

No. 73
STATE OF MICHIGAN
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94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, July 24, 2007.

10:00 a.m.

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

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—excused
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Heavenly Father, we come to You in the morning of this day and we give You thanks and praise because we recognize that all things are in Your hands. We pray that You will care for us and bless us in this day. We pray that You will bless the negotiations that are going on. We pray that You'll give those people wisdom who are involved in the various negotiations as we seek to find solutions to the problems that we face as a state. We pray that You'll help us to resolve some of the economic issues that we face. We pray that You'll help our people to prosper.

We pray, too, for people who have a difficult time in life. We pray that You'll provide for them; provide the means for them to meet the needs for themselves and for their families.

Lord, we recognize, too, that our flag is flying at half-mast again today. Lord, we pray for the family of the young man who was killed in action. We pray that You'll comfort them. We pray, too, for the other young men and women who are in harm's way. We pray that You'll protect them and keep them safe.

Lord, be near us. We pray this in Your most holy name. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

10:36 a.m.

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

During the recess, Senators McManus, Jansen, Brown, Kuipers, Bishop, Pappageorge, Cassis, Kahn, Barcia, Hardiman and Birkholz entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:37 a.m.

10:42 a.m.

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

Senator Cropsey moved that Senators Garcia, George, Gilbert, Jelinek and Stamas be excused from today's session.
The motion prevailed.

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

The following communication was received and read:
Office of the Auditor General

July 20, 2007

Enclosed is a copy of the following audit report:
Performance audit of Data Center Operations, Department of Information Technology.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit report was referred to Committee on Government Operations and Reform.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, July 19:
House Bill No. 4979

The Secretary announced the enrollment printing and presentation to the Governor on Monday, July 23, for her approval the following bill:

Enrolled Senate Bill No. 354 at 11:09 a.m.

The Secretary announced that the following official bills were printed on Thursday, July 19, and are available at the legislative website:

Senate Bill Nos.	639	640	641	642	643			
House Bill No.	5029	5030	5031	5032	5033	5034	5035	5036

The Secretary announced that the following official bills were printed on Friday, July 20, and are available at the legislative website:

House Bill Nos. 5037 5038 5039 5040 5041 5042 5043

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:

July 20, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 3 of 1939 PA 176, MCL 423.3:

Employment Relations Commission

Mr. Nino E. Green, a Democrat, of P.O. Box 753, Escanaba, Michigan 49829, county of Delta, reappointed for a term expiring June 30, 2010.

July 20, 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 Section 2 of 1885 PA 70, MCL 390.352:

Michigan Technological University Board of Control

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

July 20, 2007

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointments to office under Section 2 of 1964 PA 183, MCL 830.412:

State Building Authority Board of Trustees

Ms. Dawn L. Batts of 1247 Navarre Place, Detroit, Michigan 48207, county of Wayne, succeeding the late Robert C. Carr, representing the general public, for a term commencing July 20, 2007 and expiring August 21, 2007 and reappointed for a term commencing August 22, 2007 and expiring August 21, 2011.

Ms. Marty H. Mercer of 8075 South Jackson Road, Jackson, Michigan 49201, county of Jackson, succeeding Mark E. Schlusel, who has resigned, representing the general public, for a term commencing July 20, 2007 and expiring August 21, 2008.

Sincerely,
 Jennifer M. Granholm
 Governor

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

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 pro tempore, Senator Richardville, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 242, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 206 (MCL 125.3102 and 125.3206).

Senate Bill No. 243, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2005 PA 134.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 241, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 1, 2a, 2b, 3c, 3d, 3e, 5, 5f, 5g, 9a, and 11b (MCL 722.111, 722.112a, 722.112b, 722.113c, 722.113d, 722.113e, 722.115, 722.115f, 722.115g, 722.119a, and 722.121b), section 1 as amended by 2005 PA 202, section 2a as amended by 1998 PA 440, section 2b as added by 2004 PA 531, section 3c as added by 1993 PA 219, section 3d as added by 1993 PA 218, section 3e as added by 2002 PA 717, sections 5 and 5f as amended by 2006 PA 580, section 5g as added by 2005 PA 128, section 9a as amended by 2004 PA 315, and section 11b as added by 2002 PA 645.

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.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 644, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782), as amended by 2006 PA 70.

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

Senators Cherry and Olshove introduced

Senate Bill No. 645, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending section 1 (MCL 552.451), as amended by 2002 PA 8.

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

Senators Cherry and Olshove introduced

Senate Bill No. 646, entitled

A bill to amend 2006 PA 479, entitled "Michigan promise grant act," by amending section 4 (MCL 390.1624).

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

Senator Kuipers introduced

Senate Bill No. 647, entitled

A bill to require a local unit of government to post notice on every highway or street leading into the local unit of government if the local unit of government charges a fee to nonresidents of the local unit of government for providing emergency response services at motor vehicle accidents; and to provide for penalties.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Kuipers introduced

Senate Bill No. 648, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," (MCL 141.901 to 141.921) by adding section 17c.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Gleason introduced

Senate Bill No. 649, entitled

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending section 4a (MCL 445.774a), as added by 1987 PA 243.

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

Senator Gleason introduced

Senate Bill No. 650, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 476 and 482 (MCL 168.476 and 168.482), section 476 as amended by 2005 PA 71 and section 482 as amended by 1998 PA 142, and by adding sections 473a and 484.

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

Senator Gleason introduced

Senate Bill No. 651, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 13 (MCL 408.763), as amended by 1986 PA 277.

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

Senator George introduced

Senate Bill No. 652, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 260, 261, and 269 (MCL 206.260, 206.261, and 206.269), section 260 as amended by 1996 PA 484, section 261 as amended by 2000 PA 195, and section 269 as added by 2004 PA 313.

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

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.

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 Transportation.

Statements

Senators Basham, Scott and Patterson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's statement is as follows:

I rise today to speak in support of a statewide smoking ban in Michigan's bars, restaurants, and workplaces. I know you've heard me speak about this issue, but I'm speaking on behalf of Michigan families who believe a dinner out should not include a risk of asthma, emphysema, or cancer. I'm speaking for Michigan workers who don't think secondhand smoke exposure should be part of their job descriptions.

Today is a very special day, and after ten years of hard work on this issue, I'm pleased to be able to rise today and share some good news and some progress on this subject, although I wish it would be coming from our body instead of the House body. This morning our colleagues in the House Commerce Committee voted to pass House Bill No. 4163, which would establish smoke-free workplaces in Michigan. Out of committee, it was a 12-4 vote, which confirms what I've been saying that this is not a partisan issue—this is a health care issue. This is the first committee vote this issue has received in Michigan. After today's vote, this will be before the full Michigan legislative body for the first time ever. Too bad it couldn't come from us.

Thirty-one states have gone smoke-free and other countries like Ireland and Norway. I want to commend Representative Brenda Clack and Representative Richard Ball for their efforts to push legislation to ban smoking in Michigan and also the chair of the committee, Representative Andy Meisner, and his House Commerce Committee colleagues for giving this issue a thoughtful and thorough analysis and due process that it has always deserved but has had so much difficulty receiving in the last number of years. With sweeping votes today, our colleagues proved that the health of Michigan citizens doesn't need to and shouldn't be a partisan issue.

I urge my colleagues here in the Senate to please reconsider this issue with the same openness that they did in the House. Because my bills to ban smoking in Michigan have been given a little reception, our colleagues in the House are forcing the issue, and it could be in our laps and on our agenda sooner than you think. While we've made significant progress today, we're still moving at a slower pace than other peer states in the Midwest and around the country.

As I've warned before, we are still in danger of being the great "late" state. As another Midwestern and Great Lakes state, Illinois signed today into law a bill banning smoking in public places. We've missed our chance ten years ago to set the trend and raise the bar, but it's never too late. We need to do the right thing. Every day that we wait is another life that is unnecessarily put in danger. I hope when our chance comes, we take a stand for Michigan citizens and stamp out smoking once and for all in workplaces. We lose 3,000 people a year in Michigan as a result of secondhand smoke.

Mr. President, I would ask that my colleagues hopefully pay attention to my remarks.

Senator Scott's statement is as follows:

While I have spent a good portion of my legislative career advocating for fair and affordable insurance rates for Detroiters and indeed for all Michigan residents, one might assume I would be supportive of legislation introduced in the House that will give drivers an opportunity to reduce their premiums by reducing the amount of medical coverage their policy provides. However, I must say that I have serious concerns with this industry-supported plan. This proposal only furthers the discriminatory and inequitable rate-setting practices that have penalized Detroiters since the notorious redlining days.

In response, I would ask why Detroiters should gain monetary relief only by giving up coverage to which they are entitled. At least today, the unlimited medical coverage required by the state is available to all, assuming they can afford the insurance. The legislation under consideration would create a class system among the insured with those who can least afford it receiving the least level of medical coverage.

Auto insurance rate increases have outpaced inflation by more than a 2-to-1 ratio in Michigan. In Detroit, insurance rates have outpaced inflation by more than 4-to-1. That's why nearly half the drivers in Detroit are uninsured. Meanwhile, currently more than a quarter of a million Wayne County residents are without medical insurance. Why should these same people have to reduce their auto insurance medical coverage in order to reduce their premiums? A \$50,000 limit could be used up in a matter of days. After serious automobile accidents, insufficient medical coverage could result in victims being forced into bankruptcy or onto welfare. So, once again, we are punishing the most vulnerable among us by taking away coverage from those who can least afford it.

Secondly, since it's widely accepted that Detroiters can pay up to four times more than what out-state drivers pay, if out-state drivers receive comparable percentage reductions in premiums, are not Detroiters still paying proportionately more for insurance than those living outside of the city? The disparities will not disappear and Detroit drivers will continue to be exploited.

This is not the way to bring equality to the insurance rating system. The way to bring economic justice is to eliminate credit scoring and occupations as rate-setting criteria. It is to stop penalizing good drivers for living in the wrong zip codes, and it is to reward good drivers for their driving records and their claim records regardless of where they live. That's the legislation that I will support.

Senator Jacobs stated that had she been present on June 18 when the votes were taken on the passage of the following bills, she would have voted "yea":

House Bill No. 4471

House Bill No. 4614

Senator Jacobs stated that had she been present on June 18 when the vote was taken on the adoption of the following resolution, she would have voted "yea":

House Concurrent Resolution No. 27

Senator Jacobs stated that had she been present on June 19 when the vote was taken on concurring in the House substitute to the following bill, she would have voted "yea":

Senate Bill No. 354

Senator Patterson's statement is as follows:

I rise in a state of distress. I've listened very carefully to a previous speaker who announced that more than half of the drivers operating motor vehicles in the city of Detroit are operating without auto insurance. I believe that is a violation of the Michigan Vehicle Code.

My parents, as I've declared before, have lived in Detroit their entire lives—over 80 years. They've been insured for their driving, and they have never had a claim. But if there are drivers operating in the city of Detroit, operating motor vehicles without insurance, they are breaking the law. They are causing the law-abiding citizens to have to pay more.

I demand that the administration investigate who it is driving without insurance and get them off the road—enforce the laws.

Committee Reports

The Committee on Finance reported

Senate Bill No. 515, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 438 (MCL 206.438), as added by 2004 PA 364.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi and Whitmer

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 Finance submitted the following:

Meeting held on Thursday, July 19, 2007, at 11:02 a.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, McManus, Jansen, Prusi and Whitmer

Excused: Senator Jacobs

Scheduled Meetings

Agriculture and Agriculture Appropriations Subcommittee - Wednesday, July 25, 11:00 a.m. or later immediately following session, Senate Hearing Room, Ground Floor, Boji Tower (373-1635)

Appropriations -**Subcommittees -**

Agriculture and Senate Agriculture - Wednesday, July 25, 11:00 a.m. or later immediately following session, Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Higher Education - Thursday, July 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Finance - Thursday, July 26, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Natural Resources and Environmental Affairs - Wednesday, July 25, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, July 25, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:06 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate