

No. 26
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, March 21, 2007.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

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—excused
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 Michael Harding of First Baptist Church of Troy offered the following invocation:

Our Father, we thank You this morning for the opportunity we have to look at matters of civil government. We thank You, Lord, for government. We know that it is a creation of Your origin. We thank You that You have vested humankind with the corporate power to reward that which is good and to punish that which is evil.

Thank You for this body of men and women who have taken upon their responsibility of serving their fellowman and inadvertently serving You by exercising common grace so that we can live in a civilized society, a society that respects freedom, mutual rights, and the opportunity to do good to all men.

We pray, Father, that You would give wisdom and the skillful application of truth to each man and each woman so that we can know how to not only please You, but also how to have harmony with our fellowman. We thank You, Father, for the opportunity we have also to live in this wonderful state of Michigan. Thank You for the United States of America and for the freedoms that You have blessed it with. It is truly a country upon which Your grace has been shed. We give You thanks, dear Father, for all that You have done.

In Your name we pray. Amen.

The Secretary of the Senate led the members of the Senate in recital of the *Pledge of Allegiance*.

The President, Lieutenant Governor Cherry, assumed the Chair.

Motions and Communications

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

Senator Cropsy moved that Senator Garcia be excused from today's session. The motion prevailed.

Senator Cropsy moved that the rules be suspended and that the following appointment, now on Committee Reports, be placed on the order of Messages from the Governor for consideration today:

Director, Department of Labor and Economic Growth

Mr. Keith W. Cooley of 6519 Crabapple Drive, Troy, Michigan 48098, county of Oakland, succeeding Robert W. Swanson, Jr., who will retire March 2, 2007, for a term commencing March 3, 2007 and expiring at the pleasure of the Governor.

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

Senators Barcia, Brater and Clarke entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 20:
House Bill Nos. 4103 4228 4323 4421

Messages from the Governor

The following messages from the Governor were received:

Date: March 19, 2007
Time: 3:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 184 (Public Act No. 2), being

An act to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal

departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” 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.

(Filed with the Secretary of State on March 19, 2007, at 4:52 p.m.)

Date: March 19, 2007
Time: 3:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 166 (Public Act No. 3), being

An act to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2006 and September 30, 2007; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 19, 2007, at 4:54 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

Director, Department of Labor and Economic Growth

Keith W. Cooley, 6519 Crabapple Drive, Troy, Michigan 48098, county of Oakland, succeeding Robert W. Swanson, Jr., who will retire March 2, 2007, for a term commencing March 3, 2007 and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 33

Yeas—37

- | | | | |
|----------|---------------|-------------|--------------|
| Allen | Clark-Coleman | Jansen | Richardville |
| Anderson | Clarke | Jelinek | Sanborn |
| Barcia | Cropsey | 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—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

Senators Scott, Hardiman, Clarke 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 Scott's statement is as follows:

I also rise today to support the nomination of Mr. Keith Cooley as Director of the Department of Labor and Economic Growth. Known as an innovative problem solver, Keith Cooley comes to the Department of Labor and Economic Growth from Focus:HOPE, which is in my district. He's served since 2006 as their chief executive officer in addition to four years as the organization's chief operating officer and CEO and COO of Focus:HOPE. Mr. Cooley oversaw such programs as food assistance for eligible mothers, children and senior citizens, community arts programs, community and economic development initiatives, and a children's daycare and education program, among others.

Under his leadership, Focus:HOPE became certified for international quality, environment, and manufacturing standards. They received the Michigan Occupational Safety and Health Association (MIOSHA) silver and bronze award for accident reduction in 2005 and again in 2007. Focus:HOPE developed robust strategic business planning and implementation processes.

I know firsthand what a great and important organization Focus:HOPE is and it is due in large part to the leadership of Mr. Keith Cooley. His innovation and integrity are ideal for this position. I strongly urge your support of his nomination.

Senator Hardiman's statement is as follows:

I also rise to add my voice in support of Mr. Keith Cooley for the position of Director of the Department of Labor and Economic Growth. Mr. Cooley has an excellent background. I met Mr. Cooley when he came to Focus:HOPE when I toured that excellent program. He has worked with the people there at Focus:HOPE to improve it greatly. He has a passion for community service. He has excellent corporate expertise. He has a history of excellence in his work history and also in his education. He's a collaborator and is ethical in his approach. I add my unreserved support to his appointment to the position of Director.

Senator Clarke's statement is as follows:

I, too, support the appointment of Keith Cooley to be the next Director of the Department of Labor and Economic Growth. It's acknowledged that this state is in challenging times and what we need is to be able to keep the jobs that we have right now in Michigan, be able to attract new industry, and then train and retrain our workforce for both of those opportunities.

Keith Cooley is uniquely qualified to help grow business and also train people by virtue of his experience and his training. His work with General Electric, General Motors, and Motorola gives him the ability to understand what companies need to prosper and to grow. His work as leader of Focus:HOPE, he understands how our workforce needs to be trained and their skills retooled. He is uniquely qualified to lead this state to revitalize our economy and to train and empower our workforce. I do urge the Senate's support for his appointment.

Senator Clark-Coleman's statement is as follows:

It is indeed my pleasure and I'm deeply honored to stand up and certainly support the nomination of Keith Cooley for DLEG Director. Focus:HOPE is on the fringe of my district. As a matter of fact, the neighborhood association that I belong to hold their meetings at Focus:HOPE. I know that they have reached out to the community with a wonderful outreach program. They have just built that facility to the greatness that it is today. I would encourage all of my colleagues to please—as the Senator from the 29th District did—visit Focus:HOPE, a facility that does an outstanding job of training and retraining.

