

No. 122
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, November 28, 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

Reverend Robert L. Sykes of New Greater Oregon St. John Missionary Baptist Church of Detroit offered the following invocation:

Eternal God, our Father, we come now thanking You for this day. We thank You for all the many kind blessings that Thou has bestowed our way.

We pray now that Your mercy will fall on this building and also Your people. We pray that they will have the minds to do the things that You have placed them in order to do. We ask that You would give them the strength, the courage, and the know-how.

And, Father, we just thank You for the lawmakers, we thank You for our Governor, and we thank You for the city of Lansing. We just thank You for all those who are trying to help our country to be a better country and our state to be a better state.

We give You the praise, honor, and the glory. In the magnified name of our Father, Jesus Christ, we pray and ask these blessings. Amen.

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

Motions and Communications

Senators Schauer, McManus and Olshove entered the Senate Chamber.

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

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

Senators Brown and Hardiman entered the Senate Chamber.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

November 26, 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 4:51 p.m. this date, administrative rule (07-11-01) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 12. Emission Averaging and Emission Reduction Credit Trading.*" 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 and joint resolution were printed on Tuesday, November 27, and are available at the legislative website:

House Bill Nos. 5460 5461 5462 5463 5464
House Joint Resolution HH

By unanimous consent the Senate proceeded to the order of
Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 128

The resolution consent calendar was adopted.

Senator Thomas offered the following resolution:

Senate Resolution No. 128.

A resolution applauding AT&T Michigan for its recognition as the *Michigan Chronicle's* Company of the Year 2007.

Whereas, AT&T Michigan continues to distinguish itself as a leader in Michigan through its tireless commitment to invest in our citizens and our community and to create good-paying jobs of the 21st century in our state; and

Whereas, AT&T Michigan is a leader in building infrastructure and providing opportunities in the information technology sector for Michigan citizens to better compete and succeed in today's economy; and

Whereas, AT&T Michigan distinguishes itself even further in the business community through its tremendous contributions and outreach to the community, especially the African-American community, and through its partnership with opinion leaders within the community such as the *Michigan Chronicle*; and

Whereas, AT&T Michigan's sustained commitment includes its many contributions to the African-American community's economic growth, social advancement, access to opportunity, and overall well-being; now, therefore, be it

Resolved by the Senate, That we hereby applaud AT&T Michigan for its recognition as the *Michigan Chronicle's* Company of the Year 2007; and be it further

Resolved, That AT&T Michigan's commitment to invest in our citizens, our economic growth, and our future reflects an ethic of business and civic excellence that will contribute greatly to Michigan's success; and be it further

Resolved, That copies of this resolution be transmitted to AT&T Michigan and the Office of the Governor.

Senators Anderson, Clarke, Gleason, Hunter, Jacobs, Kuipers, Pappageorge and Scott were named co-sponsors of the resolution.

Senate Resolution No. 103.

A resolution to urge the Michigan Civil Service Commission to amend the civil service rules regarding the veterans' hiring preference to extend the eligibility period from 5 years to 10 years following completion of active military duty.

The question being on the adoption of the resolution,

The resolution was adopted.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Brater entered the Senate Chamber.

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

Senate Bill No. 751

Senate Bill No. 750

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 751, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2006 PA 622.

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. 496

Yeas—38

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	Hunter	Prusi	Whitmer
Cherry	Jacobs		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 750, entitled

A bill to amend 1897 PA 205, entitled “An act to prefer honorably discharged members of the armed forces of the United States for public employments,” by amending section 1 (MCL 35.401).

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. 497

Yeas—38

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	Hunter	Prusi	Whitmer
Cherry	Jacobs		

Nays—0

Excused—0

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 Gleason introduced

Senate Bill No. 922, entitled

A bill to amend 1982 PA 204, entitled “Deaf persons’ interpreters act,” (MCL 393.501 to 393.509) by adding section 8f.

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

Senators Van Woerkom, Stamas, Birkholz, Prusi and Allen introduced

Senate Bill No. 923, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 111 (MCL 208.1111). The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Hunter, Cherry, Richardville, Thomas, Brater, Gilbert, Olshove, Scott and Cassis introduced

Senate Bill No. 924, entitled

A bill to amend 2002 PA 660, entitled “Consumer mortgage protection act,” (MCL 445.1631 to 445.1645) by adding section 7a.

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

Senator Jelinek introduced

Senate Bill No. 925, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 395 (MCL 18.1395), as amended by 2007 PA 2.

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

Statements

Senators Scott and McManus 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:

Frederick Douglass, African-American abolitionist and statesman, once said, “If you find out what people will submit to, you have found out the exact amount of injustice and wrong which will be imposed on them.” That is just exactly what has happened here in Michigan with insurance rates; as, for far too long, people have been submitted to oppressive and outrageous rate hikes as profit-motivated insurance companies perpetuated injustice and wrong. That’s when I stood up and defended them.

It’s time for the people to turn their submission into action. That’s what they did in September when a thousand people showed up at the Capitol to march in protest. That’s what they do with their e-mails and letters and calls to legislators, and that’s what they say with every shout to move those bills.

So it’s time for you to turn injustice and wrong into fairness and equity, and that’s what I mean when I urge you every day to move those bills.

Senator McManus’ statement is as follows:

I rise today to tell you about a great investment opportunity for our state—one that pays dividends for years to come and that will never abandon us for a better deal outside our borders. Did you know that Michigan has the most dedicated state forest system in the nation? The forest products industry and recreational users contribute \$12 billion—that’s billion with a “B”; that’s 200,000 associated jobs annually to our economy.

I urge the Governor to invest in Michigan’s natural resources by appropriating general fund money to close the \$8 million shortfall in the Department of Natural Resources budget.

Recess

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

The motion prevailed, the time being 10:16 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

Recess

Senator Cropsey moved that the Senate recess until 4:00 p.m.

The motion prevailed, the time being 2:31 p.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:01 p.m.

9:00 p.m.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 9:02 p.m.

9:52 p.m.

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

By unanimous consent the Senate returned to the order of

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

Senate Bill No. 511

House Bill No. 4507

The motion prevailed.

Senator Cropsey moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

House Bill No. 5408

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

House Bill No. 5408, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending the title and sections 265, 403, 447, 515, and 601 (MCL 208.1265, 208.1403, 208.1447, 208.1515, and 208.1601), and by adding chapter 2C; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-6) the Senate substitute (S-4).

The House of Representatives has concurred in the Senate substitute (S-4) as substituted (H-6) and amended the title to read as follows:

A bill to amend 2007 PA 36, entitled "An act to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," by amending the title and sections 265, 403, 447, 515, and 601 (MCL 208.1265, 208.1403, 208.1447, 208.1515, and 208.1601), and by adding chapter 2C and section 451; and to repeal acts and parts of acts.

The question being on concurring in the House substitute to the Senate substitute, Senator Cropsey moved that the previous question be ordered. The motion prevailed.

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

Roll Call No. 498

Yeas—13

Brater	Hunter	Prusi	Switalski
Cherry	Jacobs	Schauer	Thomas
Clark-Coleman	Olshove	Scott	Whitmer
Clarke			

Nays—22

Allen	Cassis	Jansen	Pappageorge
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Van Woerkom
Brown	Hardiman		

Excused—0

Not Voting—3

Basham	Gleason	Patterson
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In The Chair: Richardville

Senator Cropsey moved that Senator Patterson be excused from the balance of today’s session. The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

November 28, 2007

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-6) to House Bill 5408, appoints the following members to sit on the conference committee:

- Senator Judson Gilbert II
- Senator Mark Jansen
- Senator Jim Barcia

Thank you for your prompt consideration of this matter.

Respectfully yours,
Michael D. Bishop, Majority Leader
State Senate, 12th District

The communication was referred to the Secretary for record.

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

November 28, 2007

Speaker Andy Dillon
Michigan House of Representatives
166 Capitol Building
P.O. Box 30014
Lansing, MI 48909-7514

Dear Speaker Dillon:

Pursuant to Joint Rule 15, I respectfully request that we immediately meet to convene an emergency session of the House of Representatives for Friday, November 30, 2007 for the purpose of addressing HB 5408 in which the Senate has non-concurred.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Thursday, November 29, at 1:00 p.m.; when the Senate adjourns on Thursday, November 29, it stand adjourned until Friday, November 30, at 12:00 noon; and when the Senate adjourns on Friday, November 30, it stand adjourned until Saturday, December 1, at 10:00 a.m.

The motion prevailed.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 667, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 2006 PA 613.

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.

Wayne Kuipers
Chairperson

To Report Out:

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

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 Judiciary submitted the following:

Meeting held on Tuesday, November 27, 2007, at 12:30 p.m., Room 210, Farnum Building

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

The Committee on Transportation reported

House Bill No. 4979, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for

road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 1g and 9a (MCL 247.651g and 247.659a), section 1g as added by 1997 PA 79 and section 9a as amended by 2002 PA 499.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Kahn, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, November 27, 2007, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Kahn, Van Woerkom, Basham and Gleason

Excused: Senator Gilbert (C)

The Committee on Commerce and Tourism reported

Senate Bill No. 910, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 6 and 9 (MCL 207.806 and 207.809), section 6 as amended by 2003 PA 248 and section 9 as amended by 2000 PA 144.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, November 27, 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 Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, November 28, 2007, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:
Meeting held on Wednesday, November 28, 2007, at 1:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Sanborn (C), Richardville, Allen, Thomas, Hunter and Jacobs
Excused: Senator Gilbert

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Wednesday, November 28, 2007, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Prusi

Scheduled Meetings

Agriculture - Thursday, November 29, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, November 29, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080) (CANCELED)

Higher Education - Thursday, November 29, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Tuesday, December 4, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Education - Thursday, November 29, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, November 29, 1:00 p.m., Room 210, Farnum Building (373-7350)

Legislative Retirement Board of Trustees - Wednesday, December 5, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Michigan Capitol Committee - Thursday, December 6, 9:00 a.m., Room 426, Capitol Building (373-5527)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 9:59 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, November 29, 2007, at 1:00 p.m.

CAROL MOREY VIVENTI
Secretary of the Senate