

No. 85
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, September 12, 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—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 Mark Donnell of Eastgate Baptist Church of Burton offered the following invocation:

Almighty and everlasting God, of whom we live and move and have our being, grant to us purity of heart and strength of purpose so that we may seek Thy will and do it without faltering. Give to those, Your elected officials, the wisdom and courage they will need to carry out the work that You have chosen for them to do.

As we remember the events of this week, six years ago, of those who have lost their lives defending our country and our way of life, continue to comfort those who are bereaved; strengthen those who have given so sacrificially, and encourage those who continue the battle.

And now, O God, help us to remember that Thou does keep him in perfect peace whose mind is stayed in Thee because he trusts in Thee. Teach us all to trust You more implicitly, and keep us in Your loving care. Amen.

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

Motions and Communications

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

Senators Hunter, Whitmer, Jacobs, Barcia, Thomas, Schauer, Prusi, Gleason, Brater, Birkholz, Clark-Coleman, Scott and Clarke entered the Senate Chamber.

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

September 6, 2007

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-6) to Senate Bill 232 appoints the following members to sit on the conference committee:

Senator Bill Hardiman, Chair

Senator Roger Kahn

Senator Martha Scott

Thank you for your prompt consideration of this matter.

Sincerely,
Senator Michael D. Bishop
Majority Leader
State Senate, 12th District

The communication was referred to the Secretary for record.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

September 10, 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 4:37 p.m. this date, administrative rule (07-09-01) for the Department of Community Health, Bureau of Children and Family Programs, entitled "*Child Death Scene Investigation*." These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 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.

The Secretary announced that the following official bills were printed on Tuesday, September 11, and are available on the legislative website:

Senate Bill Nos. 758 759

Senator Cropsey moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 757

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

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointment:

Michigan Technological University Board of Control

Mr. Stephen J. Hicks of 935 Bishop Woods Road, Marquette, Michigan 49855, county of Marquette, succeeding Michael C. Henricksen, whose term has expired, representing the general public, for a term commencing July 20, 2007 and expiring December 31, 2014.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Gallery.

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

Senator Bishop asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Bishop's statement is as follows:

I rise today for the purpose of an announcement. We have a very proud moment in our chamber today to announce the first recipient of the Charlie Thornhill Memorial Scholarship Fund. This past December, you all know that we lost one of our greatest treasures in this building, one of our colleagues, one of our friends, Charlie Thornhill. In cooperation with the school, his friends, his family, and his colleagues, we have developed the Charlie Thornhill Memorial Scholarship Fund to help others succeed and follow his successful footsteps.

The fund that was created gives \$1,000 per year to one page in the Michigan Legislature. In honor of Charlie, this award is intended to encourage students who have demonstrated the capacity to achieve education and professional goals, the motivation to achieve these goals, and the initiative to further their progress. With that said, Charlie would be pleased to know that the first recipient of this scholarship is Sarah Sieting, who is present today with her parents in the Gallery, and they're very proud parents, I might add, of this distinguished award.

Sarah is a senior at Michigan State University; she will be graduating in May. She made the Dean's List in each of her terms. She majors in public policy and administration. She is involved in numerous extracurricular activities, including Pre-Law Society, Phi Sigma Alpha, and a member of the Books For Africa. She has also volunteered for Habitat for Humanity, Michigan State University Extension Services Learning Council, and the Salvation Army.

In recognizing Sarah today, I also want to pay tribute to Charlie's wife Lauren and his brother Nay, who we all know. I know this is a special moment for them as well. This is a very big moment for us because all of us remember Charlie quite well and very well. He remains dear to our hearts, and we are glad that Sarah is here today. I know Charlie would be very proud.

Congratulations, Sarah. We have a certificate for you on behalf of the Michigan Senate. We congratulate you and wish you the best of luck.

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 message from the Governor was received and read:

September 11, 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 Section 2 of 1965 PA 278, MCL 390.712:

Saginaw Valley State University Board of Control

Mr. Jeffrey T. Martin of 3785 Chipping Norton, Saginaw, Michigan 48603, county of Saginaw, succeeding Ruth A. Braun, whose term has expired, representing the general public, for a term commencing September 11, 2007 and expiring July 21, 2015.

Mr. Jerome L. Yantz of 2728 Oakmont Drive, Bay City, Michigan 48706, county of Bay, reappointed to represent the general public, for a term expiring July 21, 2015.

Sincerely,
Jennifer M. Granholm
Governor

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

Michigan Technological University Board of Control

Mr. Stephen J. Hicks of 935 Bishop Woods Road, Marquette, Michigan 49855, county of Marquette, succeeding Michael C. Henricksen, whose term has expired, representing the general public, for a term commencing July 20, 2007 and expiring December 31, 2014.

Senator Cropsey moved that the Senate advise and consent to the appointment.

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. 323

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

Senator Prusi asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Prusi's statement is as follows:

It is with great pleasure that I rise to support the nomination and confirmation of Stephen Hicks to the Michigan Technological University Board of Control. As you all know, that's in my district and Steve's background is in a couple of industries that are near and dear to my heart, encompassing the steel and iron ore industry, as well as the timber industry. I believe the expertise that Steve can bring to the Michigan Technological University Board of Control is going to be a significant advantage for them as they move forward, especially in the areas that Tech is so skilled in already, and that's their school of forestry, as well as their engineering school.

Steve has joined us here in the west Gallery, and I am just pleased that the Governor has found such a qualified candidate. I would urge my colleagues to give them their total support and their best wishes as we help to move that fine university forward.

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

The motion prevailed.

Senate Bill No. 222, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has appointed Reps. Espinoza, McDowell and Hansen as conferees to join with Sens. Brown, Jelinek and Scott.

The bill was referred to the Conference Committee.

Senate Bill No. 231, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Vagnozzi, Jackson and Amos as conferees to join with Sens. George, McManus and Clark-Coleman.

The bill was referred to the Conference Committee.

Senate Bill No. 233, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The House of Representatives has appointed Reps. Gillard, Byrnes and Moss as conferees to join with Sens. Cropsey, Kahn and Brater.

The bill was referred to the Conference Committee.

Senate Bill No. 234, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has appointed Reps. Hammel, Bauer and Brandenburg as conferees to join with Sens. Jansen, George and Scott.

The bill was referred to the Conference Committee.

Senate Bill No. 235, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has appointed Reps. LeBlanc, Espinoza and Nofs as conferees to join with Sens. Garcia, Stamas and Barcia.

The bill was referred to the Conference Committee.

Senate Bill No. 238, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has appointed Reps. LeBlanc, Espinoza and Nofs as conferees to join with Sens. Garcia, Stamas and Barcia.

The bill was referred to the Conference Committee.

House Bill No. 4344, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-2) and appointed Reps. McDowell, Cushingberry and Caswell as conferees.

The message was referred to the Secretary for record.

House Bill No. 4346, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Gillard, Vagnozzi and Caswell as conferees.

The message was referred to the Secretary for record.

House Bill No. 4348, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Alma Smith, Bennett and Proos as conferees.

The message was referred to the Secretary for record.

House Bill No. 4350, entitled

A bill to make appropriations for certain state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2008; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Byrnes, Cushingberry and Acciavatti as conferees.

The message was referred to the Secretary for record.

House Bill No. 4354, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Lahti, Spade and Booher as conferees.

The message was referred to the Secretary for record.

House Bill No. 4358, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Bennett, Espinoza and Proos as conferees.

The message was referred to the Secretary for record.

House Bill No. 4359, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 6a, 8b, 11, 11a, 11f, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20j, 22a, 22b, 22c, 22d, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32c, 32d, 32j, 32l, 37, 38, 39, 39a, 41, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 64, 65, 74, 76, 81, 94a, 98, 99, 99e, 99h, 104, 107, 147, and 163 (MCL 388.1603, 388.1606, 388.1606a, 388.1608b, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622c, 388.1622d, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1629, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632c, 388.1632d, 388.1632j, 388.1632l, 388.1637, 388.1638, 388.1639, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1676, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699e, 388.1699h, 388.1704, 388.1707, 388.1747, and 388.1763), sections 3, 11, 11g, 11j, 22a, 22b, 26b, 31a, 51a, 51c, 65, 81, and 147 as amended by 2007 PA 6, sections 6, 11a, 11f, 11k, 15, 18, 20, 20j, 22d, 24, 26a, 31d, 31f, 32c, 32d, 32j, 32l, 37, 39a, 41, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 94a, 98, 99, and 107 as amended and sections 11m, 22c, 24a, 24c, 29, 32b, 64, 99e, 99h, and 104 as added by 2006 PA 342, section 6a as amended by 1997 PA 93, sections 8b and 38 as amended by 2003 PA 158, sections 19 and 39 as amended by 2005 PA 155, section 76 as amended by 1996 PA 300, and section 163 as amended by 2004 PA 351, and by adding sections 31g, 32, 32e, 32f, 65a, 77, 98d, 99a, and 99i; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Gillard, Cushingberry and Caswell as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 418, entitled

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 House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

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 House of Representatives has amended the bill as follows:

1. Amend page 3, following line 16, by inserting:

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 549 of the 94th Legislature is enacted into law and takes effect."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

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 House of Representatives has amended the bill as follows:

1. Amend page 4, following line 24, by inserting:

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 549 of the 94th Legislature is enacted into law and takes effect."

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

Pursuant to rule 3.202, the bill was laid over one day.

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 House of Representatives has amended the bill as follows:

1. Amend page 4, following line 10, by inserting:

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 549 of the 94th Legislature is enacted into law and takes effect."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

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 nonconcurred in the Senate substitute (S-1) and appointed Reps. Bauer, Byrnes and Booher as conferees.

The message was referred to the Secretary for record.

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 Hunter 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:

Senate Bill No. 757, 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 sections 2 and 9 (MCL 207.552 and 207.559), section 2 as amended by 2007 PA 12 and section 9 as amended by 2006 PA 436.

Substitute (S-3).

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 rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 757

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

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

House Bill No. 4246

House Bill No. 4266

Senate Bill No. 757

The motion prevailed.

The following bill was read a third time:

House Bill No. 4246, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

The question being on the passage of the bill,

Senator Gleason offered the following substitute:

Substitute (S-3).

The substitute was not adopted, a majority of the members serving 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 substitute was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 324

Yeas—18

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

Nays—19

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

Excused—1

Garcia

Not Voting—0

In The Chair: President

The question being on the passage of the bill,

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

Roll Call No. 325**Yeas—19**

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

Nays—18

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

Excused—1

Garcia

Not Voting—0

In The Chair: President

Senator Cropsey moved to reconsider the vote by which the bill was defeated.
 The question being on the motion to reconsider,
 Senator Cropsey moved that further consideration of the bill be postponed temporarily.
 The motion prevailed.

Senator Gleason asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Gleason's statement is as follows:

It is not wholly and inappropriate that we address this legislation today. As the word spoken across America yesterday raised the respect of firefighters and police across this country, this legislation today shows us the police and fire in a responsible fashion. This bill prohibits local government from renegotiating the terms of employment contracts upon consolidation. The reason that this is so vitally important is because we can have the same people doing the same work without the same compensation. I don't think this is what this body is here for today—to divide the responsibilities and the results of the works that these firefighters and police do on a daily basis, protecting our families, our property, our treasures, and our communities.

This statute states that nothing in the statutes would require governments to pay employees the highest compensation previously paid to any employee prior to the consolidation. My efforts today are to offer the police and fire that do indeed protect our families and our treasures fairness that we pay everyone equal compensation for equal work.

The following bill was read a third time:

House Bill No. 4266, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

The question being on the passage of the bill,
Senator Basham offered the following substitute:
Substitute (S-3).

The question being on the adoption of the substitute,
Senator Cropsey moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 757, 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 sections 2 and 9 (MCL 207.552 and 207.559), section 2 as amended by 2007 PA 12 and section 9 as amended by 2006 PA 436.

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. 326

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
Introduction and Referral of Bills

Senator Jelinek introduced
Senate Bill No. 760, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

Senator Gilbert introduced

Senate Bill No. 761, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 451. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Switalski introduced

Senate Bill No. 762, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Senator Switalski introduced

Senate Bill No. 763, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senator Brater introduced

Senate Bill No. 764, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 2 and 6a (MCL 205.52 and 205.56a), section 2 as amended by 2004 PA 173 and section 6a as amended by 1993 PA 325.

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

Senator Brater introduced

Senate Bill No. 765, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 2 and 6a (MCL 205.52 and 205.56a), section 2 as amended by 2004 PA 173 and section 6a as amended by 1993 PA 325.

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

Senator Brater introduced

Senate Bill No. 766, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172.

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

Senator Brater introduced

Senate Bill No. 767, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172.

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

Senator Brater introduced

Senate Bill No. 768, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 4a (MCL 205.93 and 205.94a), as amended by 2004 PA 172.

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

Senator Brater introduced

Senate Bill No. 769, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 4a (MCL 205.93 and 205.94a), as amended by 2004 PA 172.

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

Senator Brater introduced

Senate Bill No. 770, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; 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 Finance.

Senator Gleason introduced

Senate Bill No. 771, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; 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 Finance.

Senator Jelinek introduced

Senate Bill No. 772, entitled

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to December 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

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

Senator Jelinek introduced

Senate Bill No. 773, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 8b, 11, 11j, 17b, 39a, and 147 (MCL 388.1608b, 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), section 8b as amended by 2003 PA 158, sections 11, 11j, 17b, and 147 as amended by 2007 PA 6, and section 39a as amended by 2006 PA 342; 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 Appropriations.

Senator Switalski introduced

Senate Bill No. 774, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 8 and 9 (MCL 207.628 and 207.629), section 8 as amended by 1993 PA 58 and section 9 as amended by 2005 PA 312.

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

Senator Switalski introduced

Senate Bill No. 775, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44a (MCL 211.44a), as amended by 2004 PA 357.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communications were received and read:

Office of the Senate Majority Leader

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-2) to House Bill 4344 appoints the following members to sit on the conference committee:

Senator Roger Kahn

Senator John Pappageorge

Senator Deb Cherry

Thank you for your prompt consideration of this matter.

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4346 appoints the following members to sit on the conference committee:

Senator Ron Jelinek
Senator Cameron Brown
Senator Michael Switalski

Thank you for your prompt consideration of this matter.

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4348 appoints the following members to sit on the conference committee:

Senator Alan Cropsey
Senator Roger Kahn
Senator Liz Brater

Thank you for your prompt consideration of this matter.

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4350 appoints the following members to sit on the conference committee:

Senator Tony Stamas
Senator Tom George
Senator Jim Barcia

Thank you for your prompt consideration of this matter.

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4358 appoints the following members to sit on the conference committee:

Senator Valde Garcia
Senator Alan Cropsey
Senator Liz Brater

Thank you for your prompt consideration of this matter.

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4359 appoints the following members to sit on the conference committee:

Senator Ron Jelinek
Senator Cameron Brown
Senator Michael Switalski

Thank you for your prompt consideration of this matter.

September 12, 2007

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4360 appoints the following members to sit on the conference committee:

Senator Bill Hardiman
Senator Michelle McManus
Senator Irma Clark-Coleman

Thank you for your prompt consideration of this matter.

Sincerely,
Senator Michael D. Bishop
Majority Leader
State Senate, 12th District

The communications were referred to the Secretary for record.

Statements

Senators Scott, George, Jacobs, Switalski and Basham 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:

While you may not always agree with Eldridge Cleaver's politics, he did offer some sound advice. One sage piece of wisdom was: "The only way to solve a problem that is unjust is to take immediate action to correct it." That's what I believe too. That's why I began my floor statements crusade some three and a half years ago to call attention to the unjust situation of insurance rates for Michigan residents.

Sadly, while I attempted to take immediate action, it has been a long, slow process to get results. In fact, I have yet to see any results or even a willingness to try. Let's take immediate action to correct this unjust problem. Let's work together to solve this problem so that we can move on to address other important issues that we face. Again, immediate action, now.

Senator George's statement is as follows:

I rise to comment on House action taken yesterday regarding Senate Bill No. 418, which, you will recall, is the public employee health reform measure which we narrowly passed last week and sent to the House. The measure passed the Senate by one vote and I voted for it. I understand that yesterday the House took action, took up the bill, and substituted it with language that destroys its intent. The House substitute removes the provision which we put in which would require the sharing of claims data. It also stripped out the competitive bidding requirement and removed the provision which would have allowed our universities the option of participating.

In particular, I want to talk about the removal of the provision that would have required sharing of claims data, and I would remind us that the goal and the reason for having public employee health insurance is to help assure and maintain the health of those employees. It is not simply to pay for medical services, and if you are going to affect the health of the people you are covering, then you need to have claims data to know what is happening with their health. If you collect claims data and you learn that your public school employees are afflicted with back ailments, for example, then you might be able to modify the benefits they are receiving or maybe their workplace design or their duties to address that problem. If you learn that your public employees were suffering from breast cancer or high blood pressure or diabetes, you might tailor the benefits to address what you have discovered.

So having the claims data is important not just because it can be used to bid out for a competitive policy and save money for the taxpayer, but, equally important, or maybe more importantly, because it is the tool that allows you to know what the health problems are of the population you are covering and how to make adjustments to address them. To not be able to have the claims data is like sending your child to school where they are tested, but you don't get to look at the test results. The test results are only reported in aggregate, which is what the House bill calls for—aggregate pooling that would be by region. That would be like getting a report card from your child and getting an aggregate test result from the 4th grade. It doesn't tell you what you need to do as a parent to help improve your child's education. That's why claims data is so important in this debate.

So as we look forward to the larger picture of the budget and the budget resolution and where I have said I am willing to look at a big-picture solution that would involve tough decisions, one of those is this important reform, public employee health reform, and a key element of it is the provision requiring the release of the claims data. So when the House substituted the measure and removed that provision, they undermined and defeated the intent of the proposal.

Senator Jacobs' statement is as follows:

As has been my custom for the Jewish holiday, I want to tell the story of Rosh Hashanah, which Jews around the world will celebrate starting tonight at sundown. Rosh Hashanah means, literally, "head of the year" or "first of the year," and it's generally known as the Jewish New Year. This name is somewhat deceptive because there is little similarity between Rosh Hashanah, one of the holiest days of the year, and the American midnight drinking bash and daytime football game.

There is, however, one important similarity between the Jewish New Year and the American one. Many Americans use the new year as a time to plan a better life, making resolutions. Likewise, the Jewish New Year is a time to begin introspection, looking back at the mistakes of the past year and planning the changes to make in the new year.

The name "Rosh Hashanah" is not used in the Bible because the Bible refers to the holiday as the day of remembrance or the day of the sounding of the shofar. The shofar is a ram's horn which is blown somewhat like a trumpet. One of the most important observances of this holiday is hearing the sounding of the shofar in the synagogue. A total of 100 notes are sounded each day. The Bible actually gives no specific reasons for this practice, but it has been suggested that it is the shofar's sound as a call to repentance. No work is permitted on Rosh Hashanah. Much of the day is spent in synagogue,

where the regular daily liturgy is somewhat expanded. In fact, there is actually a special prayer book that is especially for Rosh Hashanah. Another popular observance during this holiday is eating apples dipped in honey, a symbol of our wish for a sweet new year.

Religious services for the holiday focus on the concept of God's rating. The common greeting at this time is L'shanah tovah and it means basically the shortening of another expression which means "may you be inscribed and sealed for a good year."

So I say to my Jewish colleagues and Jews throughout Michigan and our nation, L'shanah tovah. I appreciate our ability to accommodate the schedule so that Jews who want to be available to participate in government actually have the day off on Thursday.

Senator Switalski's statement is as follows:

I rise to challenge the central assumption in the current budget stalemate. We have heard it over and over, "The House must go first." Why should the House go first? The House going first has become an article of faith, repeated over and over again, but that doesn't make it right.

Who goes first is a choice. Why would we choose to let the other chamber lead? We Senators have more experience, trust each other more, and we treat each other better. We actually like each other. Aren't we better suited to establish the framework of an agreement? Isn't leadership stepping in when the process is stalled and pushing it in the right direction? Why should the House go first? Because we don't want to go first?

Who goes first is really about politics, not policy. We all know that our constituents want us to put aside politics and have no patience with politics when it inhibits good policy. Waiting for somebody else to act when we could act ourselves is not good leadership. It is not really even good politics.

The citizens see us as a single-entity government. They make no distinction between House and Senate; Republican and Democrat. They see only that government is not doing its job.

Let's take the lead as a chamber, put together a bipartisan package of cuts, reforms, and revenues and set an example of courage and leadership.

Senator Basham's statement is as follows:

I've listened to a couple of previous speakers: one from this side of the aisle talking about good public policy and one from the other side of the aisle talking about good health policy. As I sat there in my chair and as I've also sat there term after term, I've remembered that the Surgeon General said that there is no safe amount of secondhand smoke, and the single most thing you can do to improve your health is to quit smoking. That doesn't seem like that's good health policy—a good public policy—to have that bill that I introduced languish in the Senate committee without a hearing.

It's a shame that 80 percent of the public support clean indoor air quality, and yet, I can't even get a hearing on it. It's a shame that we sit up here and talk about budget and there is no white smoke coming out of the Capitol. It's all gray and I can't even get a hearing on an issue that affects both public policy and health policy in the state.

It's a shame that when you talk about secondhand smoke and know that 32 other states have gone smoke-free and other countries, including Ireland and provinces like Ontario. Truly, the smokeymitt Michigan is, and hopefully, it won't always be.

We should put aside our political differences and not look at only good public policy, but good public health policy, and not only give me a hearing on this piece of legislation I introduced, but pass it into law to be an act and be a leader.

There was some mention about the other chamber how they changed the bill. Well, the other chamber did take an initiative to actually give me a hearing on this issue. Actually, it was the same bill that Representative Clack introduced. They gave her a hearing and actually voted it out of committee bipartisanship, and now also it's on the House floor. Hopefully, they will send the bill over to the Senate to encourage my colleagues to act on this most important health policy issue and public policy issue.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:59 a.m.

12:36 p.m.

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Garcia entered the Senate Chamber.

Senator Cropsey moved that the Committee on Families and Human Services be discharged from further consideration of the following bill:

Senate Bill No. 158, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the bill be referred to the Committee on Judiciary.

The motion prevailed.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Friday, September 14, at 10:00 a.m., and when the Senate adjourns on Friday, September 14, it stand adjourned until Monday, September 17, at 2:00 p.m.

The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess until 2:30 p.m.

The motion prevailed, the time being 12:37 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 643, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 708b (MCL 257.708b), as amended by 2004 PA 362.

With the recommendation that the substitute (S-2) 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, 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, September 11, 2007, at 1:00 p.m., Room 110, Farnum Building

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

Excused: Senator Kahn

The Committee on Commerce and Tourism reported

House Bill No. 4673, entitled

A bill to amend 1961 PA 39, entitled "An act to regulate insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's removal and closing out sales, and sales of goods, wares and merchandise

damaged by fire, smoke, water or otherwise; to provide penalties for the violation hereof; and to repeal certain acts and parts of acts," by amending section 6 (MCL 442.216).

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.

The Committee on Commerce and Tourism reported

Senate Resolution No. 96.

A resolution to memorialize the Congress of the United States to extend the H2B returning worker exemption permanently.

(For text of resolution, see Senate Journal No. 83, p. 1315.)

With the recommendation that the resolution be adopted.

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Commerce and Tourism reported

Senate Bill No. 757, 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 sections 2 and 4 (MCL 207.552 and 207.554), section 2 as amended by 2007 PA 12 and section 4 as amended by 2004 PA 437.

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, Stamas, 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, September 11, 2007, at 2:30 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, September 11, 2007, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:
Meeting held on Tuesday, September 11, 2007, at 2:30 p.m., Room 210, Farnum Building
Present: Senators Jansen (C), Hardiman and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:
Meeting held on Wednesday, September 12, 2007, at 9:00 a.m., Room 100, Farnum Building
Present: Senators Allen (C), Pappageorge, Olshove and Basham
Excused: Senator Garcia

Scheduled Meetings

Campaign and Election Oversight - Monday, September 17, 11:00 a.m., Saginaw Valley State University, Curtiss Hall, Banquet Room A, 7400 Bay Road, University Center (373-1725)

Energy Policy and Public Utilities - Thursday, September 13, 10:00 a.m., Room 210, Farnum Building (373-7350)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 2:31 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Friday, September 14, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

