

No. 81
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, September 4, 2007.

12:00 noon

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 not present.

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

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

Senator Patricia L. Birkholz of the 24th District offered the following invocation:

Dear Lord, as we bow our heads today at the dawn of a new beautiful morning and the dawn of a new month, I ask for Your hand of help upon the legislators here gathered. Help us to use the wisdom that You have granted us. Help us to work together with patience and active listening skills. Help us to come together to do what is right for the state of Michigan as we move forward.

Be with our families, be with our men and women overseas, and all the people of the state. Grant us wisdom and peace with Your guiding hand. Amen.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:03 p.m.

3:37 p.m.

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

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

A quorum of the Senate was present.

By unanimous consent the Senate proceeded to the order of

Messages from the Governor

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

Senate Bill No. 436

The motion prevailed.

The following messages from the Governor were received and read:

August 30, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 15 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1015:

General Industry Safety Standards Commission

Mr. AJ Hale, Jr., of 24 Peter Pan Lane, Marshall, Michigan 49068, county of Calhoun, succeeding Michael L. Eckert, who has resigned, representing employers in the private sector, for a term commencing August 30, 2007 and expiring March 26, 2009.

Ms. Elizabeth M. Koto of 830 Cadieux Road, Grosse Pointe, Michigan 48230, county of Wayne, succeeding George A. Reamer, who has resigned, representing the management of public employers of this state, for a term commencing August 30, 2007 and expiring March 26, 2008.

Mr. Dwayne F. Betcher of 2929 34th Street, Allegan, Michigan 49010, county of Allegan, reappointed to represent employees in the public sector, for a term expiring March 26, 2010.

Mr. Thomas J. Pytlik of 3306 Westway Drive, Bay City, Michigan 48706, county of Bay, reappointed to represent the management of principal industries in the state, for a term expiring March 26, 2010.

August 30, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Sections 16121 and 17821 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17821:

Michigan Board of Physical Therapy

Ms. Linda M. Thomas-Pilarczyk of 2855 Riegel Road, Parma, Michigan 49269, county of Jackson, succeeding Terry G. Bennett, whose term has expired, representing the general public, for a term commencing August 30, 2007 and expiring December 31, 2007.

Ms. Sandra L. Maes of 2 Evergreen, Harrison Township, Michigan 48007, county of Macomb, reappointed to represent the general public, for a term expiring December 31, 2009.

August 31, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Sections 16121 and 17721 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17721:

Michigan Board of Pharmacy

Ms. Gwenesia S. Collins of 34810 Giannetti Drive, Sterling Heights, Michigan 48312, county of Macomb, succeeding Collin K. Hennessey, who has resigned, representing pharmacists, for a term commencing August 31, 2007 and expiring June 30, 2011.

Mr. David S. Bach, Pharm D., of 6295 Charles Drive, West Bloomfield, Michigan 48322, county of Oakland, reappointed to represent pharmacists, for a term expiring June 30, 2011.

Ms. Suhair Farida of 7053 Timberview Trail, West Bloomfield, Michigan 48322, county of Oakland, reappointed to represent pharmacists, for a term expiring June 30, 2011.

Sincerely,
Jennifer M. Granholm
Governor

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:
Office of Financial and Insurance Services

July 20, 2007

I am pleased to forward to you a copy of the 2006 OFIS Annual report. It contains valuable references for information about regulated entities engaged in the business of insurance, banking and securities in Michigan. It is more than just a statistical report, however. We offer updates about each area of the agency, a summary of legislative activity, and descriptions of changes in the status of the entities we regulate.

I hope you will take a few minutes to review this information. This publication is also available on the website at www.michigan.gov/ofis.

Linda A. Watters
Commissioner

The communication was referred to the Secretary for record.

The following communication was received:
Department of Community Health

August 20, 2007

Enclosed is a copy of the Bureau of Health Professions annual report required by Public Act 368 of 1978 [MCL 333.16143(2)] and Public Act 79 of 1993 [MCL 333.16241(8)]. The data contained in the reports covers the time period of October 1, 2005 through September 30, 2006.

If you need additional copies of the reports, please contact Angela Awrey at 517-373-8068.

Sincerely,
Janet Olszewski
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, August 30:
House Bill No. 4360

The Secretary announced the enrollment printing and presentation to the Governor on Friday, August 31, for her approval the following bill:

Enrolled Senate Bill No. 624 at 11:42 a.m.

The Secretary announced that the following official bills were printed on Thursday, August 30, and are available at the legislative website:

House Bill Nos. 5140 5141 5142 5143 5144 5145 5146 5147 5148 5149

The Secretary announced that the following official bills were printed on Friday, August 31, and are available at the legislative website:

Senate Bill Nos. 693 694 695 696 697 698 699

House Bill Nos. 5150 5151 5152 5153

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 595

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 595, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 4111, 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137, 8105, and 8107 (MCL 289.4111, 289.4113, 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and 289.8107), sections 4111, 4117, 6101, and 6149 as amended by 2002 PA 487 and section 4116 as added by 2004 PA 267, and by adding sections 6140, 6150, and 7106.

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. 286

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Richardville 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. 4592, entitled

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

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.

Resolutions

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

Senate Resolution No. 94

The resolution consent calendar was adopted.

Senators Whitmer and Cherry offered the following resolution:

Senate Resolution No. 94.

A resolution commemorating the 40th Anniversary of James Madison College at Michigan State University.

Whereas, It is with admiration for this nationally-recognized institution that we commemorate the 40th Anniversary of James Madison College at Michigan State University. Rightfully known as one of MSU's crown jewels, James Madison College has offered its students the best of both worlds throughout the last 40 years—a small residential college within a large university. The results have been as effective as they have been far-reaching. We commend everyone who has contributed to this inspiring success; and

Whereas, All across our nation, graduates of James Madison College have taken their well deserved place in courtrooms, boardrooms, the halls of government, and in every other professional arena. In Michigan, alumni are serving in the House of Representatives and the executive office, as well as in law, banking, real estate, and countless other fields. James Madison students are having a profound and positive impact throughout the world and are bringing great pride to that "little school that thought it could"; and

Whereas, From 1960 to 1966, enrollment grew 75 percent at MSU. President Hannah, administrators, and faculty created James Madison College to retain the positive aspects of the small university of the 1950s. In the fall of 1967, the first James Madison College students came to Case Hall to take part in a small, liberal arts college. Times were far different then, and so were the interests and goals of the students. James Madison College has kept pace with this fast-changing world and has adapted to meet the needs of the students and the economy they will face upon graduation; and

Whereas, The college's recipe for success is no secret—award-winning professors, a small faculty-to-student ratio, highly-motivated students, fascinating courses, an excellent writing program, and the opportunity for off-campus field experiences. These efforts have brought great dividends to the students. In fact, we have all reaped many rewards from this success. James Madison College teaches students to think creatively, write clearly, and solve problems effectively. The students have grasped these skills and we are all far richer because of it. We hope this school continues to flourish throughout the 21st century; now, therefore, be it

Resolved by the Senate, That we proudly commemorate the 40th Anniversary of MSU's James Madison College and congratulate all associated with it; and be it further

Resolved, That a copy of this resolution be transmitted to MSU President Lou Ann Simon.

Senators Anderson, Birkholz, Clark-Coleman, Garcia, Gleason, Jacobs, Pappageorge, Prusi, Richardville, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senator Gilbert offered the following resolution:

Senate Resolution No. 95.

A resolution to urge the International Joint Commission and the United States Army Corps of Engineers to expedite studies investigating the effect of dredging and erosion of the St. Clair River on the water levels of the upper Great Lakes and, if necessary, take prompt actions to remediate any impacts.

Whereas, The upper Great Lakes have regularly approached historic low water levels over the last decade. In the fall, Lake Superior could break records for low water levels established in the late 1920s. Meanwhile, Lake Erie has generally remained near its historic average water level; and

Whereas, Extreme low water levels affects the economy and quality of life along the upper Great Lakes. Ships must carry less coal, iron ore, grains, and other cargos, increasing the expense of delivering vital materials for manufacturing and power production. Recreational boaters risk running aground as they navigate shallow areas and attempt to dock their boats. Shoreline property owners and visitors encounter increases in nuisance vegetation growing along exposed lakebeds; and

Whereas, A 2005 independent engineering study concluded that Lake Michigan and Lake Huron are more than 2.5 feet lower than natural levels because of dredging conducted during the 1960s on the St. Clair River and subsequent erosion. This estimate more than doubled previous estimates of the impact from changes to the St. Clair River and far outstrips any effect from water diversions out of the Great Lakes basin; and

Whereas, Both the International Joint Commission (IJC) and the United States Army Corps of Engineers have acknowledged that the contribution of dredging, erosion, and other factors affecting upper Great Lakes water levels deserve closer scrutiny. The IJC will be investigating the changes to the St. Clair River and potential remediation as part of its review of upper Great Lakes water levels regulation but is not scheduled to complete its study until 2012; and

Whereas, Recent reports indicate that erosion may be accelerating, with the potential to lower water levels of the upper Great Lakes even further. The dire implications of this report, if true, create a new urgency to move forward quickly with investigations before the problem gets any worse; now, therefore, be it

Resolved by the Senate, That we urge the International Joint Commission and the United States Army Corps of Engineers to expedite studies investigating the effect of dredging and erosion of the St. Clair River on the water levels of the upper Great Lakes and, if necessary, take prompt actions to remediate any impacts; and be it further

Resolved, That copies of this resolution be transmitted to the International Joint Commission, the United States Army Corp of Engineers Detroit District, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the director of the Michigan Department of Natural Resources, the director of the Michigan Department of Environmental Quality, and the Michigan Office of the Great Lakes.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Birkholz, Garcia, Gleason, Jacobs, Pappageorge, Prusi, Richardville and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Jelinek, Kahn and Jansen introduced

Senate Bill No. 700, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 204 (MCL 125.3204).

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

Senators Jelinek, Schauer, Gleason and Clarke introduced

Senate Bill No. 701, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2004 PA 110.

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

Senators Allen, Kuipers, Gilbert and Birkholz introduced

Senate Bill No. 702, entitled

A bill to amend 1976 PA 449, entitled "An act to regulate the pricing of consumer items and the advertising of consumer items, services, goods, merchandise, commodities, and real property; to prescribe the powers and duties of

certain state and local officials in relation thereto; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 1 and 3 (MCL 445.351 and 445.353) and by adding sections 3a and 3b.

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

Senators Basham, Clarke, Jacobs, Anderson, Prusi, Clark-Coleman, Hunter, Gleason and Scott introduced

Senate Bill No. 703, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 9, 11, 12, and 12b (MCL 445.69, 445.71, 445.72, and 445.72b), sections 12 and 12b as added by 2006 PA 566, and by adding sections 19, 19a, 19b, and 19c.

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

Senators Basham, Clarke, Jacobs, Anderson, Prusi, Clark-Coleman, Hunter, Gleason and Scott introduced

Senate Bill No. 704, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10c of chapter II (MCL 762.10c), as added by 2004 PA 453.

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

Senators Basham, Clarke, Jacobs, Anderson, Prusi, Clark-Coleman, Hunter, Gleason and Scott introduced

Senate Bill No. 705, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2006 PA 594.

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

Senators Basham, Clarke, Jacobs, Anderson, Prusi, Clark-Coleman, Hunter, Gleason and Scott introduced

Senate Bill No. 706, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2002 PA 124.

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

Senators Basham, Anderson, Schauer, Gleason and Jacobs introduced

Senate Bill No. 707, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 58.

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

Senators Basham, Anderson, Schauer, Gleason and Jacobs introduced

Senate Bill No. 708, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding sections 7mm and 9l.

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

Senator Basham introduced

Senate Bill No. 709, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending section 6 (MCL 38.556), as amended by 2003 PA 8.

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

Senators Gleason, Jacobs, Thomas, Cherry, Clarke, Olshove, Prusi, Schauer, Cropsey, Sanborn, Kahn, Birkholz, Gilbert, Van Woerkom, Stamas, Jansen, Garcia, Allen, Kuipers, Pappageorge, Richardville, Hardiman, Cassis, Scott, Barcia, Clark-Coleman, Basham, Hunter and Switalski introduced

Senate Bill No. 710, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 101 and sections 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10204, and 20165 (MCL 333.10101, 333.10102, 333.10103,

333.10104, 333.10105, 333.10106, 333.10107, 333.10108, 333.10109, 333.10204, and 333.20165), section 10102 as amended by 2003 PA 62, section 10104 as amended by 2005 PA 140, section 10108 as amended by 2006 PA 301, section 10204 as amended by 1999 PA 60, and section 20165 as amended by 1998 PA 108, and by adding sections 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, and 10123; and to repeal acts and parts of acts.

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

Senators Sanborn, Gleason, Jacobs, Thomas, Clarke, Olshove, Prusi, Schauer, Cherry, Kahn, Birkholz, Pappageorge, Richardville, Barcia, Clark-Coleman, Basham, Hunter, Switalski and Scott introduced

Senate Bill No. 711, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

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

Senators Clarke, Gleason, Jacobs, Thomas, Olshove, Prusi, Schauer, Cherry, Kahn, Birkholz, Pappageorge, Richardville, Barcia, Clark-Coleman, Basham, Hunter, Switalski and Scott introduced

Senate Bill No. 712, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

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

Senators Allen, Gleason, Jacobs, Thomas, Clarke, Olshove, Prusi, Schauer, Cherry, Kahn, Birkholz, Pappageorge, Richardville, Hardiman, Barcia, Clark-Coleman, Basham, Hunter, Switalski and Scott introduced

Senate Bill No. 713, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

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

Senators Kahn, Gleason, Jacobs, Thomas, Clarke, Olshove, Prusi, Schauer, Cherry, Birkholz, Pappageorge, Richardville, Barcia, Clark-Coleman, Basham, Hunter, Switalski and Scott introduced

Senate Bill No. 714, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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

Senators Jacobs, Thomas, Gleason, Clarke, Olshove, Prusi, Schauer, Cherry, Kahn, Birkholz, Pappageorge, Richardville, Barcia, Clark-Coleman, Basham, Hunter, Switalski and Scott introduced

Senate Bill No. 715, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206, 5506, 5507, 5508, and 5510 (MCL 700.3206, 700.5506, 700.5507, 700.5508, and 700.5510), section 3206 as added by 2006 PA 299 and sections 5506, 5507, 5508, and 5510 as amended by 2004 PA 532.

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

Senators George, Patterson, Sanborn, Jelinek, Jacobs, Birkholz, Kuipers, Garcia, Allen, Gleason, Pappageorge and Clarke introduced

Senate Bill No. 716, entitled

A bill to amend 2004 PA 47, entitled "Medical records access act," by amending section 3 (MCL 333.26263).

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

Senators Jacobs and Anderson introduced

Senate Bill No. 717, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17745, 17756, and 17757 (MCL 333.17745, 333.17756, and 333.17757), section 17745 as amended by 2006 PA 672, section 17756 as amended by 1993 PA 73, and section 17757 as amended by 1986 PA 304.

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

Senators Jacobs, Anderson and Basham introduced

Senate Bill No. 718, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending section 1 (MCL 722.641), as amended by 2006 PA 236.

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

Senators Garcia, Jelinek and Pappageorge introduced

Senate Bill No. 719, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1147a. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Thomas, Jacobs, Schauer, Gleason, Hunter, Scott and Clark-Coleman introduced

Senate Bill No. 720, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 1, 2, 4, 5, 7, and 8 (MCL 445.401, 445.402, 445.404, 445.405, 445.407, and 445.408), sections 1, 2, 4, 5, and 8 as amended by 2006 PA 675.

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

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

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

Recess

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

The motion prevailed, the time being 4:02 p.m.

4:08 p.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Recess

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

The motion prevailed, the time being 4:09 p.m.

4:19 p.m.

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

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

Senate Bill No. 418

Senate Bill No. 419

Senate Bill No. 420

Senate Bill No. 421

The motion prevailed.

The President, Lieutenant Governor Cherry resumed the Chair.

The following bill was read a third time:

Senate Bill No. 418, entitled

A bill to provide for a catastrophic stop loss fund and catastrophic stop loss benefit plans; to create a board of directors of the catastrophic stop loss fund; to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

The question being on the passage of the bill,

Senator Jansen offered the following substitute:

Substitute (S-3).

The question being on the adoption of the substitute,

Senator Cropsey moved that the previous question be ordered on the passage of the bill, the substitute, and the amendments.

On which motion Senator Cropsey requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 287

Yeas—20

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

Nays—18

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

Excused—0

Not Voting—0

In The Chair: President

Senators Basham and Kahn offered the following amendments to the substitute:

1. Amend page 12, line 10, after “plan” by striking out the balance of the line through “follows:” on line 11 and inserting “for the most recent rate renewal period and under the same basis by which the public employer has been pooled or rated, including:”.

2. Amend page 13, line 8, after “cover” by striking out the balance of the subsection and inserting “the most recent rate renewal period.”.

3. Amend page 13, line 14, by striking out all of subsection (4) and renumbering the remaining subsections.

The amendments to the substitute were adopted.

Senator Cropsey requested the yeas and nays.

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

The Senators being equally divided (yeas 19; nays 19), the Lieutenant Governor voted “yea.”

The amendments to the substitute were adopted, a majority of the members and the Lieutenant Governor voting therefor, as follows:

Roll Call No. 288

Yeas—19

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

Nays—19

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

Excused—0

Not Voting—0

In The Chair: President

The question being on the adoption of the substitute, as amended,
The substitute was not adopted, a majority of the members serving not voting therefor.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:41 p.m.

4:50 p.m.

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

Senator Cropsey moved to reconsider the vote by which the substitute, as amended, offered by Senator Jansen was not adopted.

On which motion Senator Cropsey requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 289**Yeas—20**

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

Nays—18

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

Excused—0**Not Voting—0**

In The Chair: President

The question being on the adoption of the substitute,

Senator Cropsey moved to reconsider the vote by which the amendments offered by Senators Basham and Kahn to the substitute were adopted.

On which motion Senator Cropsey requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 290**Yeas—20**

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

Nays—18

Anderson	Clark-Coleman	Kahn	Scott
Barcia	Clarke	Olshove	Switalski

Basham
Brater
Cherry

Gleason
Hunter
Jacobs

Prusi
Schauer

Thomas
Whitmer

Excused—0

Not Voting—0

In The Chair: President

The question being on the adoption of the amendments to the substitute,
The amendments were not adopted, a majority of the members not voting therefor.
Senator Thomas requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendments were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 291

Yeas—18

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter
Jacobs

Kahn
Olshove
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Nays—19

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Hardiman

Jansen
Kuipers
McManus
Pappageorge
Patterson

Richardville
Sanborn
Stamas
Van Woerkom

Excused—0

Not Voting—1

Jelinek

In The Chair: President

The question being on the adoption of the substitute,
The substitute was not adopted, a majority of the members serving not voting therefor.
Senator Cropsey requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The substitute was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 292**Yeas—20**

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

Nays—18

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

Excused—0**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,

The Senators being equally divided (yeas 19; nays 19), the Lieutenant Governor voted “nay.”

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 293**Yeas—19**

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

Nays—19

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Cropsey moved to reconsider the vote by which the bill was defeated.
 The motion prevailed.
 Senator Thomas requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 294**Yeas—21**

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

Nays—17

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

Excused—0**Not Voting—0**

In The Chair: President

The 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. 295**Yeas—20**

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

Nays—18

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

Excused—0

Not Voting—0

In The Chair: President

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

A bill to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 419, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 632 (MCL 380.632) and by adding sections 506a, 527a, 633, 1255, and 1311m.

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. 296

Yeas—21

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 420, entitled

A bill to amend 1951 PA 35, entitled “An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful

municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts,” by amending section 5 (MCL 124.5), as amended by 1999 PA 83.

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. 297

Yeas—21

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 421, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending sections 123 and 124 (MCL 389.123 and 389.124), section 123 as amended by 1980 PA 5 and section 124 as amended by 1997 PA 135.

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. 298

Yeas—21

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

Nays—17

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

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Charles Johnson, 20th century African American author once said, "Reasons are one thing; motives another." Listen to me: Reasons are one thing; motives another. And I am perfectly happy to listen to your reasons why certain drivers should pay more than four times what others pay simply because of their occupations, their credit scores, or their zip codes.

But what worries me—and what infuriates me—is your motive because I cannot imagine intentionally wanting to keep an already financially-burdened population even more repressed with exorbitant high prices for a product that is required by the state. By backing them into this economic corner, you are, as one of my colleagues across the aisle suggested, forcing them to break the law. And what, I ask, would be the motive for such an intentionally devious act?

Please remove all suspicions of motive from your inaction by moving on my insurance bills.

Senator Sanborn's statement is as follows:

Mr. Lieutenant Governor, regarding a vote that I just had the opportunity to make, of course, many people are aware I have not previously supported Senate Bill No. 418. I was quite puzzled by a guest column that I read in a newspaper, *The Detroit News*, from August 15, a guest column which states, "Let there be no mistake, Governor Jennifer Granholm and her entire administration embrace government reforms and have done so from day one." Further in the story it says, "As presiding officer of the Senate, it concerns me that even as Republican leadership calls for reforms and speaks as if the Governor is standing in opposition to those reforms, they have refused to pass Senate Bill No. 418, as well as other reforms. Furthermore, they're opposing the Governor's sensible prison reform resorting to the scare tactics to maintain the status quo."

Mr. Lieutenant Governor, I have respected you as long as I have been here, and I still hold the highest respect for you. However, this editorial and then watching your vote when you had a chance to prove what you wrote in this column, which was written by you, has caused me to rethink my position. People are going to want to know why I switched. I read the guest column from August 15 that you wrote. You had a chance to have those reforms come, therefore, I feel it is necessary for me to change my vote.

Senator Jansen's statement is as follows:

I want to give a speech that I didn't do during this process because of all the activity on the passage of Senate Bill No. 418 and the rest of that package. I believe this is a public employer health benefits package that will save money, protect local decision, maintain quality benefits so that we can recruit good workers into public life, and allow more money to be used on essential public services that will go into the classroom.

This legislation requires public employers to use the marketplace to their advantage through competitive bidding and having access to claims information. This package would require public employers to bid their medical benefits at least

every three years, and they will be required to solicit at least four bids but are still free to choose which bid is right for their employees' needs, looking out for their local employees. In order to facilitate accurate bids, public employers will have access to their claims data. The claims data will be given for employers who have 100 or more employees in a medical benefit plan or are pooled with other employers and the combined group that has over 100 employees.

This 100-employee threshold is the insurance industry standard right now. The data would be compiled on a go-forward basis from the effective date of the act. The claims and cost information will be given by provider type, such as radiologist or cardiologist. The data would include administrative costs, dollar amounts for service fees paid like provider access fees or contingency fees, if charged. The information would be HIPAA-compliant to ensure patients' privacy rights and information would be protected. The claims information would only be made available during the bidding process to the employer and the employee representative, as well as any carriers who want to bid for business.

The other main component of this legislation is to allow local units of government of any kind to pool for the purchase of health insurance. The pools would be regulated by OFIS, and the bill contains many safeguards to ensure solvency and stability. The pools must have a minimum of 250 employees in order to be created, and if an employer chooses to join a pool, they must be a member for at least three years. Should an employer leave a pool, they can't rejoin for a minimum of two years. While there are safeguards, we design the safeguards to be very flexible. We believe combining stability and flexibility will allow local units of government to maximize their savings.

Probably the most important effect of this package is that we allow locals to save money and use that money to improve local services, whether that be putting more police on the streets or putting more money in the classroom.

I am very proud to be able to say that I voted for this package today, along with 19 others of my colleagues, and I want to thank them for that.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, August 30, 2007, at 10:00 a.m., Room 110, Farnum Building

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

Excused: Senator Whitmer

Scheduled Meetings

Appropriations -

Subcommittees -

Capital Outlay - Thursday, September 6, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

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

Energy Policy and Public Utilities - Thursday, September 6, 1:00 p.m., Room 210, Farnum Building (373-7350)

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

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

Senator Cropsy moved that the Senate adjourn.

The motion prevailed, the time being 5:23 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 5, 2007, at 10:00 a.m.

