

**No. 57**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Thursday, June 7, 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

Senator Tupac A. Hunter of the 5th District offered the following invocation:

I would like to share with you this prayer that I came across by the great theologian Mr. Richard Rosenberg. It reads:

“Blessed are You, O Lord our God,  
Wellspring of all that is.  
You are the sea on which we float,  
You are the wind that fills our sails,  
You are the storm that buffets us,  
You are the calm that brings us peace.  
Open our ears to hear Your word,  
Open our eyes to see Your beauty,  
Open our hearts to be warmed by Your love.  
Free us from our lonely prisons of fear and selfishness,  
And make us over, day by day, into bearers of Your peace.”

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

### Motions and Communications

Senators Schauer, Stamas, Kuipers, Garcia and Thomas entered the Senate Chamber.

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

The motion prevailed.

Senator Cherry’s statement is as follows:

“LET IT BE KNOWN, That it is with the deepest appreciation and sincere sorrow that we join with the family, friends, and loved ones of Sergeant Thomas G. Wright in honoring and remembering him for his ultimate sacrifice—the giving of his life for his country and his fellow citizens. It is most right to venerate this selfless individual who, as a proud soldier, has proven himself a dedicated and committed individual to a belief all Americans hold dear, that of freedom for all. It is at this time we proudly add our own thanks for the contributions he made in keeping alive our cherished liberties.

A native of Rochester Hills, Sergeant Wright married his wife Kate in 1993. When not serving in the National Guard, Tom held a job at a car interior company. In July of 2006, he was deployed to Iraq with the Michigan National Guard’s 46th Military Police Company out of Kingsford and Cheboygan, Michigan. During his service with the National Guard, he served one tour of duty in Iraq and in numerous other post-9/11 deployments. As a result of his exemplary service, Sergeant Wright earned a Distinguished Service Medal and a Bronze Star for his outstanding bravery in the line of duty.

As a member of the Michigan National Guard, Sergeant Thomas G. Wright never stopped serving his country. Deeply appreciative of both the opportunities and the responsibilities of citizenship in our system of self-government, Sergeant Thomas G. Wright carried forth the same ideals as a citizen. This has been apparent through many aspects of his life, but most especially through his devotion to his wife Kate, his daughter Alexis, his parents Gary and Carol, and his brother Paul.

During his lifetime, Sergeant Thomas G. Wright has been an outstanding example of the kind of person who was not content to sit idly while others take action. Through his service with the Michigan National Guard, he made it clear that we have opportunities each and every day to put our love of country to good use in helping out others. We have all benefited from the patriotism of a man like Sergeant Thomas G. Wright.

IN SPECIAL TRIBUTE, Therefore, Sergeant Thomas G. Wright is recognized for his excellence in service with the Michigan National Guard,” and we honor the service that he gave—the ultimate sacrifice.

A moment of silence was observed in memory of National Guard Sergeant Thomas G. Wright.

Senator Cropsey moved that the Committee on Finance be discharged from further consideration of the following bill:  
**House Bill No. 4383, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 3a (MCL 205.93a), as amended by 2004 PA 172.

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

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, June 6:  
**House Bill No. 4493**

The Secretary announced that the following official bills were printed on Wednesday, June 6, and are available at the legislative website:

**Senate Bill Nos. 568 569 570**  
**House Bill Nos. 4872 4873 4874 4875 4876**

### Messages from the Governor

The following message from the Governor was received and read:

#### APPROPRIATIONS; MULTIDEPARTMENT SUPPLEMENTAL FOR FISCAL YEAR 2007

June 6, 2007

Today I have signed Enrolled Senate Bill 436, the fiscal year 2007 supplemental appropriations bill for various Executive Branch agencies, Legislature, Judiciary, Higher Education, and Community Colleges. This supplemental appropriation is an integral part of the solution for the fiscal year 2007 budget; it includes \$139.7 million General Fund savings for various agencies and \$209.2 million General Fund increases to cover immediate program needs. However, I am returning it to you because of one item of which I disapprove, pursuant to Article V, Section 19 of the Michigan Constitution of 1963. The specific veto is contained in the attached copy of the bill, which has been filed with the Secretary of State.

I have vetoed the \$5 million reduction to the Bureau of State Lottery promotion and advertising program. If this reduction were enacted, there would be insufficient authorization available to cover current year expenditure obligations.

I thank the Legislature for its work on this legislation.

Respectfully,  
Jennifer M. Granholm  
Governor

This bill was signed by the Governor on June 6, 2007, at 8:20 a.m. (Filed with the Secretary of State on June 6, 2007, at 10:34 a.m.) and assigned Public Act No. 17.

The question being on the passage of the vetoed line item, the objections of the Governor to the contrary notwithstanding, Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

### Messages from the House

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

**Senate Bill No. 94**  
**Senate Bill No. 360**

The motion prevailed.

The House of Representatives requested the return of  
**House Bill No. 4383, entitled**

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

Senator Cropsey moved that the request of the House of Representatives be granted.

The motion prevailed.

Senator Brater entered the Senate Chamber.

**Senate Bill No. 194, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1311g (MCL 380.1311g), as amended by 2005 PA 28.

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.

**House Bill No. 4208, entitled**

A bill to amend 1982 PA 204, entitled “An act to provide for and regulate the use of interpreters in administrative and judicial proceedings and in certain other instances; to establish standards for interpreters; and to provide compensation for interpreters, and to provide for the promulgation of rules,” by amending sections 2 and 3 (MCL 393.502 and 393.503) and by adding section 3a.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 5, following line 2, by inserting:

“Enacting section 1. Subsection (1) of section 8b of the deaf persons’ interpreters act, 1982 PA 204, MCL 393.508b applies to crimes committed on or after October 1, 2007.” and renumbering the remaining enacting section.

The House of Representatives has concurred in the Senate substitute (S-3) as amended and agreed to the title as amended.

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

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 479, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 653b.

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. 164**

**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. 480, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12g of chapter XVII (MCL 777.12g), as added by 2002 PA 34.

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. 165**

**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
Cassisi	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.

**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 Jacobs 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 bill:

**Senate Bill No. 486, entitled**

A bill to amend 1971 PA 22, entitled “An act prescribing the age at which persons may donate their blood,” by amending section 1 (MCL 722.41), as amended by 1981 PA 228.

The bill was placed on the order of Third Reading of Bills.

### Resolutions

Senators Kuipers, Patterson, Richardville, Birkholz, Brown, Olshove, Thomas, Prusi, George, Cropsey, Bishop, Jelinek, Van Woerkom, Stamas, Allen, McManus, Cassis, Gilbert, Sanborn, Pappageorge, Kahn, Hardiman, Garcia and Jansen offered the following resolution:

**Senate Resolution No. 72.**

A resolution of tribute offered to honor Laura Chappelle, Michigan Public Service Commissioner.

Whereas, Laura Chappelle has been a longtime friend of the state of Michigan. Her contributions have been of immeasurable value to the Michigan Public Service Commission and to the people of the great state of Michigan; and

Whereas, Her tenure in public service has spanned almost 20 years in all three branches of state government. Laura has served as a commissioner of the MPSC, deputy legal counsel for Governor Engler, policy advisor and attorney in the Michigan Legislature, an assistant prosecuting attorney for the Saginaw County Prosecutor's Office, and law clerk at the Saginaw County Circuit Court; and

Whereas, Laura Chappelle is a proud alumnus of Thomas M. Cooley Law School and the University of Michigan; and

Whereas, In 2001, Laura was appointed to serve on the Michigan Public Service Commission, where she served as chairman until August of 2003; and

Whereas, During her time at the MPSC, she served the consumers of this state with a passion toward ensuring consumer protections; and

Whereas, Commissioner Chappelle spent a large portion of her career working on electrical restructuring on the state level and provided counsel during the protracted discussions that culminated in passage of Public Act No. 141 in 2000; and

Whereas, Laura also took an active role in developing the first FERC-approved multistate entity, state retail electric choice markets, and regional wholesale markets; and

Whereas, She was a key advisor in creating Michigan's nationally-recognized broadband law; and

Whereas, She served as president of MISO and held various posts and assignments on the National Association of Regulatory Utility Commissioners boards and initiatives; and

Whereas, In 1992, Laura was the attorney of record in oral argument at the Pentagon petitioning for exoneration of Dr. Samuel A. Mudd of his conviction by military tribunal in 1865; and

Whereas, Everyone who has worked with Laura Chappelle in state government through the years has been impressed by her intelligence, fairness, passion, and professionalism. The people of Michigan owe her a great debt of gratitude for her hard work and commitment to energy and regulatory issues and initiatives; and

Whereas, We wish Laura and her family the best of health, happiness, and success in all future endeavors; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor Laura Chappelle; and be it further

Resolved, That a copy of this resolution be transmitted to Laura Chappelle with our highest esteem.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Barcia, Basham, Clarke, Gleason, Hunter, Jacobs, Switalski and Whitmer were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Cassis' statement is as follows:

Just a moment I would like to take to honor Laura's exceptional service and work on behalf of the state of Michigan. I have known her for more than 10 years now. She has guided us and informed us. She has absolutely been one of the finest stewards our state has produced. I would like to, again, wish her on behalf of all of us success in every new endeavor because she certainly has a bright future ahead of her. But I must say, we will all miss her talents here in the Legislature.

Senators Sanborn, Patterson, Kuipers, Gilbert, Bishop and Pappageorge offered the following resolution:

**Senate Resolution No. 73.**

A resolution to urge the Governor to refrain from filling judicial vacancies prior to the Supreme Court's issuance of the 2007 Judicial Resources Report in early August.

Whereas, The three branches of state government, as well as local governments and schools, have been coping with the impact of our continuing budget difficulties. The judicial branch has already taken action to meet this challenge through both voluntary and mandated furlough days for court employees. Even these steps may be inadequate to meet the needs of balancing the budget given that judicial salaries represent over half of the judiciary's annual budget. We must take advantage of every option that allows us to save money without endangering the safety and welfare of the public; and

Whereas, There are currently a number of judicial vacancies in our circuit courts and pending vacancies in the Court of Appeals. Every day judicial seats remain vacant saves the state money and reduces the impact of any spending reductions made necessary by our requirement to balance the state's budget. Changing patterns of judicial activity and trends in court annual filings may have made some of these seats unnecessary. Any decision to automatically fill these vacancies risks misallocating scarce taxpayer resources. Indeed, in scheduling special elections for vacant seats in the State Legislature, the Governor has considered the cost and delayed these elections to coincide with scheduled elections. Wise stewardship of our state's financial resources dictates that we focus our state's judicial resources to maximize our expenditures; and

Whereas, The Michigan Supreme Court is charged, pursuant to Article VI, Section 11 of the *Constitution of the State of Michigan of 1963*, with the duty of recommending the creation, alteration, and discontinuance of circuit courts necessary to meet changes in judicial activity. In early August, the 2007 Judicial Resources Report will be issued to meet this requirement of our state constitution. Court filings data also indicates that our Court of Appeals could carry out its duties without harming the public until the report is issued with its analysis and recommendations for Court of Appeals seats. With little more than two months until this key tool to evaluate the needs of our judicial branch is presented, it would be prudent for the Governor to refrain from filling these vacancies until the court's report can be reviewed; and

Whereas, Maintaining judicial vacancies until the Supreme Court's Judicial Resources Report can be analyzed and acted upon will save significant sums of money which may reduce the need for further furloughs for judiciary employees. This savings can be made without risking the core function of the judiciary of providing timely justice to our people. Once the judiciary, legislature, and executive branch assess the needs of our court system, we can chart a course that will save money in future years while ensuring the provision of justice for all; now, therefore, be it

Resolved by the Senate, That we urge the Governor to refrain from filling judicial vacancies prior to the Supreme Court's issuance of the 2007 Judicial Resources Report in early August; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Jennifer M. Granholm.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members voting therefor, as follows:

### Roll Call No. 166

### Yeas—21

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

### Nays—17

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senators Cassis and Jansen were named co-sponsors of the resolution.

