

No. 21
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Thursday, March 8, 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—excused
Van Woerkom—present
Whitmer—present

Reverend Curtis Walters of Covenant Christian Reformed Church of Grand Rapids offered the following invocation: Lord God, we thank You for this new day. Thank You for the gift of rest. Thank You for the gift of work. Thank You for a place that we can live in where we enjoy life, liberty, and the pursuit of happiness. We thank You for the great state of Michigan and for those who gather here today to serve You and to serve the people of this state.

We ask for Your blessing today, Lord. Give wisdom, give discernment, give courage, and allow people to work together so that the decisions that are made are wise and right and just and will bless the people of this state. May all that we do, say, and think in this place give honor and glory to You.

Bless this day. In Jesus' name. Amen.

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

Motions and Communications

Senators Garcia, McManus, Kuipers, Jacobs and Richardville entered the Senate Chamber.

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

The motion prevailed.

Senator Allen's statement is as follows:

Unfortunately, I have a soldier who was killed in Iraq.

"LET IT BE KNOWN, That it is with profound respect that we offer the highest tribute as a memorial for the life of Private First Class Justin T. Paton. He made the ultimate sacrifice on behalf of our country and his loss has saddened all who had the good fortune of knowing this selfless and courageous young man. On behalf of the Michigan Legislature, the citizens of Michigan, and the United States of America, we extend our deepest condolences to his family and friends. A devoted son, brother, and uncle, his memory will live in our hearts forever.

Born to Don and Shelley Paton, Justin was raised in Alanson and graduated from Inland Lakes High School in the year 2000. Taking advantage of all life offered and with a love for being outdoors, Paton enjoyed kayaking in the surrounding waters of Northern Michigan and oftentimes in the Florida Keys. With a strong passion and desire to practice his faith, Paton was an active member at the Walloon Lake Community Church. Upon his high school graduation, he continued his education as he attended Northern Michigan University. Aspiring to be a doctor, Paton volunteered at Northern Michigan Hospital in Petoskey with the intention to gain experience and was later hired as a patient care technician. In the fall of 2005, Paton joined the Army in order to further serve his country and to later use the GI Bill to pay for his medical school. Paton enlisted in the Army and was assigned to the 2nd Battalion, 8th Cavalry Regiment, 1st Brigade, 1st Cavalry Division based out of Fort Hood, Texas.

On October 31, 2006, Paton was deployed to Camp Taji, just north of Baghdad, Iraq, and was soon named his unit's leader. In his platoon, Private First Class Paton was known as a guy with a big smile and even bigger heart who was eternally optimistic and admired by all. As family was very important to Justin, he often wrote home to stay in touch and keep his family updated on his experiences in Iraq. Sadly, on February 17, 2007, this soldier's life tragically ended in the line of duty while on patrol in Taramia, Iraq. He was awarded the Combat Infantryman Badge, the Bronze Star, and the Purple Heart for his courageous actions while serving his country.

While no words, flags, or tributes can erase the pain felt by such a tragic loss, we know that heroes come from all walks of life and that Private First Class Justin Paton gave his as a true patriot. It is the example of men like Justin Paton that have kept this country strong, prosperous, and free. Justin Paton's final resting place is at the Ohioville Cemetery in Indian River.

IN SPECIAL TRIBUTE, Therefore, we offer this memorial tribute in remembrance of Private First Class Justin T. Paton. May his family accept this tribute as a symbol of the high regard in which his memory is held by the people of the State of Michigan and the United States of America."

A moment of silence was observed in memory of Army Private First Class Justin T. Paton.

Senator Anderson moved that Senator Thomas be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 7:
House Bill Nos. 4067 4143

The Secretary announced that the following official bills were printed on Wednesday, March 7, and are available at the legislative website:

House Bill Nos. 4397 4398 4399 4400 4401 4402 4403 4404 4405 4406 4407 4408 4409 4410
4411 4412 4413 4414 4415 4416 4417

Messages from the House

Senate Bill No. 14, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2e (MCL 21.142e), as amended by 2004 PA 342.

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

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

Senate Bill No. 166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2006 and September 30, 2007; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

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 Brown 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 without amendment, the following bills:

Senate Bill No. 183, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2006 PA 621.

Senate Bill No. 273, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2006 PA 630.

Senate Bill No. 266, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending section 1 of article I, sections 5, 6, 7, and 10 of article II, section 6 of article III, and section 2 of article V (MCL 475.1, 476.5, 476.6, 476.7, 476.10, 477.6, and 479.2), section 1 of article I, sections 5 and 7 of article II, and section 6 of article III as amended by 1993 PA 352, sections 6 and 10 of article II as amended by 1982 PA 399, and section 2 of article V as amended by 1996 PA 76, and by adding section 7 to article V.

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

Introduction and Referral of Bills

House Bill No. 4067, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 2004 PA 173.

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

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

House Bill No. 4143, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80152, 80155, 80169, 80180, 80198b, 80205, and 80209 (MCL 324.80114, 324.80122, 324.80124, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80152, 324.80155, 324.80169, 324.80180, 324.80198b, 324.80205, and 324.80209), sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80155, 80169, and 80198b as added by 1995 PA 58, section 80152 as amended by 1999 PA 19, section 80180 as amended by 1996 PA 174, section 80205 as amended by 2004 PA 27, and section 80209 as added by 2000 PA 229.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Statements

Senators Scott, Gleason and Jacobs 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:

I would like to read you an e-mail I received from a constituent of one of my colleagues from the 13th District:

"Dear Senator Scott: When I took my five- and ten-year-old children to watch the February 20th Senate session, I was impressed with your reasoned and clear position regarding insurance reform. My daughter asked me about the unfairness of the rates and was incensed that nothing had been done to rectify this. I told her if you won your fight, we may well pay more, as the redlined areas are in truth subsidizing our rates in Troy, but that it would be wrong not to fix it so that those who can least afford it don't have to pay the bills for those of us who should be paying our fair share.

You're fighting the good fight. So keep up the good work."

So, colleagues, I would just like to say I certainly plan to keep up the good fight until our work is done.

Senator Gleason's statement is as follows:

Today is March 8 and I speak on behalf of this issue as an individual who received a kidney transplant five and a half years ago myself from my sister Rita. Today is indeed March 8 and today is World Kidney Day throughout our globe and across this country. The month of March is also Kidney Awareness Month.

Just a few statements in regard to some very, very serious statistics. More than 769,000 Michigianians, or 1 in 9 adults, suffer from chronic kidney diseases; 11,000 Michigianians are affected with kidney failure. Approximately 40 percent of the 11,000 affected with chronic kidney failure are African American, brothers and sisters.

Obesity in the state of Michigan and inactivity have led to 1 in 3 children born in 2000 to develop diabetes and become high-risk for kidney disease.

I would like to acknowledge the great work which the Michigan Kidney Foundation performs on our behalf every single day. Maybe this month of March you will consider becoming an organ or tissue donor and signing up on the registry. You can do that at any Secretary of State office or on-line.

I would just say it once again as a recipient of a kidney, you don't know what a small action like that can lead to. One day you may be in need of an organ yourself.

Senator Jacobs' statement is as follows:

I rise today in honor of March as Women's History Month to pay tribute to a legend in Michigan politics, Martha W. Griffiths. Martha Griffiths was indeed a Michigan political trailblazer. With an early knack for skilled and witty debating, she chose the law as her profession to maximize those skills. And she learned discrimination firsthand when she and her husband Hicks were hired at the same law firm in the same positions, but he at a higher salary.

Martha Griffiths was a woman of firsts. She was the first woman to serve on the powerful House Committee on Ways and Means. Griffiths was also the first female Lieutenant Governor of Michigan.

While Griffiths was born in Missouri, she spent most of her adult life in Michigan, graduating from the University of Michigan Law School in 1940. She and husband Hicks were the first married couple to graduate from U of M Law School. She worked as a lawyer in private practice, then in the legal department of the American Automobile Insurance Company in Detroit, and then as the ordinance district contract negotiator.

Activist female friends urged her to run for public office, and she was elected to the Michigan House of Representatives in 1948, where she served until 1953. At that time, she was appointed as recorder and judge of the Recorder's Court in Detroit and sat as a judge from 1953-1954—the first woman to do so. She sat as a delegate at the Democratic National Convention in 1956 and 1968 and, again, at the urging of activist female friends, was urged to run for a U.S. congressional seat.

She was elected in 1954, the first Democratic woman from Michigan to be elected to the U.S. Congress, where she served for nine consecutive terms. She was the fiery leader of the fight to pass Title VII, which has provided powerful legal protection against employment discrimination, and Title XI, a law that protects against sex discrimination in education. Her biggest disappointment was working tirelessly for passage of the Equal Rights Amendment. She spearheaded the successful discharge petition as well as passage of the ERA by the House and Senate, only to see it fail state ratification, falling three states short.

After her career in federal politics, she practiced law for a time, then returned to politics at age 70, when she was elected as Michigan's first female Lieutenant Governor of Michigan, serving from 1983-1991. She was inducted into the Michigan Women's Hall of Fame in 1983 and the National Women's Hall of Fame a decade later in 1993.

Martha Griffiths died in April 2003 at the age of 91, but her passion for politics and her ardor for equality lives on, particularly in Michigan politics. Today, in addition to our re-elected female Governor, we have a female Secretary of State, a U.S. Senator, and two U.S. Representatives. We also have nine women serving in the Michigan Senate and 20 serving in the Michigan House.

As Martha herself said, "Before I leave this Earth, I would like to know they have given women the same benefits and promotions as men." Well, we're not quite there yet, Martha, but more of us are working on it than ever before. We're getting closer every year.

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 290, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Stamas, Clarke and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, March 7, 2007, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Stamas, Clarke and Olshove

Excused: Senators Sanborn, Cassis and Hunter

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 336, entitled

A bill to amend 2004 PA 547, entitled "An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use

of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 80101 (MCL 324.80101), as added by 1995 PA 58, and by adding section 80108a; and to repeal acts and parts of acts," by repealing enacting section 1.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Patterson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, March 7, 2007, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Prusi

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:

Meeting held on Wednesday, March 7, 2007, at 8:00 a.m., Room 110, Farnum Building

Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Wednesday, March 7, 2007, at 12:30 p.m., Senate Appropriation Room, 3rd Floor, Capitol Building

Present: Senators Hardiman (C), Kahn, Jansen, Scott and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, March 7, 2007, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Thursday, March 15, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Wednesday, March 14, 8:00 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursday, March 15, 3:00 p.m., Room 100, Farnum Building (373-2768)

Higher Education - Tuesday, March 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

History, Arts, and Libraries - Tuesday, March 13, 3:00 p.m., Room 405, Capitol Building (373-2768)

Human Services Department - Wednesday, March 14, 12:30 p.m., Room 100, Farnum Building (373-2768)

Judiciary and Corrections - Wednesday, March 14, 3:00 p.m., Room 402, Capitol Building (373-2768)

State Police and Military Affairs - Tuesday, March 13, 3:30 p.m., Room 404, Capitol Building (373-2768)

Transportation Department - Wednesdays, March 14 and March 21, 8:30 a.m., Room 405, Capitol Building (373-2768)

Government Operations and Reform - Tuesday, March 20, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

Homeland Security and Emerging Technologies - Tuesday, March 13, 1:00 p.m., Room 100, Farnum Building (373-5932)

State Drug Treatment Court Advisory Committee - Tuesday, March 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation - Tuesday, March 13, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:33 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 13, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

