

No. 59
STATE OF MICHIGAN
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94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, June 13, 2007.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

Garcia—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

Senator Wayne Kuipers of the 30th District offered the following invocation:

Gracious God, we give You thanks for another beautiful day that You have given us. We thank You for the opportunities that You will present to each one of us today. We ask that You would help us with wisdom and discernment to make decisions that are pleasing to You and in accordance with Your will.

We give You thanks for the opportunity that You have placed in front of each one of us to serve the people of Michigan in the way that You have chosen us to serve. We would ask today that the decisions that are made in this chamber, the decisions that are made in this Capitol Building and in the offices around the Capitol will be decisions that honor and bless You. We thank You for the opportunities that You give us. We ask that You would help us to be good stewards of that opportunity.

We ask in a special way today for Your blessings upon our soldiers, the men and women not only from this great state, but from states around this country who serve willingly in places far away. We thank You for their dedication for the willingness to serve; for the dedication and courage that they bring to their work each day. We ask that Your angels would protect them, that You would guard them, and guide them in all that they do in this state. Bless their families, too, as they are separated. We thank You for their willingness to give of their family members to serve the needs and interest of this country.

We ask now for Your blessings upon us throughout this day in all that we do and all that we say be pleasing to You. Above all, we ask that You would help each of us to shine like stars for Your honor and Your glory.

In Jesus' name we pray. Amen.

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

Motions and Communications

Senator Clarke entered the Senate Chamber.

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

The following communication was received and read:
Office of the Senate Majority Leader

June 12, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointments of Ganesh Reddy and Monica Emerson to the Oakland University Board of Control, and make written recommendations to the Government Operations and Reform Committee on these appointments.

Sincerely,
Senator Michael D. Bishop, Chairman
Government Operations and Reform Committee

The communication was referred to the Secretary for record.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

June 11, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:30 p.m. this date, administrative rule (07-06-01) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part 39. Design Safety Standards for Electrical Systems.*" These rules take effect 15 days after filing with the Secretary of State.

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

The communication was referred to the Secretary for record.

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:

June 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 202 of The Judges Retirement Act of 1992, 1992 PA 234, MCL 38.2202:

Michigan Judges' Retirement Board

The Honorable Francis R. Spaniola of 517 West Corunna Avenue, Corunna, Michigan 48817, county of Shiawassee, reappointed to represent the general public, for a term expiring March 31, 2011.

Mr. Chris J. Swope of 1402 North Genesee Drive, Lansing, Michigan 48915, county of Ingham, reappointed to represent the general public, for a term expiring March 31, 2011.

June 12, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of 1975 PA 164, MCL 18.302:

Commission on Spanish-Speaking Affairs

Mr. Miguel A. Ramirez of 41580 Robin Street, Mattawan, Michigan 49071-8714, county of Van Buren, succeeding George E. Fierro, who has resigned, representing the general public, for a term commencing June 12, 2007 and expiring December 10, 2008.

Sincerely,
Jennifer M. Granholm
Governor

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 476, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5080 (MCL 600.5080), as added by 2000 PA 420.

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. 170

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: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 477, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

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. 171**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: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 387, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

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. 172

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: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 388, entitled

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending sections 2, 15, and 30 (MCL 567.222, 567.235, and 567.250).

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. 173

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: Richardville

The Senate agreed to the title of the bill.

General Orders

Senator Cropsy 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 Whitmer 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 without amendment, the following bills:

House Bill No. 4766, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 20m (MCL 38.1140m), as added by 2002 PA 728.

House Bill No. 4661, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 411a and 416 (MCL 380.411a and 380.416), as amended by 2004 PA 303.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

Senate Bill No. 571, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1311 and 1311a (MCL 380.1311 and 380.1311a), section 1311 as amended by 1999 PA 23 and section 1311a as amended by 2000 PA 230.

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

1. Amend page 2, line 2, by striking out "handicapped" and inserting "**ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES**".

2. Amend page 2, line 4, after "is" by striking out "handicapped" and inserting "**ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES**".

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

Introduction and Referral of Bills

Senator Gleason introduced

Senate Bill No. 586, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 11 and 12 (MCL 46.411 and 46.412), section 11 as amended by 2002 PA 158 and section 12 as amended by 1982 PA 504.

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

Senators Switalski, Clark-Coleman, Brater, Gleason and Scott introduced

Senate Bill No. 587, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2006 PA 167.

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

Senator Thomas introduced

Senate Bill No. 588, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 3, 5, 11, 17, and 18 (MCL 125.2873, 125.2875, 125.2881, 125.2887, and 125.2888) and by adding section 29.

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

Statements

Senators Scott, Gleason and Cassis 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:

Alexandre Dumas, the great black writer, wrote in *The Count of Monte Cristo*, "All human wisdom is summed up in two words—wait and hope." Well, I respectfully disagree with his pessimistic outlook. The days of simply waiting and hoping are over. It is now time to act.

Human wisdom says that you assure equality and fairness to thousands of Michigan drivers and homeowners by passing legislation that would guarantee it. Human wisdom says that you would bring justice to an unfair and inequitable system. Human wisdom says you would bring parity to a discriminatory and biased system.

I will certainly continue to hope, but I will not wait. Please take up my bills.

Senator Scott moved that she be permitted to submit, in writing, a statement made on June 12, 2007, by Thomas Wilkins, resident conductor of the Detroit Symphony Orchestra, for inclusion in a subsequent Journal.

The motion prevailed.

Senator Gleason's statement is as follows:

We have gathered on the front lawn today; some folks who are very committed to looking for a cure for cancer. One year ago, at this time I was able to share time down here at the Capitol with my aunt, Agnes J. Bentley. This past Holy Thursday she passed away from the disease she was fighting at that particular time. On a very personal note, I would like to thank all those, in particular those in this room, who have held the Relay For Life as an important and an encouraging endeavor—trying to find a cure for this disease.

One year ago, we walked the grounds here with great hope and expectation that my aunt might be able to overcome that disease. In the final analysis, she lost to that devastating disease. Those who have joined us today in the Capitol and out on the front lawn have offered others—many times complete strangers—hope of expectancy to increase their life here on Earth.

So I would like us to take a special moment today and thank all those who are involved in Relay For Life. If you look out here today, you will see a sea of purple today. They are not only walking for themselves, but those who one day can expect to find a cure. So I would like to thank all those who are in the medical profession and the scientific and research areas of this fine work as well.

Thank you, Mr. President, and I know most of us have Relay For Life constituents out there on this lawn today. So I would like to thank them for their efforts to come down and be in the presence of their Capitol, especially for their personal endeavor and enhancement for this worthwhile cause.

Senator Cassis' statement is as follows:

I think we have a victory today. It's not fully a deal; nothing is 100 percent, but eight very hardworking legislators from both chambers agreed in concept to the structure of Michigan's business tax. Thank you to everyone involved.

The agreement accepts the tax base in Senate Bill No. 94, the BEST plan. It provides significant relief for our domestic auto companies, which we hope will help them to be successful. It assures our growing, small business sector fair treatment, encouraging job creation and investment. It recognizes the importance of exporting the tax, giving an incentive to locating business right here in Michigan.

We hope to reach the goals that guided the replacement process since day one: creating a fair equitable business tax, fostering entrepreneurial activity, making Michigan's economy more competitive, and creating much-needed jobs and opportunity.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 84, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1068.

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

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

The Committee on Transportation reported

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.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn and Van Woerkom

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 4556, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11f (MCL 247.661f), as added by 2006 PA 140.

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

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, June 12, 2007, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Scheduled Meetings

Agriculture - Thursday, June 14, 9:00 a.m., Room 110, Farnum Building (373-1635)

Campaign and Election Oversight - Monday, June 18, 10:30 p.m., Plainfield Township Hall, 6161 Belmont Avenue, NE, Belmont (373-1725)

Energy Policy and Public Utilities - Thursday, June 14, 1:00 p.m., Room 210, Farnum Building (373-7350)

Senator Cropsy moved that the Senate adjourn.

The motion prevailed, the time being 10:40 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, June 14, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

