending the years of preference eligibility would accommodate job changes for Michigan's veterans; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Civil Service Commission to amend the Civil Service rules regarding the veterans' hiring preference to extend the eligibility period from 5 years to 10 years following completion of active military duty; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the Michigan Civil Service Commission, and the Department of Military and Veterans Affairs.

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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson and Prusi were named co-sponsors of the resolution.

Senators Clark-Coleman, Garcia, Richardville, Pappageorge, Kahn, Cropsey, Hardiman, Jelinek, Gilbert, Patterson, Van Woerkom, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Stamas, Brown, Cherry, Allen, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 104.

A resolution to memorialize the United States Postal Service to offer reduced rates for mailing packages to military personnel serving in a theater of war.

Whereas, We are in our sixth year of war following the terrorist attacks on September 11, 2001. Our military personnel are deployed worldwide in varying roles, including combat in Afghanistan and Iraq. When our Soldiers, Marines, Airmen, and Sailors deploy overseas into combat zones, knowing that people back home are thinking of them and supportive is a boost to their morale; and

Whereas, One of the tangible signs of this tremendous outpouring of support is the effort of veteran and community groups, as well as concerned individuals, to prepare packages to send to military personnel in Iraq and Afghanistan. These packages may include such items as books, movies, video games, comfort foods, hygiene items, and small gifts to pass out to local children, as well as notes of thanks wishing our military personnel well and hope for a safe journey home. Family members of military personnel will also make sure their Soldier, Marine, Airman, or Sailor is taken care of while away. These gifts from home are proof that our nation stands with them; and

Whereas, The people who send these packages bear the burden individually or raise the funds from their communities to collect and purchase the items in these packages. The additional cost to ship the items can be substantial. Every dollar needed to mail a package reduces the amount of money available for actual items. When groups receive donations of items, these groups will find they must also raise funds to mail the gifts, which is an added burden to their work. If the United States Postal Service would offer reduced rates for mailing packages to military personnel serving in combat zones, these efforts on our home front to demonstrate our support for our troops would be aided greatly; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Postal Service to offer reduced rates for mailing packages to military personnel serving in a theater of war; and be it further

Resolved, That copies of this resolution be transmitted to the Postmaster General of the United States of America 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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson and Prusi were named co-sponsors of the resolution.

Senators Garcia, Allen, Richardville, Birkholz, Pappageorge, Kahn, Hardiman, Jelinek, Gilbert, Patterson, Van Woerkom, Cropsey, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Brown, Stamas, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 105.

A resolution to memorialize the Congress of the United States to extend to veterans the option of enhanced insurance coverage to utilize private medical care facilities to alleviate some of the need to travel to distant VA hospitals.

Whereas, The network of medical facilities operated by the Department of Veterans Affairs (VA) represents the fulfillment of promises to the men and women who have defended our nation through military service. Through its hospitals, clinics, and services, the VA touches the lives of thousands of veterans each day; and

Whereas, Michigan is home to five VA medical centers, in Ann Arbor, Battle Creek, Detroit, Iron Mountain, and Saginaw. In addition, the state is served by a series of outpatient clinics and community-based outpatient clinics. In spite of these facilities, many of Michigan's veterans are impaired by geography from fully accessing the same level of medical services available to many of their fellow veterans. For example, a Traverse County veteran needing a level of care only available in a VA medical center would have to make a trek of hundreds of miles, possibly all the way to Detroit or Ann Arbor. For a person suffering serious illness, this distance could be a formidable burden; and

Whereas, Creation of an insurance coverage option that would allow veterans to be treated at a non-VA hospital when one is too far away would seem to be an appropriate approach to pursue. Something along the lines of enhanced Blue Cross/Blue Shield coverage could remedy the inequity of options available for those who have protected America's way of life through military service; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to extend to veterans the option of enhanced insurance coverage to utilize private medical care facilities to alleviate some of the need to travel to distant VA hospitals; 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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson and Prusi were named co-sponsors of the resolution.

Senators Kahn, Allen, Richardville, Birkholz, Garcia, Pappageorge, Hardiman, Jelinek, Gilbert, Van Woerkom, Patterson, Cropsey, McManus, Cassis, Kuipers, Jansen, Olshove, Jacobs, Stamas, Brown, Cherry, Barcia, Switalski, Gleason, Whitmer, Sanborn and Bishop offered the following resolution:

Senate Resolution No. 106.

A resolution to urge the Department of Veterans Affairs to base their decisions for VA outpatient clinic staffing levels and funding on the size of the local veteran population.

Whereas, The Department of Veterans Affairs (VA) operates one of the largest health care systems in the country. This service is a vitally needed component of our nation's commitment to aiding wounded and sick veterans. In fiscal year 2007, the VA anticipates providing health care to five million veterans. The size of this system places health care facilities within reach of veterans whether they are in urban or rural areas. For veterans coping with conditions and injuries resulting from their service to our nation, ease of access is crucial; and

Whereas, Michigan has sixteen VA outpatient clinics to serve our state's veterans, in addition to other types of facilities. The geographic dispersal of these health facilities is important to reaching all of our veterans. The siting of buildings, however, is only part of the solution to providing adequate care. While facilities may last decades, population shifts that take place over years can result in some clinics being overburdened while others develop excess capacity. Staffing and overall funding levels adjusted to account for changing veteran residency would make the most of our system of veterans care; and

Whereas, The VA's strategic planning efforts to manage their system of health care facilities must account for trends in population shifts on an ongoing basis. While determining where facilities should be located is an important consideration for long-term planning, in the short run the VA system must be nimble enough to adjust funding and staff levels in existing outpatient clinics. This adaptability carried out on a continuous basis will help keep resources and needs synchronized to promote efficiency and maximize our medical care for our nation's veterans; now, therefore, be it

Resolved by the Senate, That we urge the Department of Veterans Affairs to base their decisions for VA outpatient clinic staffing levels and funding on the size of the local veteran population; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the Department of Veterans Affairs 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 Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Anderson and Prusi were named co-sponsors of the resolution.

House Concurrent Resolution No. 40.

A concurrent resolution to oppose the proposed increase in materials discharged into Lake Michigan by British Petroleum at Whiting, Indiana.

Whereas, Indiana environmental authorities, coordinating with the United States Environmental Protection Agency, approved a request by British Petroleum to dump 54 percent more ammonia and 35 percent more suspended solids into Lake Michigan at its Whiting, Indiana, refinery. News of this proposal has, understandably, generated an outcry from communities along Lake Michigan and from citizens across the Great Lakes region; and

Whereas, As the source of drinking water for millions and as part of the world's largest accessible source of fresh water, Lake Michigan is a resource of priceless value. Commerce, recreation, and public health in our state and much of the nation and Canada are dependent on the quality of Great Lakes water; and

Whereas, Ammonia and suspended solids can harm fish and wildlife, increase the cost of drinking water treatment, and adversely affect public health, fishing, and swimming. With the multiple threats facing the Great Lakes, allowing a significant increase in the discharge of harmful materials is poor public policy; and

Whereas, Clearly, the quality of the Great Lakes cannot be compromised. Even with improvements that may have taken place over the years, we must not lose ground in the effort to protect this vitally important public resource. This permit would overturn longstanding policy prohibiting increased discharges to the Great Lakes and the use of mixing zones, and set an alarming precedent for future increased discharges to the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express our strong opposition to the proposed increase in materials discharged into Lake Michigan by British Petroleum at Whiting, Indiana; and be it further

Resolved, That copies of this resolution be transmitted to the Indiana Department of Environmental Management, the United State Environmental Protection Agency, and the members of the Michigan congressional delegation.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Clark-Coleman, Clarke, Gleason, Jacobs, Pappageorge, Prusi and Richardville were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Garcia, Richardville, Pappageorge, Birkholz, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, George, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Cherry, Stamas, Jacobs, Brown, Barcia, Gleason, Whitmer, Bishop, Basham, Anderson, Schauer, Hunter, Scott, Clark-Coleman and Clarke introduced

Senate Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 5 and 6 of article VIII, to require public universities to consider certain active duty members of the armed forces and their dependents residents of this state for determining their tuition rates.

The joint resolution was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 731, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," (MCL 32.501 to 32.851) by adding section 236.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 732, entitled

A bill to designate enterprises owned or controlled by qualified veterans as Michigan patriot businesses; and to provide for the powers and duties of certain state governmental officers and entities.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Allen, Garcia, Pappageorge, Richardville, Birkholz, Hardiman, Kahn, Jelinek, Van Woerkom, Patterson, Cropsey, Gilbert, Cassis, McManus, Kuipers, Jansen, Switalski, Stamas, Brown, Jacobs, Cherry, Barcia, Sanborn, Bishop, Clarke, Whitmer, Basham, Anderson, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 733, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Olshove, Allen, Garcia, Pappageorge, Richardville, Birkholz, Hardiman, Kahn, Jelinek, Van Woerkom, Patterson, Cropsey, Gilbert, Cassis, McManus, Kuipers, Jansen, Switalski, Stamas, Brown, Jacobs, Cherry, Barcia, Bishop, Clarke, Basham, Anderson, Schauer, Hunter and Clark-Coleman introduced

Senate Bill No. 734, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 141 (MCL 18.1141).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 735, entitled

A bill to establish an undergraduate tuition waiver program for certain disabled veterans of the armed forces of the United States; to provide for the administration of the tuition waiver program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Allen, Garcia, Richardville, Pappageorge, Birkholz, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Jacobs, Brown, Barcia, Gleason, Whitmer, Bishop, Clarke, Basham, Anderson, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 736, entitled

A bill to amend 1976 PA 174, entitled "An act to provide free tuition for state resident North American Indians in Michigan public community colleges, public universities, and certain federal tribally controlled community colleges; and to prescribe certain powers and duties of certain state departments, commissions, and agencies," by amending section 2a (MCL 390.1252a).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 737, entitled

A bill to amend 2002 PA 591, entitled "Michigan nursing scholarship act," by amending section 2 (MCL 390.1182), as amended by 2006 PA 444.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Garcia, Allen, Richardville, Birkholz, Pappageorge, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, Gilbert, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Jacobs, Brown, Barcia, Gleason, Whitmer, Clarke, Bishop, Anderson, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 738, entitled

A bill to amend 2005 PA 248, entitled "Children of veterans tuition grant act," by amending section 2 (MCL 390.1342).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Garcia, Allen, Richardville, Birkholz, Pappageorge, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Jacobs, Brown, Barcia, Gleason, Whitmer, Clarke, Bishop, Basham, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 739, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 2004 PA 181.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Basham, Allen, Garcia, Richardville, Pappageorge, Birkholz, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Jacobs, Brown, Barcia, Gleason, Whitmer, Clarke, Anderson, Bishop, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 740, entitled

A bill to amend 2006 PA 479, entitled "Michigan promise grant act," by amending section 2 (MCL 390.1622).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Basham, Allen, Garcia, Richardville, Pappageorge, Birkholz, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, George, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Jacobs, Brown, Barcia, Gleason, Whitmer, Anderson, Bishop, Hunter, Scott, Clark-Coleman and Clarke introduced

Senate Bill No. 741, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403), as amended by 2004 PA 183.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Hardiman, Allen, Garcia, Richardville, Birkholz, Pappageorge, Jelinek, Van Woerkom, Patterson, Cropsey, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Brown, Jacobs, Barcia, Gleason, Whitmer, Clarke, Bishop, Basham, Anderson, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 742, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1373).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Prusi, Allen, Garcia, Richardville, Birkholz, Pappageorge, Hardiman, Jelinek, Van Woerkom, Cropsey, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Jacobs, Brown, Barcia, Gleason, Whitmer, Bishop, Clarke, Basham, Anderson, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 743, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 3 (MCL 390.1323).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Birkholz, Garcia, Richardville, Pappageorge, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, George, Gilbert, Cassis, McManus, Kuipers, Olshove, Jansen, Switalski, Stamas, Cherry, Jacobs, Brown, Barcia, Gleason, Whitmer, Clarke, Bishop, Basham, Anderson, Schauer, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 744, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283), as amended by 2004 PA 180.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 745, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 4 (MCL 390.1424).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 746, entitled

A bill to amend 1998 PA 541, entitled "Corrections officer's survivor tuition act," by amending section 4 (MCL 390.1264).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 747, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1138. The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 748, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 4003.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 749, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3185 and 3285.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 750, entitled

A bill to amend 1897 PA 205, entitled "An act to prefer honorably discharged members of the armed forces of the United States for public employments," by amending section 1 (MCL 35.401).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 751, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2006 PA 622.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 752, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 237 (MCL 32.637).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 753, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 309 (MCL 257.309), as amended by 2004 PA 362.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 754, entitled

A bill to assure that returning veterans are informed of state-funded veterans service organizations; and to prescribe certain duties of certain state agencies.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Allen, Garcia, Richardville, Birkholz, Pappageorge, Kahn, Hardiman, Jelinek, Van Woerkom, Patterson, Cropsey, McManus, Kuipers, Olshove, Jansen, Switalski, Cherry, Stamas, Jacobs, Brown, Barcia, Gleason, Whitmer, Sanborn, Anderson, Basham, Bishop, Schauer, Hunter, Scott, Clark-Coleman and Clarke introduced

Senate Bill No. 755, entitled

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

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

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

Senate Bill No. 756, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803f (MCL 257.803f), as amended by 1998 PA 68.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Allen, Gilbert, Cropsey and Stamas introduced

Senate Bill No. 757, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 4 (MCL 207.552 and 207.554), section 2 as amended by 2007 PA 12 and section 4 as amended by 2004 PA 437.

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

Recess

Senator Cropsey moved that the Senate recess until 8:30 p.m.

The motion prevailed, the time being 6:23 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 8:31 p.m.

9:37 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 207, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2006 PA 281 and section 8 as amended by 2006 PA 484.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senator Thomas moved that Senator Hunter be temporarily excused from the balance of today’s session.

The motion prevailed.

Senator Cropsey moved that Senator Sanborn be excused from the balance of today’s session.

The motion prevailed.

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 House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6) 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 311

Yeas—0

Nays—36

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

Excused—2

Hunter

Sanborn

Not Voting—0

In The Chair: Richardville

The President, Lieutenant Governor Cherry, resumed the Chair.

Senator Hunter entered the Senate Chamber.

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 House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6) 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 312

Yeas—0

Nays—37

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

Excused—1

Sanborn

Not Voting—0

In The Chair: President

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 House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6) 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 313**Yeas—0****Nays—37**

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

Excused—1

Sanborn

Not Voting—0

In The Chair: President

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 House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6) 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 314**Yeas—0****Nays—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville

Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry			

Excused—1

Sanborn

Not Voting—0

In The Chair: President

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 9:49 p.m.

9:54 p.m.

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

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 House of Representatives has substituted (H-10) the bill.

The House of Representatives has passed the bill as substituted (H-10) 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 315**Yeas—0****Nays—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski

Brater
Brown
Cassis
Cherry

Gleason
Hardiman
Hunter

Olshove
Pappageorge
Patterson

Thomas
Van Woerkom
Whitmer

Excused—1

Sanborn

Not Voting—0

In The Chair: President

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 House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6) 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 316

Yeas—1

Richardville

Nays—36

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman

Hunter
Jacobs
Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge

Patterson
Prusi
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Excused—1

Sanborn

Not Voting—0

In The Chair: President

Senate Bill No. 240, entitled

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

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6) 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 317

Yeas—0

Nays—37

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

Excused—1

Sanborn

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Barbara Jordan was the first black woman to serve in the Texas Legislature and the first black woman from a Southern state to serve in the U.S. House of Representatives. She sponsored the Community Reinvestment Act of 1977, legislation that required banks to lend and make services available to the underserved poor and minority communities. She supported the renewal of the Voting Rights Act of 1965 and expansions of that act to cover language barriers for minorities.

In a Harvard University speech in 1977, she explained, "What the people want is very simple. They want an America as good as its promise." That promise includes a pledge to all citizens that they will share in the dignity of humanity—a dignity that allows folks to provide for their families according to their abilities and their merits as human beings.

To deny folks insurance because of their credit history, their neighborhoods, or their profession is as untenable as denying them because of their color or religion or place of birth. It is injustice of the highest order. It not only breaks the American promise, but it denies America itself.

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 107

The resolution consent calendar was adopted.

Senators Clark-Coleman, Basham, Gleason, Whitmer, Schauer, Hunter, Scott, Olshove, Jacobs, Thomas, Brater, Prusi, Cherry, Clarke, Switalski, Sanborn, Brown, Pappageorge, Anderson, Barcia, Richardville, Stamas, Jelinek, Van Woerkom, Patterson, George, Birkholz, Hardiman, Kahn and Cassis offered the following resolution:

Senate Resolution No. 107.

A resolution memorializing the life of Vincenzo James Bruno, a proud Italian-American citizen whose very existence improved his community and his country.

Whereas, Vincenzo James Bruno was born in Castell'Umberto, Sicily, and moved with his family to the United States at the age of 16. Vince, as he was affectionately known, attended Dearborn Fordson High School and after graduation began working at Ford Motor Company where he was accepted into an electrical engineering apprenticeship program; and

Whereas, Vince continued to work for Ford while pursuing an education at Henry Ford Community College and Wayne State University. He established the United Auto Workers (UAW) union and embarked on a 45-year journey with that organization from which his retirement mirrored that from Ford; and

Whereas, Always sharing his wisdom and knowledge with others, Vince was a compassionate man who stood by every word he uttered. He shared a lifetime of memories with his loving wife and partner Mary; and, together, they produced four children: Eduardo, Pasquale (Kelly), Rosemarie, and Maria (Bobby). Vince was proud of his eight grandsons who he adamantly believed would carry on his family tradition of strength, dedication, and passion; and

Whereas, Vince was a very accomplished man who held a B.A. and M.A. from Wayne State University and had completed Ph.D. coursework. He also recently served as chairman of the Board of Ethics for the city of Dearborn and was a member of the Rouge Employee Credit Union and Michigan Democratic Party board of directors. Drawing on his multicultural background, Vince was a lifetime member of the NAACP, a member of the Italian American Labor Council, and past president of the Italian American Cultural Center; and

Whereas, He was passionate about his community and was equally dedicated to his union. He was a member of the UAW International union staff, where he held several positions, including education director and assistant director of UAW Region 1A. He led UAW-Ford joint programs and served as coordinator of the automaker's national quality programs; and

Whereas, Vince was a mentor and friend to many. He will be fondly remembered for his convictions. He believed that helping people help themselves was far better than doing something for them. He could always be counted on for a "hand up" and was ready to carry anyone who couldn't walk for themselves; now, therefore, be it

Resolved by the Senate, That Vincenzo James Bruno be posthumously honored for his service to the city of Dearborn, the county of Wayne, and the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Mary Bruno as a symbol of our appreciation and admiration of Vince's life.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, September 6, 2007, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building
Present: Senators McManus (C), Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott
Excused: Senator Jelinek

Scheduled Meetings**Appropriations -****Subcommittee -**

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

Campaign and Election Oversight - Wednesday, September 12, 12:30 p.m., Room 405, Capitol Building (373-1725)

Families and Human Services - Tuesday, September 11, 2:30 p.m., Room 210, Farnum Building (373-0797)

Health Policy - Wednesday, September 12, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:04 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, September 11, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