Because of his experience as the CEO of Focus:HOPE, I know that he will bring the same ideas and innovations to the DLEG. The fact that he was the first African American gymnast at the University of Michigan on their championship team, he certainly knows how to be flexible and how to bend. He's going to have to know how to do that in this position.

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. 69

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 69, entitled

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

The 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. 34

Yeas—37

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	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—0

Excused—1

Garcia

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

Resolutions

Senate Resolution No. 20.

A resolution to urge the United States Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Resolution No. 21.

A resolution to memorialize the United States Department of State and the Department of Homeland Security to develop a pilot program in Michigan for a dual purpose state driver’s license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative.

The question being on the adoption of the resolution,

The resolution was adopted.

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

Senate Resolution No. 29.

A resolution memorializing the Congress of the United States to enact the Employee Free Choice Act.

Whereas, In 1935, the United States established, by law, that workers must be free to form unions. The freedom to form or join a union is internationally recognized as a fundamental human right; and

Whereas, Union membership provides workers better wages and benefits, and protection from discrimination and unsafe workplaces. Unions benefit communities by strengthening tax bases, promoting equal treatment, and enhancing civic participation; and

Whereas, Even though on paper America's workers have the freedom to choose for themselves whether to have a union, in reality, workers across the nation are routinely denied that right. More than 40 million United States workers say they would join a union now if they had the opportunity; and

Whereas, When the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, Many thousands of workers in our country are routinely threatened, coerced, or fired each year because they try to form a union. Most violations of workers' freedom to choose a union occur behind closed doors, and each year millions of dollars are spent to frustrate workers' efforts to form unions; and

Whereas, A worker's fundamental right to choose a union is a public issue that requires a public policy solution, including legislative remedies; and

Whereas, The Employee Free Choice Act (H.R. 800) has been introduced in the United States Congress in order to restore workers' freedom to join a union; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to enact the Employee Free Choice Act, which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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 Commerce and Tourism.

The motion prevailed.

Introduction and Referral of Bills

Senator Birkholz introduced

Senate Bill No. 362, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3902 (MCL 324.3902).

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

Senator Jacobs introduced

Senate Bill No. 363, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12.

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

Senator Jacobs introduced

Senate Bill No. 364, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 2, 5, 6, 9, 18, 20, 22, 23, and 27 (MCL 125.2872, 125.2875, 125.2876, 125.2879, 125.2888, 125.2890, 125.2892, 125.2893, and 125.2897).

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

Senator Gilbert introduced

Senate Bill No. 365, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 451 (MCL 500.451), as amended by 1994 PA 228.

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

Senator Jansen introduced

Senate Bill No. 366, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 436.

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

Senator Kuipers introduced

Senate Bill No. 367, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1212a.

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

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:

I rise to remind you that March is National Reading Month. You know, comedian Dick Gregory once said that reading the Declaration of Independence made him want to take a look at the United States Constitution to see what else he may have missed. Perhaps this is the month for all of us to read that United States Constitution—the Constitution that establishes justice, guarantees our civil rights, and protects our civil liberties. Then let's take a look at the discriminatory practices of the insurance industry, recognize the inequality of that system, and do something about it.

We cannot allow this biased and unfair treatment to continue to violate the rights of the citizens of the city of Detroit and of Michigan. We must take action now on the insurance bills that we have before us. It is the right and just thing to do.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 344, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16 and 16z of chapter XVII (MCL 777.16 and 777.16z), section 16 as added by 1998 PA 317 and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

With the recommendation that the bill pass.

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

Wayne Kuipers

Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Patterson, Whitmer, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 20, 2007, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Patterson, Whitmer, Clarke and Prusi

Excused: Senator Sanborn

The Committee on Commerce and Tourism reported

Senate Bill No. 345, 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 section 9 (MCL 207.559), as amended by 2006 PA 436.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, March 20, 2007, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

The Committee on Government Operations and Reform reported the following appointment to office:

Director, Department of Labor and Economic Growth

Keith W. Cooley, 6519 Crabapple Drive, Troy, Michigan 48098, county of Oakland, succeeding Robert W. Swanson, Jr., who will retire March 2, 2007, for a term commencing March 3, 2007 and expiring at the pleasure of the Governor.

With the recommendation that the Senate advise and consent to the said appointment.

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Patterson, Cassis, Kuipers, Clarke and Olshove

Nays: None

The appointment was placed on the order of Messages from the Governor.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations and Reform submitted the following:

Meeting held on Tuesday, March 20, 2007, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Bishop (C), Patterson, Cassis, Kuipers, Schauer, Clarke and Olshove

Scheduled Meetings

Appropriations - Thursday, March 22, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Community Health Department - Wednesday, March 28, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Higher Education - Tuesday, March 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Education - Thursday, March 22, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, March 22, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, March 22, 1:00 p.m., Saginaw Valley State University, Malcomb Field Theater, 7400 Bay Road, University Center (CANCELED); and Friday, March 23, 10:00 a.m., Baker College Student Center, 9600 E. 13th Street, Cadillac (373-1758)

Judiciary -

Subcommittee -

Prison Reform and Public Safety - Tuesday, March 27, 12:30 p.m., Room 210, Farnum Building (373-6920)

State Drug Treatment Court Advisory Committee - Tuesday, March 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:44 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 22, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