Senators Whitmer, Gleason, Sanborn and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

I find it very interesting that this resolution is before us; that the chief judge, the highest-paid judge working over here in this beautiful tower, has come up with this as a solution to the budget problems that we face. The chief justice sent a letter to the Governor essentially asking her to hold off on filling vacancies to courts in Flint, Kalamazoo, and Pontiac until the Legislature sees the wisdom of removing those judgeships. He based this on the court's review that there are too many judges in those areas. Funny, though, he appears to be playing politics and he's probably recoiling from the outrage over judicial cars and trying to look like a budget cutter.

The plain text of the Constitution requires the Governor to fill those vacancies. She does not have discretion as to whether or not they are filled.

As an example of politics at play, that court found that Oakland County 52 has 2.4 extra judges. Interestingly, they did not recommend a reduction there. The Senator from the 12th District, the chief judge—no one saw that we should be cutting judges in Oakland County. In 2005, the court did not recommend cutting judges in Pontiac or Kalamazoo, but now they are apparently flipping on that for these seats that are in strong Democratic areas.

With regard to the car issue, the chief judge stated incorrectly that it was somehow part of a judge's compensation. However, such extra perks were eliminated since 1987. This simply smacks of pure politics. We're putting politics again before getting the budget done and putting the people's business to rest.

Apparently, in the Senate, justice delayed is justice denied unless you live in Pontiac, Flint, or Kalamazoo.

Senator Gleason's statement is as follows:

I can't see much sense in this legislative effort this morning. I come from a county that every single day faces an overcrowding issue, and I know that we're not the only county that does that. One of the biggest impediments to reducing jail overcrowding in my county is to make sure those who are facing the justice system stand before a judge. Every single day in my county we have justice delayed because we have a shortage of judges.

I represent the city of Flint that was mentioned earlier. We have a great obligation as representatives and voices of democracy. The greatest vehicle that we have as a democracy is to have a fair judicial system. We cannot offer fair justice if our citizens can't even get into the justice system. For many, many years the city of Flint has been under a microscope to see whether we have too many or too few judges. All you have to do is walk through my county jail to see if we have enough judges. I don't know what the statistics mean to you, but every single day I see my county courthouse hovering around 600 inmates, and my judges and my sheriff and our county board have to put together an implementation program to figure out how they are going to reduce the jail overcrowding. One of the biggest impediments to giving us a responsible number of inmates is to get them before a judge.

I would ask all those who are considering voting for this legislation to understand, as the previous speaker has so eloquently mentioned and has been mentioned several times in the past, justice delayed is justice denied. This bill makes no sense whatsoever in our county, and I don't think it makes much sense across this state of Michigan.

Senator Sanborn's statement is as follows:

I found it a bit ironic the comments of the Senator from the 23rd District who said that this was playing politics. The thing that I find ironic is that last session the Governor decided to allow the State Representative seat—I believe it was Herb Kehrl, incidentally, a Republican—to sit vacant for nearly a year, citing significant cost savings. Now the same argument applies here. We're citing significant cost savings. The part I find ironic is when the Honorable Virg Bernero left this chamber and the seat was filled by a Democrat, she didn't see the reason for the significant cost savings. She quickly called a special election. That's the ironic part.

What I'm asking to do through this resolution is to wait for the facts to come and let's make an informed decision. You know, we talk about downsizing government cost savings, but here's an opportunity to put your money where your mouth is. Step forward, save us some money, and wait and make an informed decision after the Supreme Court releases their report.



Senator Cropsey's statement is as follows:

You know, I think it is kind of easy for folks to get up here and say one thing or another, but let me ask you where's the money—where's the money? I work on the judicial budget and we've got serious problems in all of our budget areas. I guess when I take a look at it and the Supreme Court comes out with its Judicial Resources Report—I've got the last one they did, they're updating this, and they'll be coming out with another one in August. Then we have certain vacancies on the bench and we just say why don't we just hold off, Governor? If you are really concerned about a budget, if you're really concerned that this budget is so tight that we have to increase the income tax, that we have to put a use tax or sales tax on or whatever else, why don't we find some savings?

The Governor has stated publicly, I believe, that, oh yeah, government needs to be reformed. Now that's different areas of government. When you have a part of government that's saying, "You know what, there's money that could be saved in our area of government, but it's got to be done a certain way," and they are saying, "Please don't fill these vacancies so we can save money."

Why would this Governor want to spend money in a branch of government that is saying help us and we can save money in this area. Does this make sense? To say that we've got too many judges in certain areas and we need to eliminate those judgeships, and the Supreme Court is going to be coming down with its report telling us where those judgeships need to be eliminated, where they need to be switched around, that sort of thing. We're here saying let's make sure the Governor fills these things and fills them right away because that is her constitutional duty.

Governor, your constitutional duty is to do your duty, obviously, but the Constitution doesn't say when. I just have a little part of the Constitution that tells the Governor, Article V, Section 13. It says: "The governor shall issue writs of election to fill vacancies in the senate or the house of representatives. Any such election shall be held in a manner prescribed by law." Now, the Governor must issue a writ. Is that correct, according to the Constitution? Can somebody tell me why when it came to one of the Senate seats, that was just referred to when Senator Bernero became Mayor Bernero, that election was held, but for the state House seat that was vacated, it was months and months and months and months and more months before the election was held. It wasn't just that election, but there are other areas in this state down in Monroe and Pontiac and other areas of the state where the Governor waited months and months and months and months and more months.

Now, if we are truly serious, and I challenge the Governor, if she is truly serious in balancing this budget and making reforms that she hold off on making any more appointments until we get the Judicial Resources Report, which by the way, for anybody to claim that is political is nonsense. The whole Judicial Resources Report was set up years ago to give us an objective standard by which the Legislature could start to judge as to whether or not there were more judges needed in certain areas and less judges needed in other areas—to take the politics out of it.

For this Governor to go ahead and for people to get up here and argue that they want to fill these positions with some of the highest-paid public servants in the state of Michigan, that is just plain lunacy. It makes me wonder if I'm Joe Citizen out there and I'm saying, well, the Supreme Court said we may not need judges here and here, and the Governor goes ahead and appoints judges for \$150,000 or \$160,000 a year plus benefits. You just say how much of a budget crisis do we really have? Do we really need to raise the income tax to meet next year's budget when the judges are saying we don't need this many judges?

Folks, let's start to think as to what we are doing. I would hope that this Governor would use some common sense and say let's just hold off because it does need to be held off on.

### **Introduction and Referral of Bills**

Senator Kuipers introduced

**Senate Bill No. 571, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1311 and 1311a (MCL 380.1311 and 380.1311a), section 1311 as amended by 1999 PA 23 and section 1311a as amended by 2000 PA 230.

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

Senator Barcia introduced

**Senate Bill No. 572, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2004 PA 587.

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

Senator Garcia introduced

**Senate Bill No. 573, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1219. The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senators McManus, Jelinek and Schauer introduced

**Senate Bill No. 574, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 73102 (MCL 324.73102), as amended by 1998 PA 546.

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

Senators Basham, Schauer, Gleason and Jacobs introduced

**Senate Bill No. 575, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 9 (MCL 257.1809), as amended by 2006 PA 107.

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

Senators Clarke, Kuipers, Allen, Brater, Jacobs, Hunter and Thomas introduced

**Senate Bill No. 576, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senator Gilbert introduced

**Senate Bill No. 577, entitled**

A bill to regulate certain persons building certain residential structures; to provide for certain disclosures and prescribe certain limitations regarding the transfer of that residential structure; and to provide for remedies and penalties.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

**House Bill No. 4493, 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 House of Representatives has passed the bill and ordered that it be given immediate effect.

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

### Statements

Senators Scott, Clarke and Clark-Coleman 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 once again rise to address you this morning inspired by the words of the Reverend Martin Luther King, Jr. In his letter from a Birmingham jail he wrote, "For years now I have heard the word 'wait.' It has almost always meant 'never.'"

Well, for years now, I, too, have been told to wait by members of this body, but I will not accept the word "never" as a response. Instead, I will continue to advocate for the helpless victims of unfair insurance rates. I will continue to

urge passage of my insurance bill, and I will continue to devote my efforts to fairness and equality in insurance rate setting until this inequality is overcome. I would hope that my colleagues would pass this bill.

But I heard some good news this morning. There is a gentleman over in the House who thinks just like I do. I hope I can get over there so I can meet him. He talks just like I do. He says it's five times more that Detroiters pay. AAA insurance has doubled their earnings in four years. There are so many more others, but we're afraid to take them on because it's only hurting Detroiters and people in urban areas. Well, you ought to be ashamed of yourselves. We need to get started and pass my bill.

Senator Clarke's statement is as follows:

I follow the Senator from the 2nd District in the order of statements today, and I also follow her in her beliefs regarding insurance reform. She has outlined so compellingly how it's unfair to charge people higher insurance rates just because of where they garage their car.

Today, I'll be introducing legislation that will also address and injustice in how we rate insurance. There are some large national insurers who charge people a higher rate for their car insurance not because of just where they live, but because of what they do for a living and the type of education they have earned.

Let me give you an example. If we take two people who live in the same neighborhood, have the same driving record, and drive the same type of automobile, but the only difference is that one person is a janitor with a high school diploma and the other person is a white-collar CEO with a law degree—same car, same record, and same neighborhood. In the state of Michigan, the janitor with a high school diploma will be charged by certain national auto insurers almost twice as much as the white-collar CEO with a law degree.

Is that fair? Is it fair to charge someone higher who has saved their money to live in a safe, decent neighborhood who drives a modest car and who has no tickets and no accidents, but because early in their life they decided to sacrifice for their family and didn't go to college? Should they pay more in automobile insurance? Absolutely not.

This issue not only affects Detroit and urban areas, but it affects rural areas. What about your farmers and your laborers who help build this state? They don't have a college degree. Should they pay more in automobile insurance than some biotech CEO? Absolutely not.

You see, a person is not a safer driver because they have a Ph.D. So I would urge your support for my bill that would ban insurance companies from rating drivers based on their education and their occupation.

Senator Clark-Coleman's statement is as follows:

I am rising to speak on the issue of high insurance rates. You know, I live in the great city of Detroit and I am insulted that myself, who has a perfect driving record, no accidents, and no tickets—neither me nor my husband—but I am subjected to extremely high insurance rates; ones that perhaps most of you pay that amount in four or five years to what I pay for one year.

I am sorry that the chair of the committee over here refuses to take up any Democratic bills because they disagree or want to squash the issue. But I am glad to see that the House is holding a hearing on the exorbitant insurance rates in the city of Detroit. They brought in an attorney from outside the state to talk about what other states are doing, and this attorney talked about the fact that while the insurance companies are benefiting significantly by tripling and quadrupling their profit margins, the poor people in the city of Detroit are struggling to pay insurance rates that nearly double the amount that they are paying for their car note.

There was one lady who, an example that they used was in a fast-food place where the manager of that fast-food place had an automobile almost the same as one of the workers. The manager, his insurance rate was nearly \$1,000 every six months less than the worker. They had identical driving records as well as all the other particulars. So it discriminates against a person because of the kind of job they have when they both work in the same restaurant because one is a manager and the other is a lowly employee who is out there "cooking the burgers." You know, and I'm putting that in quotes because that's said tongue-in-cheek.

I think it's disgusting that we should sit here and be the product of causing people who are less fortunate than yourselves to either break the law by using someone else's address outside of the city or driving with no insurance or spend all of their food money to purchase insurance simply because they live in a city in a low socioeconomic area. I believe that we need to take a look at who we are and how we are affecting the lives of those who are less fortunate than ourselves.

The least that you can do is to at least have a debate on the issue; at least allow the issue to come up for a debate. To sit on legislation because you think you don't like what is going on or that it might affect your community—it might impact your community—but to sit there and not allow the legislation to even be debated on is disgusting. You as legislators ought to be ashamed of yourselves. You ought to be ashamed that we have to stand here every day and remind you of the horrible, horrible job that you are doing up here. Shame on all of you. I do hope that the House will indeed vote some legislation out because this Senate ain't doing nothing about it.

**Scheduled Meetings**

**Campaign and Election Oversight** - Monday, June 11, 1:00 p.m., Otsego County Courthouse, Room 100, 225 W. Main Street, Gaylord (373-1725)

**Economic Development and Regulatory Reform** - Wednesday, June 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Energy Policy and Public Utilities** - Thursday, June 14, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Natural Resources and Environmental Affairs** - Wednesday, June 13, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Transportation** - Tuesday, June 12, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:57 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, June 12, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate