

No. 8
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, February 7, 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—excused
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 Clyde Wonders of Wheatland Congregational Church of Pittsford offered the following invocation:

Our gracious and loving Father, we bow before You this morning. We just thank You that You are God. There is none beside Thee. There is none liken to Thee. Thou alone are God from everlasting to everlasting, world without end.

Father, we thank You today for all of the blessings that You give to us. We thank You for our country and our nation. We thank You, Lord, for those who are gathered here today—these who are in places of authority and these who have the rule over us.

We're told in Your word that they are ordained of God. We are each one ordained of God. Lord, we would pray that You would help us that we might so conduct ourselves and so follow You that we might truly be a peculiar people, zealous of good works.

Bless this session and each member. We pray in Jesus' name and for His sake. Amen.

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

Motions and Communications

Senator Pappageorge entered the Senate Chamber.

Senator Cropsey moved that Senators Cassis, Garcia and Kuipers be temporarily excused from today's session. The motion prevailed.

Senator Thomas moved that Senators Barcia and Clarke be temporarily excused from today's session. The motion prevailed.

Senator Thomas moved that Senator Hunter be excused from today's session. The motion prevailed.

Senators Garcia, Kuipers, Clarke, Cassis and Barcia entered the Senate Chamber.

The following communication was received:
Department of Human Services

January 26, 2007

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following reports:

<u>Type of Reports</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Woodland Center	2006C02070030	CS470245817
Special Investigation	Woodland Center	2006C02070031	CS470245817

These reports were performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. These reports may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/dhs/>.

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

Sincerely,
Marianne Udow

The communication was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Switalski, Gleason, Hunter, Clark-Coleman, Schauer and Anderson introduced **Senate Joint Resolution A, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 3, and 6 of article IV, to modify congressional and legislative apportionment and districting.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations and Reform.

Senator Kuipers introduced

Senate Bill No. 178, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 4a, 5, 5a, 7, and 8 (MCL 28.722, 28.724a, 28.725, 28.725a, 28.727, and 28.728), section 2 as amended by 2005 PA 301, sections 4a and 7 as amended by 2004 PA 237, section 5 as amended by 2006 PA 402, section 5a as amended by 2005 PA 322, and section 8 as amended by 2004 PA 240.

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

Senators Garcia, Kahn, Gilbert and Cropsey introduced

Senate Bill No. 179, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 75 (MCL 38.1375), as amended by 2006 PA 617.

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

Senators Garcia and Kahn introduced

Senate Bill No. 180, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 69, 69c, 69f, and 75 (MCL 38.1369, 38.1369c, 38.1369f, and 38.1375), sections 69, 69c, and 75 as amended and section 69f as added by 1989 PA 194.

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

Senators Garcia, Birkholz, Van Woerkom, Cropsey, Kuipers, Allen and Gleason introduced

Senate Bill No. 181, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2006 PA 562.

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

Senators Allen, Kuipers, Garcia, Olshove, Hardiman, Gilbert and Anderson introduced

Senate Bill No. 182, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 506 (MCL 206.506), as amended by 1996 PA 484.

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

Senators Sanborn, Jansen, Garcia, Van Woerkom and Hardiman introduced

Senate Bill No. 183, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2006 PA 621.

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

Senators Jelinek, Cropsey, Hardiman and Garcia introduced

Senate Bill No. 184, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 371 and 395 (MCL 18.1371 and 18.1395), section 371 as amended by 1999 PA 8 and section 395 as amended by 1988 PA 504.

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

Statements

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

The motion prevailed.

Senator Stamas' statement is as follows:

Colleagues, it is with great sadness that I rise today. In December, a young man from Sanford, Michigan, who served our nation proudly was lost. I rise today to honor the memory of Marine Lance Corporal Ryan John Burgess. Lance

Corporal Burgess of Sanford, Michigan, was a proud member of the United States Marine Corps, 3rd Battalion, 4th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, based out of Twentynine Palms, California.

On December 21, 2006, Lance Corporal Burgess was killed while conducting combat operations in the Anbar province during Operation Iraqi Freedom. He was 21 years old. I would just like to take a moment to read a memorial tribute that was prepared:

“In Memory of
MARINE LANCE CORPORAL RYAN JOHN BURGESS

LET IT BE KNOWN, That we offer this memorial in honor of Marine Lance Corporal Ryan John Burgess with our deep respect for his many contributions to uphold freedom and his commitment to the noble ideals of our country. As friends and family honor the life of this patriotic man, we proudly add our own thanks for the contributions he and his family have made in protecting our cherished liberties.

It was with deep sadness that we learned of the death of Lance Corporal Ryan Burgess while serving in Iraq. He was a dedicated American and caring person who enriched many lives. We join with the community in extending our condolences to his father Jon, his mother Kim, his sister Lindsey, his brother Ryan and the rest of his family and friends. He will be sincerely missed and long remembered.

Serving others and always being the first to lend a hand were well-established traits of Ryan’s. The life of Marine Lance Corporal Ryan Burgess is a study in the power of hard work, dedication and commitment to his family, his state and his nation. We are clearly grateful for his achievements.

IN SPECIAL TRIBUTE, Therefore, this document is signed and dedicated to offer our words of praise as a memorial to Marine Lance Corporal Ryan John Burgess. May his family find comfort in their faith and their memories of this fine young man, and may they know of our respect and gratitude for his outstanding contributions to our country.”

It is signed January 17, 2007, by myself, State Representative Bill Caul, and Governor Jennifer Granholm.

We are honored to have joining us here today in the east Gallery members of Lance Corporal Burgess’ family, his mother and father, Kim and Jon; his sister and brother-in-law, Lindsey and Jeffery Stopka; and from the United States Marines, Staff Sergeant Devin Box. I would ask that they rise and be recognized by this chamber, and I would then ask for a moment of silence to honor the memory of Lance Corporal Ryan Burgess.

A moment of silence was observed in memory of Marine Lance Corporal Ryan John Burgess.

Senator Scott’s statement is as follows:

I would like to remind my colleagues, on your desk there is a purple—a lavender paper—and I have the lavender 24th District Senator standing here with me. We would like to certainly ask you to heed to this letter regarding the Children’s Trust Fund. We certainly want you to attend and there are some suggested items in the letter which hopefully you will comply with.

There are some great items in the auction. There are even some tickets for a TV program that you can hardly get to in Chicago. Guess who that is? Alright. So please be there so that you can bid on these tickets. It wasn’t easy getting these Oprah tickets, but we got them. So please come on and join us.

Also I just want to commend the Governor on her State of the State last night. There were some great things which were a part of her speech, which we must educate, educate, educate, and train. I just want to congratulate her on such a fine job. Although I didn’t hear insurance, I’m sure that she wants insurance to be a part of this. We all do have to work on this item. It’s about inclusion that she talked about, so we have to include all. We need to get this task force going so that we can make some changes in our homeowners and our car insurance.

Senator Patterson’s statement is as follows:

I rise today to thank all of you for the kindness and collegiality shown to me over the years. It’s obviously taken me many years, perhaps a few decades, to get to the condition that I’m in now. Until last night, I barely believed that it had taken the state a long time to get into the condition which it is in. However, I must admit, I was stunned by the honest declaration, the admission, during the State of the State address last night, when our Governor proudly proclaimed 94 business tax cuts had been signed into law since she took office as our Governor. Obviously, utilizing the underlying logic of the entire speech, this has not only cut revenues, but actually caused the current deficit.

Committee Reports

The Committee on Families and Human Services reported
Senate Bill No. 97, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations;

to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding sections 3f and 5h.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

Senate Bill No. 155, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2005 PA 134.

With the recommendation that the bill pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, February 6, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

Scheduled Meetings

Agriculture - Thursday, February 8, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Agriculture - Thursdays, February 15, February 22, March 1, and March 8, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Wednesday, February 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursdays, February 15, February 22, March 1, March 8, and March 15, 3:00 p.m., Room 100, Farnum Building (373-2768)

Natural Resources Department - Tuesday, February 27, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, February 15, February 22, March 1 and March 8, 1:00 p.m., Room 405, Capitol Building (373-2768)

Appropriations, Joint Senate/House - Thursday, February 8, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Energy Policy - Thursday, February 8, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, February 8, 1:00 p.m., Room 110, Farnum Building (373-1758)

Transportation - Tuesday, February 13, 12:30 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 10:23 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 8, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate