

No. 74
STATE OF MICHIGAN
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REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, July 25, 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—excused
Basham—present
Birkholz—present
Bishop—present
Brater—excused
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—excused
George—excused
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

Bishop David Maxwell of Eliezer Temple Church of Lansing offered the following invocation:

Father God, we come to You on this occasion as our elected officials in this hallowed body of the Senate of the state of Michigan begin and continue their duties of enacting laws and legislation that will direct and guide our state through tumultuous and turbulent times. I would ask for a spirit of unity and solidarity to permeate this house.

We come, O God, acknowledging our human frailty and insufficiency to do things independent of You. We come here from a multiplicity of religious expression. Some call You "Allah"; others call You "Yahweh"; some call You "Jireh"; some call You "Shalom"; some call You "Rapheka"; some call You "Tzikaynu"; some call You "Emmanuel," God with us; I call You "Jesus," but we all call out of the same common need. Without Your help, it would be impossible for us to achieve.

We come, O God, asking for Your presence upon each and every Senator. I ask a very special prayer upon my Senator, Senator Whitmer, that You would continue to guide and lead her and that she would be a strong voice in this great body.

Bless now the leadership. Bless now the diversity that we have in this place, that through diversity we come together in oneness and we present ourselves with strength.

We ask these prayers in the name of Your darling Son Jesus Christ, and all of the people that agreed said, Amen.

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

Motions and Communications

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

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

Senator Cropsey moved that Senators Stamas and Sanborn be temporarily excused from today's session.
The motion prevailed.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, July 24:
House Bill Nos. 4854 4903

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senator Sanborn introduced
Senate Bill No. 653, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 51a, 303, 306, 307, 310, 310d, 310e, 312, and 314 (MCL 257.51a, 257.303, 257.306, 257.307, 257.310, 257.310d, 257.310e, 257.312, and 257.314), sections 303, 306, 307, and 314 as amended by 2006 PA 298, section 310 as amended by 2005 PA 141, section 310d as amended by 2004 PA 62, section 310e as amended by 2004 PA 362, and section 312 as amended by 2000 PA 456, and by adding section 24d.

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

Senator Sanborn introduced
Senate Bill No. 654, 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 sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), sections 1 and 2 as amended by 2005 PA 143 and section 1a as added by 1997 PA 99, and by adding sections 2a and 2b.

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

House Bill No. 4854, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," (MCL 38.1132 to 38.1140m) by adding section 13c.

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.

House Bill No. 4903, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," (MCL 38.1132 to 38.1140m) by adding section 13c.

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.

Senators Stamas and Schauer entered the Senate Chamber.

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:

As I always say to you, I won't make these statements if you will take up my bills and get them passed so that people in urban areas, and especially Detroit, would not be paying the kind of rates they are. They're subsidizing the whole state.

As I indicated to you yesterday, in this country, the average rate is about \$870 a year, where in the city of Detroit it's over \$5,100. Just think, that's the average. There are people who are paying more. So it's time for us to take up these bills so that we can make a difference in the lives of everyone.

You would not want this to happen in your city because if it did, we would have done something about it a long time ago. But you have rather chosen to have Detroit subsidize the rest of the state, and everyone is not able to pay those kinds of rates. So that's why people are going without insurance. The law says we must have insurance, so make it affordable.

Recess

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

The motion prevailed, the time being 10:12 a.m.

10:18 a.m.

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

During the recess, Senator Sanborn entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Clark-Coleman 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:

Senate Bill No. 397, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 753.

Senate Bill No. 624, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

Senate Bill No. 625, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

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 a substitute therefor, the following bill:

Senate Bill No. 515, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 438 (MCL 206.438), as added by 2004 PA 364.

Substitute (S-1).

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

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

Senate Bill No. 540, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 552 (MCL 750.552).

Substitute (S-2).

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

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

Senate Bill No. 525, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9721.

Substitute (S-1).

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

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

Senate Bill No. 395, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 783.

Substitute (S-1).

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

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

Senate Bill No. 396, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding chapter 7A; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 398, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding chapter 7B; and to repeal acts and parts of acts.

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.

By unanimous consent the Senate returned 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. 435

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 435, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8152 (MCL 600.8152), as amended by 2002 PA 92.

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. 233

Yeas—27

Allen	Cropsey	Kahn	Richardville
Birkholz	Gilbert	Kuipers	Sanborn
Bishop	Gleason	McManus	Stamas
Brown	Hardiman	Olshove	Switalski
Cassis	Jacobs	Pappageorge	Van Woerkom
Cherry	Jansen	Patterson	Whitmer
Clarke	Jelinek	Prusi	

Nays—7

Anderson	Clark-Coleman	Schauer	Thomas
Basham	Hunter	Scott	

Excused—4

Barcia	Brater	Garcia	George
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 207, entitled

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

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Clarke and Hunter

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 Commerce and Tourism submitted the following:

Meeting held on Tuesday, July 24, 2007, at 2:30 p.m., Room 100, Farnum Building

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

Excused: Senator Stamas

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Thursday, July 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Finance - Thursday, July 26, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 10:57 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, July 26, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate