

No. 93
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2007

Senate Chamber, Lansing, Monday, September 24, 2007.

2:00 p.m.

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

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

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—excused
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Martha G. Scott of the 2nd District offered the following invocation:

I'm going to read to you Psalm 150:

"Praise ye the Lord. Praise God in his sanctuary; praise him in the firmament of his power. Praise him for his mighty acts; praise him according to his excellent greatness. Praise him with the sound of the trumpet; praise him with the psaltery and harp. Praise him with the timbrel and dance; praise him with stringed instruments and organs. Praise him upon the loud cymbals; praise him upon the high sounding cymbals. Let everything that hath breath praise the Lord. Praise ye the Lord."

Father God, we come to You this afternoon saying thank You. Thank You for this wonderful day, Lord. We thank You for this day, Lord, that we just ask You to be in the midst of us, Lord, as we continue with this budget. Father, touch all of those who are making these decisions. I know there are groups from the Senate, groups from the House, the Governor, and all of those in leadership that are meeting, Lord; touch them. Be in the midst of them, Lord, and let them know that You love all people, everyone, the poor as well as the rich. So while they are negotiating, Lord, touch them and let them know that when you treat the least of these wrong, you've done it unto Thee.

O Father God, I ask You to just be with us, Lord. Give us the strength and the courage that we need to make these tough decisions, Lord. We were sent here by our constituents, all of us, all over the state to do what is right for Your people. Lord, so we ask You to just be with us, guide us, and strengthen us. Amen.

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

Motions and Communications

Senators Jansen, Garcia and Kuipers entered the Senate Chamber.

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

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

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

The Secretary announced that the following House bill was received in the Senate and filed on Sunday, September 23:
House Bill No. 5104

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:

September 20, 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 3 of the Older Michigianians Act, 1981 PA 180, MCL 400.583:

Commission on Services to the Aging

Mr. Owen F. Bieber, a Democrat, of 901 Amber Ridge, S.W., Byron Center, Michigan 49315, county of Kent, reappointed for a term expiring July 28, 2010.

Ms. Rose M. Gill, an Independent, of North 14507 Hannahville Road, Wilson, Michigan 49896, county of Menominee, reappointed for a term expiring on July 28, 2010.

Ms. Janice A.B. Wilson, a Democrat, of 18607 Bittersweet, Fraser, Michigan 48026, county of Macomb, reappointed for a term expiring on July 28, 2010.

Mr. James C. Wright, a Democrat, of 62 Hickory Nut Lane, Springfield, Michigan 49015, county of Calhoun, reappointed for a term expiring on July 28, 2010.

September 21, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Asparagus Marketing Program Advisory Board

Mr. Victor L. Shank of 57424 Wilbur Hill Road, Dowagiac, Michigan 49047, county of Cass, succeeding Rodney D. Winkel, whose term has expired, representing growers from Southwest Michigan, for a term commencing September 21, 2007 and expiring November 13, 2008.

Mr. Harold D. Goodell of 54823 Sink Road, Dowagiac, Michigan 49047, county of Cass, reappointed to represent growers from Southwest Michigan, for a term expiring November 13, 2008.

Mr. Gerald L. Malburg of 1107 West Jackson Road, Hart, Michigan 49420, county of Oceana, reappointed to represent growers at-large, for a term expiring November 13, 2008.

Mr. Kenneth F. Oomen of 5405 North 136th Avenue, Hart, Michigan 49420, county of Oceana, reappointed to represent growers at-large, for a term expiring November 13, 2008.

Mr. Thomas J. Oomen of 5182 North 136th Avenue, Hart, Michigan 49420, county of Oceana, reappointed to represent growers at-large, for a term expiring November 13, 2008.

September 21, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 2 of 1978 PA 389, MCL 400.1502:

Domestic Violence Prevention and Treatment Board

Mr. Jerry Dorsey, IV, of 37497 Emerald Forest, Farmington Hills, Michigan 48331, county of Oakland, succeeding Lore A. Rogers, who has resigned, representing persons with experience in an area related to the problems of domestic violence, for a term commencing September 21, 2007 and expiring September 30, 2007 and reappointed for a term commencing October 1, 2007 and expiring September 30, 2010.

Ms. Princella E. Graham of 2185 Golfview Drive, Apt. 202, Troy, Michigan 48084, county of Oakland, reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term expiring September 30, 2010.

The Honorable Nathaniel C. Perry, III, of 3102 Circle Drive, Flint, Michigan 48507, county of Genesee, reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term expiring September 30, 2010.

September 21, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17021 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17021:

Michigan Board of Medicine

Mr. Nathaniel Smith-Tyge of 3 Park Place West, Allen Park, Michigan 48101, county of Wayne, succeeding Gretchen Pretty, whose term has expired, representing the general public, for a term commencing September 21, 2007 and expiring December 31, 2010.

Sincerely,
Jennifer M. Granholm
Governor

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

Senator Hardiman entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

Senate Bill No. 419

Senate Bill No. 420

Senate Bill No. 421

The motion prevailed.

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 appointed Reps. Melton, Meadows and Ball as conferees to join with Sens. Jansen, Kuipers and Thomas.

The bill was referred to the Conference Committee.

House Bill No. 5194, 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 House of Representatives has nonconcurrent in the Senate substitute (S-2) and appointed Reps. Tobocman, Meisner and Ward as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2006 PA 526.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 211, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 809 (MCL 257.809), as amended by 2005 PA 141.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 655, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 61 (MCL 169.261), as amended by 1993 PA 262.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senators Richardville and Barcia entered the Senate Chamber.

Senate Bill No. 656, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2006 PA 69.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 657, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21506a (MCL 324.21506a), as amended by 2006 PA 318.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 676, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 17a (MCL 474.67a), as added by 2001 PA 126.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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 Birkholz 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. 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.

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.

Senator Thomas entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that the following bill, now on the order of the order of General Orders, be referred to the Committee on Agriculture:

Senate Bill No. 502, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 86.

The motion prevailed.

Senator Cropsey moved that the following bill, now on the order of the order of General Orders, be referred to the Committee on Appropriations:

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 motion prevailed.

Senator Cropsey moved that the following bill, now on the order of the order of General Orders, be referred to the Committee on Finance:

House Bill No. 5198, 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, and by adding section 4z.

The motion prevailed.

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. 778

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 778, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2006 PA 437.

The question being on the passage of the bill,

Senator Pappageorge offered the following substitute:

Substitute (S-1).

The substitute was adopted, a majority of the members serving voting therefor.

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. 347

Yeas—37

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Jacobs	Prusi	Whitmer
Cherry			

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The President pro tempore, Senator Richardville, assumed the Chair.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jelinek introduced

Senate Bill No. 802, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

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

Senator Jelinek introduced

Senate Bill No. 803, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 2007 PA 6.

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

Senators Switalski, Jacobs, Pappageorge and Kahn introduced

Senate Bill No. 804, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 98 (MCL 388.1698), as amended by 2006 PA 342.

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

Senators Switalski, Pappageorge, Garcia and Kahn introduced

Senate Bill No. 805, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279g (MCL 380.1279g), as added by 2004 PA 596.

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

Senators Switalski, Pappageorge and Kahn introduced

Senate Bill No. 806, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104b (MCL 388.1704b), as added by 2004 PA 593.

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

Senators Jelinek, Switalski, Pappageorge, Garcia and Kahn introduced

Senate Bill No. 807, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279g (MCL 380.1279g), as added by 2004 PA 596.

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

Senators Jelinek, Switalski, Pappageorge and Kahn introduced

Senate Bill No. 808, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104b (MCL 388.1704b), as added by 2004 PA 593.

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

Senators Jelinek, Switalski, Cherry, Jacobs, Pappageorge and Kahn introduced

Senate Bill No. 809, entitled

A bill to amend 1970 PA 38, entitled "An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education," by amending section 1 (MCL 388.1081).

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

Senators Switalski, Jelinek, Cherry, Pappageorge and Kahn introduced

Senate Bill No. 810, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279g (MCL 380.1279g), as added by 2004 PA 596.

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

Senators Switalski, Jelinek, Cherry, Pappageorge and Kahn introduced

Senate Bill No. 811, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104b (MCL 388.1704b), as added by 2004 PA 593.

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

Senators Jelinek, Switalski, Gleason, Pappageorge and Kahn introduced

Senate Bill No. 812, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278a and 1278b (MCL 380.1278a and 380.1278b), section 1278a as added by 2006 PA 124 and section 1278b as amended by 2006 PA 623.

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

Senators Switalski, Jelinek, Cherry, Jacobs, Pappageorge and Kahn introduced

Senate Bill No. 813, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279g (MCL 380.1279g), as added by 2004 PA 596.

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

Senators Switalski, Jelinek, Cherry, Jacobs, Pappageorge and Kahn introduced

Senate Bill No. 814, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104b (MCL 388.1704b), as added by 2004 PA 593.

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

House Bill No. 5104, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 201, 417, and 515 (MCL 208.1201, 208.1417, and 208.1515).

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

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:

The Navajo tribe has a version of the Golden Rule that says, "Treat all people as if they were related to you." Now this advice applies to all of us in every aspect of our lives. But not surprisingly, I would like you to apply it to insurance rates in Michigan. Consider if it was your elderly mother and father, both careful drivers, paying some \$3,000 every six months to insure their six-year-old car. Imagine it was your son or daughter just out of college with clean driving records trying to pay \$6,000 every year to insure their first car. Imagine it was your spouse who relies on that car to get to work, to school, and to doctor's appointments paying \$3,700 every six months just for the privilege of doing so. Just remember this is the median for our largest city in the state of Michigan.

Treat all people as if they were related to you. That's exactly what I am struggling to do in my continuing efforts to bring equality to insurance rates in Michigan. You can help me by moving my bills.

Scheduled Meetings

Appropriations - Tuesday, September 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Banking and Financial Institutions - Wednesday, September 26, 9:00 a.m., Room 210, Farnum Building (373-3543)

Families and Human Services - Tuesdays, September 25, 3:00 p.m., Room 210, Farnum Building; and October 9, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Judiciary - Tuesday, September 25, 12:30 p.m., Room 210, Farnum Building (373-6920)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 2:33 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, September 25, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

