

No. 97
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Friday, September 28, 2007.

12:01 a.m.

The Senate was called to order by the Associate President pro tempore, Senator James A. Barcia.

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 Gilda Z. Jacobs of the 14th District offered the following invocation:

“Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.”

—Dwight D. Eisenhower

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

Motions and Communications

The following communications were received:

Department of State

Administrative Rules Notices of Filing

September 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 4:32 p.m. this date, administrative rule (07-09-06) for the Department of Agriculture, Animal Industry Division, entitled “*Bodies of Dead Animals*.” 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.

September 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 4:34 p.m. this date, administrative rule (07-09-07) for the Department of Labor and Economic Growth, Director’s Office, entitled “*Real Estate Appraisers*.” These rules become effective on January 1, 2008.

September 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 4:36 p.m. this date, administrative rule (07-09-08) for the Department of Community Health, Health Legislation and Policy Development, entitled “*Lead Hazard Controls*.” 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 communications were referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 27, for her approval the following bills:

Enrolled Senate Bill No. 211 at 1:16 p.m.

Enrolled Senate Bill No. 210 at 1:18 p.m.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 12:04 a.m.

12:48 a.m.

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

During the recess, Senators Richardville, Sanborn, Gilbert, Cassis, Stamas, Jansen, Jelinek, Van Woerkom, McManus, Birkholz, Brown, Hardiman, Kahn and Bishop entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess until 1:00 p.m.
The motion prevailed, the time being 12:49 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Patterson and Pappageorge entered the Senate Chamber.

Senator Cropsey moved that rule 2.106 be suspended to allow conference committees to meet during Senate session.
The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:01 p.m.

1:11 p.m.

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

During the recess, Senator Garcia entered the Senate Chamber.

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

The motion prevailed.

Senator Bishop's statement is as follows:

These are times where we tend to grow to appreciate the people around us and the support staff around us. We have— as members of the Legislature—so many wonderful people who have done so much for us in so many different ways. Oftentimes it all happens outside of our presence in the halls and the offices across the street and all around this town. I just want to begin by saying how grateful I am to all those employees who do that for us and under very difficult times. We greatly appreciate all of them.

One of the people I want to direct your attention to and pay special tribute to is a person by the name of Bret Jackson, who is standing to my right, who has been a faithful employee of the political system since 1998. Bret has been around the Michigan Senate policy office for several years now. He has participated in so many complex areas of our state policy. He has just been an instrumental part of the policy team. I just think he's a perfect example of how fortunate we are to have the talent that we have that works in this body.

He, unfortunately, but fortunately for him, is leaving us and has decided to move on and advance his career. We are very pleased that we have the opportunity to congratulate him. We wanted to take this opportunity in front of everybody to thank him for his years of dedicated service, for his expertise, and to wish him well as he moves forward in his new endeavor, a very exciting new endeavor for Bret Jackson.

I hope my colleagues assist me in helping me thank him and wish him well.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Cropsy 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 Brater 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. 671, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIIA (MCL 712A.19), as amended by 2004 PA 477.

The bill was 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. 672, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIIIA (MCL 712A.19c), as amended by 2004 PA 476.

Substitute (S-1).

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.

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

Senate Bill No. 668, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIIA (MCL 712A.19b), as amended by 2000 PA 232.

Substitute (S-1).

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.

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

Senate Bill No. 669, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIIA (MCL 712A.19a), as amended by 2004 PA 473.

Substitute (S-1).

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.

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

Senate Bill No. 670, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 13b of chapter XIIIA (MCL 712A.13b), as amended by 2004 PA 475.

Substitute (S-1).

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.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

House Bill No. 4842

House Bill No. 4865

House Bill No. 4866

House Bill No. 4668

House Bill No. 5242

The motion prevailed.

The following bill was read a third time:

House Bill No. 4842, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending sections 3, 13, 15, 17, 21, 23, 25, 27, 28, 29, 31, 37, 38, 39, 43, and 62 (MCL 338.2203, 338.2213, 338.2215, 338.2217, 338.2221, 338.2223, 338.2225, 338.2227, 338.2228, 338.2229, 338.2231, 338.2237, 338.2238, 338.2239, 338.2243, and 338.2262), sections 3 and 37 as amended by 2006 PA 645, sections 13, 15, 17, 21, 23, 25, 27, 29, 31, 38, 39, 43, and 62 as amended by 2003 PA 87, and section 28 as added by 2006 PA 490.

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. 365

Yeas—34

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

Nays—3

Cassis	Patterson	Sanborn
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Excused—0

Not Voting—1

Hunter

In The Chair: President

Senator Thomas moved that Senator Hunter be temporarily excused from the balance of today’s session. The motion prevailed.

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the establishment and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4865, entitled

A bill to amend 1964 PA 265, entitled “Uniform securities act,” by amending section 202 (MCL 451.602), as amended by 2003 PA 150.

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. 366**Yeas—34**

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

Nays—3

Cassis	Patterson	Sanborn
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Excused—1

Hunter

Not Voting—0

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to enact the uniform securities act relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4866, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 1060 (MCL 450.2060), as amended by 2003 PA 106.

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. 367**Yeas—33**

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Schauer
Barcia	Cropsey	Kahn	Scott
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Gleason	Olshove	Thomas
Brater	Hardiman	Pappageorge	Van Woerkom

Brown
Cherry

Jacobs

Prusi

Whitmer

Nays—4

Cassis

Garcia

Patterson

Sanborn

Excused—1

Hunter

Not Voting—0

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

Protest

Senator Garcia, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4866 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Garcia’s statement is as follows:

I intend to vote “no” on this bill. A constituent contacted me about this and thought that it was redundant and unnecessary on top of that. But, anyway, that is why I have to vote against this bill. I am not sure that we can afford to lose the revenue in one sense, and in another sense, there are some serious questions about whether or not this is necessary.

In this case, I am going to side with my constituent after I have seen the evidence. So I intend to vote “no.”

The following bill was read a third time:

House Bill No. 4668, entitled

A bill to amend 1935 PA 120, entitled “An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police,” by amending section 3 (MCL 28.273), as amended by 2004 PA 359.

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. 368**Yeas—34**Allen
Anderson
BarciaClark-Coleman
Clarke
CropseyJansen
Jelinek
KahnRichardville
Schauer
Scott

Basham
Birkholz
Bishop
Brater
Brown
Cherry

Garcia
George
Gilbert
Gleason
Hardiman
Jacobs

Kuipers
McManus
Olshove
Pappageorge
Prusi

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—3

Cassis

Patterson

Sanborn

Excused—1

Hunter

Not Voting—0

In The Chair: President

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 title of the bill.

The following bill was read a third time:

House Bill No. 5242, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3122, 5522, 11135, 11153, 11525a, 12103, 12109, and 12112 (MCL 324.3122, 324.5522, 324.11135, 324.11153, 324.11525a, 324.12103, 324.12109, and 324.12112), section 3122 as added by 2004 PA 90, section 5522 as amended by 2005 PA 169, sections 11135, 12103, 12109, and 12112 as amended and section 11153 as added by 2001 PA 165, and section 11525a as amended by 2003 PA 153.

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. 369

Yeas—33

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman

Jacobs
Jansen
Jelinek
Kuipers
McManus
Olshove
Pappageorge
Prusi

Richardville
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—4

Cassis

Kahn

Patterson

Sanborn

Excused—1

Hunter

Not Voting—0

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

Recess

Senator Cropsey moved that the Senate recess until 3:00 p.m.

The motion prevailed, the time being 1:41 p.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 subject to the call of the Chair.

The motion prevailed, the time being 3:01 p.m.

5:32 p.m.

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 until 8:00 p.m.

The motion prevailed, the time being 5:33 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 8:01 p.m.

10:49 p.m.

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

During the recess, Senator Hunter entered the Senate Chamber.

By unanimous consent the Senate returned 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 Brater 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 with amendment, the following bill:

House Bill No. 5104, entitled

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

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 5, following line 25, by striking out all of enacting section 2.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5104

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

The following bill was read a third time:

House Bill No. 5104, entitled

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

The 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. 370

Yeas—25

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

Nays—12

Basham	Clark-Coleman	Jacobs	Scott
Brater	Gleason	Olshove	Switalski
Cherry	Hunter	Prusi	Whitmer

Excused—0

Not Voting—1

Clarke

In The Chair: Richardville

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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;”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that the Committee on Finance be discharged from further consideration of the following bill:

House Bill No. 5198, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172, and by adding section 4z.

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

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5198

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

The following communication was received and read:

Office of the Senate Majority Leader

September 28, 2007

Pursuant to Joint Rule 3, the Senate Majority Leader removes Senator Samuel Buzz Thomas as conferee to the conference committee on SB 418 and appoints Senator John Gleason.

Thank you for your prompt consideration of this matter.

Sincerely,
Senator Michael D. Bishop
Majority Leader
State Senate, 12th District

The communication was referred to the Secretary for record.

By unanimous consent the Senate returned 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 Brater 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 with a substitute therefor, the following bill:

House Bill No. 5198, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172, and by adding section 4z.

Substitute (S-5).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 8, following line 7, by inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

- (a) Senate Bill No. 1.
- (b) Senate Bill No. 395.
- (c) Senate Bill No. 396.
- (d) Senate Bill No. 397.
- (e) Senate Bill No. 398.
- (f) Senate Bill No. 418.
- (g) Senate Bill No. 419.
- (h) Senate Bill No. 420.
- (i) Senate Bill No. 421.
- (j) Senate Bill No. 546.
- (k) Senate Bill No. 547.
- (l) Senate Bill No. 549.
- (m) Senate Bill No. 622.
- (n) Senate Bill No. 632.
- (o) House Bill No. 4246.
- (p) House Bill No. 4266.
- (q) House Bill No. 4800."

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5198

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

The following bill was read a third time:

House Bill No. 5198, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172, and by adding section 4z.

The 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. 371

Yeas—24

Basham	Cropsey	Jelinek	Richardville
Birkholz	Garcia	Kahn	Schauer
Bishop	Hardiman	Kuipers	Scott
Brater	Hunter	Olshove	Switalski
Cherry	Jacobs	Pappageorge	Thomas
Clark-Coleman	Jansen	Prusi	Whitmer

Nays—13

Allen
Anderson
Barcia
Brown

Cassis
George
Gilbert

Gleason
McManus
Patterson

Sanborn
Stamas
Van Woerkom

Excused—0**Not Voting—1**

Clarke

In The Chair: Richardville

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

Senator Thomas moved that Senator Clarke be temporarily excused from the balance of today’s session.
The motion prevailed.

Senator Clarke entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Saturday, September 29, at 12:00 noon.

The motion prevailed.

Senator Cropsey moved that rule 1.205(b) be suspended to allow a motion to recess prior to the invocation and attendance roll call on Saturday, September 29.

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

Paul Robeson, the multi-talented actor, singer, and activist, whom I often quote, said, “Mass action in political life and elsewhere is power in motion, and it is the way to win.” This week you witnessed thousands of Michigan residents converge on the Capitol to tell you they are frustrated with being victimized by the insurance industry. You saw the Capitol lawn covered with folks who are angry, impassioned, and financially tapped out. You have seen the power in motion. We believe it is the way to win, and we will not stop our campaign until we do. Let us begin by moving those bills.

Committee Reports

The Committee on Appropriations reported

House Bill No. 5257, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2003 PA 107.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5258, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2003 PA 81.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, September 27, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge, Hardiman, Kahn, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Cherry, Clark-Coleman and Scott

Excused: Senators Jelinek (C), Cropsey, Garcia, George and Brater

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Thursday, October 18, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Conference Committees -

Income Tax (HB 5194) - Saturday, September 29, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-0070)

Use Tax (HB 5198) - Saturday, September 29, 12:00 noon, Room 426, Capitol Building (373-0015)

Families and Human Services - Tuesday, October 9, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Thursday, October 4, 2:00 p.m., Room 927, South Tower, Anderson House Office Building (373-0575)

Local, Urban and State Affairs - Tuesday, October 9, 3:00 p.m., Room 110, Farnum Building (373-1635) (CANCELED)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 11:23 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Saturday, September 29, 2007, at 12:00 noon.

CAROL MOREY VIVENTI
Secretary of the Senate

