

**No. 120**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

---

---

Senate Chamber, Lansing, Tuesday, November 20, 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—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—excused  
Prusi—present  
Richardville—present  
Sanborn—present  
Schauer—present  
Scott—present  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Senator Nancy Cassis of the 15th District offered the following invocation:

On the eve of celebrating how two very different peoples came together—Europeans, struggling to survive, and their Native American hosts, whose hearts and hands reached out and saved them—we pause, pray, and give thanks to God. Thanks for the gifts of health, a sound mind, and the good fortune to serve others. Thanks for what unites us, and thanks for the diversity, the understanding, and goodwill it can nourish.

God, we know the essence and meaning of this holiday; not just to give thanks, but also to give. Give of our time and abilities to our community and to those in need. Give not to receive, but give to know the humility of unselfishness. To fear not, just as a loving God watched over Plymouth's Pilgrims and uplifted the human spirit by the grace of caring Indians.

So we, too, remember the words in Philippians 4:6. We will be taken care of and, thus, blessed. "Be anxious for nothing, but in everything, by prayer and supplication, with thanksgiving, let your requests be known to God." Amen.

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

### Motions and Communications

Senators Kuipers, McManus, Clarke and Bishop entered the Senate Chamber.

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

November 8, 2007

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Michael J. Bryanton to the Michigan State Waterways Commission, and make written recommendations to the Government Operations and Reform Committee on this appointment.

Sincerely,  
Senator Michael D. Bishop, Chairman  
Government Operations and Reform Committee

The communication was referred to the Secretary for record.

The following communication was received:  
Department of Human Services

November 9, 2007

Pursuant to Section 1002 of P.A. 345 of FY 2006, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Woodland Center	2008C0207001	CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "Online Lookups, Child Welfare Licensed Facilities" at the following address: <http://www.michigan.gov/dhslicensing>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Wilson at 517-373-8383.

Sincerely,  
Ismael Ahmed

The communication was referred to the Secretary for record.

The following communication was received:  
Department of Management and Budget

November 15, 2007

Enclosed is a combined report on state contracting with businesses owned by persons with disabilities, submitted pursuant to the reporting requirements in 1988 PA 112 as amended in 2005, and with businesses owned by qualified disabled veterans, pursuant to 1984 PA 431 as amended in 2005. The report was prepared based on contract data for fiscal year 2007 as recorded in the Michigan Administrative Information Network (MAIN).

If you have any question regarding the information in the report, please contact Elise Lancaster, Director, DMB-Purchasing Operations, at (517) 241-2715.

Sincerely,  
Lisa Webb Sharpe  
Director

The communication was referred to the Secretary for record.



Senators Anderson, Prusi, Olshove, Scott, Brater, Clark-Coleman, Whitmer, Basham and Clarke introduced  
**Senate Bill No. 913, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding sections 2203, 3149, 3400a, 3501a, 3600a, 4003, and 4403.

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

Senators Anderson, Prusi, Olshove, Scott, Brater, Clark-Coleman, Whitmer, Basham and Clarke introduced  
**Senate Bill No. 914, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2229.

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

Senators George, Prusi, Pappageorge, Kahn, Jansen, Cassis and Van Woerkom introduced

**Senate Bill No. 915, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XI (MCL 711.1), as amended by 2000 PA 111.

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

Senators George, Cassis, Kuipers, Prusi, Pappageorge, Kahn, Jansen and Van Woerkom introduced

**Senate Bill No. 916, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15f of chapter XVII (MCL 777.15f), as added by 2002 PA 206.

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

**House Bill No. 4557, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 435 and 438 (MCL 206.435 and 206.438), section 435 as added by 2007 PA 133 and section 438 as added by 2004 PA 364.

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 Senior Citizens and Veterans Affairs.

**House Bill No. 5408, entitled**

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

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

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders for consideration today.

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

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 Jacobs 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. 5408, entitled**

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

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 20, following line 8, by inserting:

“Sec. 445. (1) A taxpayer that is a new motor vehicle dealer licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, may claim a credit against the tax imposed by this act equal to ~~2%~~**1%** of the amount paid by the taxpayer to acquire new motor vehicle inventory in the tax year, not to exceed ~~\$10,000.00~~**\$12,500.00**.

(2) If the amount of the credit allowed under this section exceeds the tax liability of the taxpayer for the tax year, that excess shall not be refunded and shall not be carried forward as an offset to the tax liability in subsequent tax years.

(3) As used in this section, “new motor vehicle inventory” means new motor vehicles or motor vehicle parts.”.

2. Amend page 22, line 27, after “417,” by inserting “445;”.

3. Amend page 23, line 2, after “208.1417,” by inserting “208.1445;”.

The question being on concurring in the recommendation of the Committee of the Whole, Senator Thomas requested the yeas and nays.

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

The recommendation of the Committee of the Whole was concurred in, a majority of the members voting therefor, as follows:

**Roll Call No. 490**

**Yeas—20**

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

**Nays—16**

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

**Excused—2**

Brater	Patterson
--------	-----------

**Not Voting—0**

In The Chair: Richardville

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. 5408**

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

The following bill was read a third time:

**House Bill No. 5408, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 105, 239, 265, 403, 405, 409, 413, 417, 447, and 515 (MCL 208.1105, 208.1239, 208.1265, 208.1403, 208.1405, 208.1409, 208.1413, 208.1417, 208.1447, and 208.1515) and by adding chapter 2C and section 451.

The question being on the passage of the bill,  
Senator Prusi offered the following substitute:

Substitute (S-5).

The question being on the adoption of the substitute,  
Senator Cropsey moved that the previous question be ordered.

On which motion Senator Cropsey requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 491**

**Yeas—20**

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

**Nays—16**

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

**Excused—2**

Brater	Patterson
--------	-----------

**Not Voting—0**

In The Chair: Richardville

The question being on the adoption of the substitute,  
Senator Thomas requested the yeas and nays.

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

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

**Roll Call No. 492**

**Yeas—16**

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

**Nays—20**

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

**Excused—2**

Brater	Patterson
--------	-----------

**Not Voting—0**

In The Chair: Richardville

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. 493****Yeas—20**

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

**Nays—16**

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

**Excused—2**

Brater	Patterson
--------	-----------

**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.  
The motion did not prevail, 2/3 of the members serving not voting therefor.  
Senator Cropsey requested the yeas and nays.  
The yeas and nays were ordered, 1/5 of the members present voting therefor.  
The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

**Roll Call No. 494****Yeas—20**

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

**Nays—16**

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

**Excused—2**

Brater	Patterson
--------	-----------

**Not Voting—0**

In The Chair: Richardville

Senator Sanborn offered to amend the title to read as follows:

A bill to amend 2007 PA 36, entitled “An act to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending sections 105, 239, 265, 403, 405, 409, 413, 417, 445, 447, and 515 (MCL 208.1105, 208.1239, 208.1265, 208.1403, 208.1405, 208.1409, 208.1413, 208.1417, 208.1445, 208.1447, and 208.1515) and by adding chapter 2C and section 451.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

**Protests**

Senators Cherry, Switalski, Prusi, Gleason, Jacobs, Schauer, Clark-Coleman and Clarke, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5408.

Senator Cherry’s statement is as follows:

I voted “no” because I believe that the substitute for House Bill No. 5408 causes more problems than it solves. It does not replace revenue, it hurts job creation in this state, and it opens up the MBT, before it has taken effect, for major rewrites. I think the perfect solution was House Bill No. 5408 as passed by the House. Since we did not pass that version and passed a version which is more harmful and causes more problems, I voted “no.”

Senator Switalski’s statement, in which Senators Jacobs and Clarke concurred, is as follows:

I can understand why the majority wanted to cut off debate because I’d be embarrassed, too, if I’d just put forward a plan that was fiscally irresponsible, that used one-time money, and put Michigan back into deficit spending and a chronic budget deficit. So I can understand why they didn’t want to talk about that very much.

There were two alternatives that I voted for that would have been a much better solution. One was the bill as passed by the House. We also made a change to it with the Prusi amendment and offered an alternative. Both of those were fiscally responsible, and they did not use one-time money. They were fiscal approaches that would continue over years and keep us out of fiscal problems. But the majority has chosen to do the irresponsible thing and raid the piggy bank, spend all our savings, and leave us bereft next year.

Senator Prusi's statement is as follows:

In essence, I concur with the previous two speakers, but I would like to add another reason why I could not bring myself to vote for the substitute for House Bill No. 5408. I am disappointed that once again we've put partisanship and political game playing ahead of good public policy. We've turned this into just some more of the "gotcha" politics of who is voting for what, instead of actually sitting in a room with the House, with the administration, with the Treasurer, and with the Senate Democrats and Republicans all in one room talking about good public policy and a long-lasting fix.

We embarked on this road of twisting and rewriting policy that we've struggled with all year, and I think it is a bad precedent to be set because it was set earlier in this session. I am just disappointed that we cannot find the political will to come together and find a solution that matters to everybody, that meets the needs of our employers, both big and small, as well as the citizens who sent us to this town to legislate on their behalf.

Senator Gleason's statement is as follows:

I would like to offer some remarks in regard to the action that just transpired. As I mentioned a week and a half ago, we were all predetermined as either a man of means or not of means. In my short time here in the Senate, we have consistently addressed issues and readdressed them and readdressed them even further. We talk today about a complicated issue and easy results that could redefine and redistribute the treasury of this state into much-needed programs. A short while ago, we were accused of raising taxes as a Democratic Caucus, yet today we had the will—some of us in the chamber—to raise them three-quarters of a billion dollars just a moment ago.

The issue before us should not be about who wins or loses the political debate, but what is going to be provided for the families of Michigan. Mr. President, we are having difficult times in this state. We're having a difficult time trying to measure what tomorrow will be offering and what obligations the businesses that provide the revenue of our state will be facing. There is great uncertainty now. We have marched through nearly another calendar year, and yet, those who will be asked to pay taxes, fair taxes on their business dealings, still do not have an answer.

Thanksgiving is now upon us. Another weekend, another holiday is going to transpire and once again the Michigan businesses will not understand what their tax obligations are going to be. I have had personal friends who have gone out of business in Michigan in recent times because they did not understand what their tax obligations were going to be.

We had a chance today to pick up where the House left off, asking us to offer a responsible tax policy for the businesses here in Michigan. Many of you have communicated with these businesses, as I have, saying that they would accept this new tax burden, yet we're going to leave here today with a huge question mark once again over the businesses across the state of Michigan.

Now we're going to be hitting them pretty soon and it's going to be a 15-round hit again, late into the match, to determine what their tax obligations are going to be. We do have a remedy. The House was very diligent in offering us a resolution to the state tax and treasury and revenue obligations. We should have taken that opportunity. One of the greatest hurdles any of us has as individuals or as businesses is the undecidedness of what our actions will require.

Once again, we come down to Lansing and we're going to go home this afternoon, not offering to share what the tax obligations of our businesses are. That's what the biggest question is: How do you make accommodations to pay your tax obligations? Not necessarily what they are, but how and by what means you are going to be afforded to pay them and when they are going to be due. December 1st is now right in our midst. I sat here as a first-term Senator, and nearly 11 months I have served down here. We have charged ahead and we've retreated. We've charged ahead and we've retreated again on these policies that will determine the tax obligations of our businesses.

I'm not pleased with how we do our business down here. So, Mr. President, I would ask that we undertake the obligations that we have been honorably disposed to do and make sure that we give an understanding to our businesses—big, medium, and small businesses. I received a letter, as you did, too, from the chamber of commerce organizations here in Michigan, saying that this was an acceptable means. The House policy that was presented to us was a measurable means. We should have utilized that today and sent the businesses a message that we were willing to do their work and that we would fulfill the obligations as legislators to provide the policy-making decisions that is ours.

I had to vote "no" because we did not give them a conclusion today, as we have not given them for 11 1/2 months.

Senator Jacobs' statement is as follows:

It's really tough to serve in Michigan now. We've got a really tough job to do. Times are tough. We've got to make very tough decisions. To be honest, I was so excited about coming back to work today because I've been spending a lot of time in the district, as I'm sure all of us have done this past week, talking to business owners—small business

owners, medium-sized business owners; I did a cable show with one of my chambers of commerce—and the businesses were crying out for explanations and relief and solutions. I came here today fully expecting to provide those solutions to the businesses in my district, and I feel that we've let the folks down in our districts by not moving forward, particularly with the Prusi substitute. This is my "no" vote explanation that we really did not do the work that the business owners wanted us to do.

Senator Schauer's statement, in which Senator Clark-Coleman concurred, is as follows:

Colleagues, this was a special, unprecedented Thanksgiving week session, and I'm sure the Republican majority envisioned a headline something like, "Senate repeals service tax - helps Michigan business." Well, it didn't quite work out that way.

I voted "no" on the Senate-passed version of House Bill No. 5408 because it does not repeal the service tax, which by law is slated to go into effect December 1. This bill, colleagues, actually removed the service tax repeal as passed by the House.

I also voted "no" because this bill actually hurts Michigan-based companies. This bill, which passed with the minimum number of votes in this chamber and along purely partisan lines, will cost Michigan business investments and jobs. This unfortunate partisan stab at dealing with Michigan's tax structure by the Republicans is dead on arrival, unacceptable to the House and unacceptable to our Governor. This partisan legislation is a setback to individuals and businesses hoping to see the service tax not take effect.

Now, ten days before the December 1 effective date, the State Treasurer must now send out new tax forms for this new service tax. If I was a Michigan-based company facing investment decisions, like Kellogg Company in my own district, I'd be scratching my head wondering what the heck is going on in Lansing. This is serious business, colleagues. I voted "no" because this bill hurts Michigan's economy. I am not willing to do that nor, colleagues, should you.

Finally, I voted "no" because along party lines Republicans just voted to cut \$300-400 million out of the state's budget, which will hurt Michigan's families, our schools will raise tuition for college students, throw people off of health care, and cut police and fire fighters in our own communities.

To the Senator from Oakland County from the 13th District who spoke about process, you're fiddling and Rome is burning. You're game playing and posturing while Michigan is in crisis. So the real headline today should be, "Senate fails Michigan businesses - puts state's future at risk." That's why I voted "no."

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:

I think that this substitute is a very good solution to a problem that we are facing now. It again brings us very close to the original House version. It raises the cap and lowers the surcharge, which is what I heard in testimony over in the Finance Committee last week as being a problem.

I think that, again, as I said earlier, it is a solution with a Senate fix on it. It is bipartisan in nature. We can all easily support this and go home knowing that we have fixed a very serious problem without extending it into the future. It also is very important because it fully replaces revenue and it replaces that revenue permanently.

I ask that members support it.

By unanimous consent the Senate proceeded to the order of

### **Statements**

Senators Scott, Sanborn, Pappageorge, Thomas, Switalski, Gleason, Cherry, Brown, Basham, McManus 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 Scott's statement is as follows:

Let me say first, before I give you my usual statement, some of you served with former Representative Ed Vaughn. This morning, I heard that he had been in an accident. It is on the website. An 18-wheeler ran into his car and it caught on fire. There are 80 percent burns over his body. I would ask all of you for your prayers for former Representative Ed Vaughn.

Today I bring you a plea from a Detroit resident who says, "I should not have to move from the city of Detroit in order to lower the costs that I pay for automobile insurance. Automobile insurance is not affordable in the city of Detroit. Please help the citizens of Detroit."

As this woman's State Senator, I'm feeling pretty helpless right now because I can't help the citizens of Detroit and the surrounding areas; not unless you listen to this woman's plea, not unless you take up the legislation before you,

and not unless you do something to keep residents like this from leaving the city as exiles of an insurance system they cannot afford. I echo her words. Please help the citizens of Detroit.

I would wish all of my colleagues and staff a happy Thanksgiving. God bless you all.

Senator Sanborn's statement is as follows:

I rise today to pay tribute to the life of Milo Radulovich, who helped bring about the end of McCarthyism by shedding light on one of the darkest periods in American history. Milo passed away yesterday at the age of 81. A veteran of World War II, Milo likely never believed that he would be at the center of a case that questioned not only his allegiance to this country, but also this country's allegiance to the very principles that it was founded on.

While a student at the University of Michigan, Milo was informed that he was being discharged from the Air Force as a security risk, due to the possible communist activities of his family, including his sister's participation in a civil rights rally and his father's participation in a labor sit-down strike. Rather than let these scurrilous and baseless attacks destroy his family and his future, Milo chose to fight to clear his name, and in the process, he hastened the end of McCarthyism. With the help of his two attorneys, Charles Lockwood and a former classmate named Kenneth Sanborn, Milo was able to highlight just how absurd the case against him truly was.

Milo's case caught the attention of none other than Edward R. Murrow, who had been seeking a way to confront McCarthyism head-on on his "See It Now" program. Murrow's decision to use Radulovich's case to draw attention to what was happening under McCarthyism, which as dramatized in the movie "Good Night, and Good Luck," helped bring an end to this dark chapter in our American history, and it made Milo Radulovich a true American hero and a patriot.

Too few of Michigan's children know about the struggles and the triumphs of people like Milo Radulovich, which is truly a shame. He is more than just a symbol of right triumphing over wrong, however. He was a loving man, an accomplished meteorologist, and a wonderful individual to sit and share a conversation with, which I had the privilege to do on many occasions.

I know that in my family he will long be missed, but forever remembered.

I would ask that the Senate observe a moment of silence in recognition of the passing of a native son, a World War II veteran and an American hero, Milo Radulovich.

A moment of silence was observed in memory of Milo Radulovich.

Senator Pappageorge's statement is as follows:

I've been gone for two years and it amazes me some of the procedural changes that have occurred in just that short period of time. When I left, we used to have targeting meetings, the purpose of which were to allocate available money, issue targets, and by virtue of those targets being issued, preventing a shutdown, allowing discussion to continue with a supplemental. Earlier today, the Senator from the 38th District said, to paraphrase, we ought to get together and figure out what we need to do here. There's a process for that; it's called a conference committee, and the run up to the conference committee does exactly what the Senator from the 38th District said we ought to do.

Now we have differences in this chamber on how to get rid of the service tax. The way to do that is to take something to conference which forces all the people who need to be in the room to be there before that conference physically takes place. So a "no" vote today, in my opinion, said "I don't want a conference committee. I do not want to get into a room with people who disagree with me. Just do it my way."

Folks, think about the process. The process is important. The idea of standing up on this floor and arguing for your side and your side alone and figuring that's the end of it is wrong. Let's get back to basics and use the process the way it's supposed to be used.

Senator Thomas' statement is as follows:

I rise today, during a week in which we express gratitude to do exactly that, to express our gratitude to a group of critically important public servants here in Lansing. While later this week, we will take time to be thankful for family, friends, and all our blessings, we also reflect on the efforts that we have undertaken throughout the past year. During recent months, we have conducted hours upon hours of sessions, of caucuses, of discussions, and of debate. It is important that we recognize those individuals who patiently endured those long days of our arguing, and certainly, those long nights of our arguing.

Specifically, I want to pay a special note of gratitude to the Senate Session Staff, who are all around us every day silently working on our behalf. Their days were no shorter than ours, their departure times no earlier, and their responsibilities no less important than those performed by the elected members of the Senate. They, too, worked the long days and labored through the long nights, all the while continuing to perform their duties accurately and dependably. Often after you and I were well on our way home, they were still here transcribing our notes.

I want to, again, take this opportunity to publicly thank them for their tireless public service, for their unflagging dependability, and for simply being there as we work to make Michigan better for all our citizens. On behalf of my

colleagues in the Democratic Caucus, on behalf of all Michigan residents, we appreciate you, we value your work, and we are grateful for your service.

Again, thank you, Mr. President, and I would ask that my remarks be printed in the Journal as they will—another task that they perform so well and in honor of that, they don't have to transcribe it. I have it written down for them.

Senator Switalski's statement is as follows:

The State Supreme Court is currently reviewing the constitutionality of Michigan's presidential primary law. Although my views may be out of step with those of many members in this chamber, allow me to explain why I think Michigan's January 15th presidential primary should be allowed to die a peaceful death. The state's two major political parties took a gamble together this year. They tried to jump-start Michigan to the front of the queue and gain national prominence for our state. They failed. I like gambling as much as the next person, and I don't fault them for making the attempt. In fact, I joined them in the gamble, but a good gambler knows when they have a losing hand and when to fold. We are at that point. We should not ante in another \$10.4 million.

First of all, the law is unconstitutional. Two courts have already found it to be so, and the reasoning is simple. If the people of Michigan are paying for the election, the data from that election belongs to the people, not the political parties. We had the opportunity to change that and we chose not to. Instead, we will waste money on attorneys defending an unconstitutional provision. So on the law, we've got a loser.

Secondly, we will waste \$10.4 million on a primary where the result is a foregone conclusion. Since most of the Democratic candidates have pulled out and pledged not to campaign here, Hillary will win. Meanwhile, the Republican National Committee has punished the state party by cutting their delegates in half.

Thirdly, the election clerks have testified that at this late date, they cannot run the election properly.

And, finally, the voters will be very unhappy when they discover that this is a closed primary and that they have to disclose a preference. It will be even more unpopular than it was in 1992 and we said that we would never do it again.

Because the Democratic primary is not a real contest, many Democratic voters will cross over and vote for Ron Paul, making the Republican primary a shambles.

I see no economic advantage, no political advantage, and a \$10.4 million financial disadvantage to pursuing our appeal. I hope the Supreme Court brings an end to this gambit.

Senator Gleason's statement is as follows:

I rise with a great deal of sorrow today. We lost a legendary Irishman from Genesee County, and a great deal of his life was spent in the Upper Peninsula. His name was Robert Flynn. Bobby was quick with a jive and quick with a limerick and over the lyric. He was well-known around the Newberry area in the U.P. and Genesee County, in particular, for his Irishness. Bobby Flynn passed away November 15 up in his deer blind in Newberry, Michigan. I came home last night to the news that he was being buried today at 1 p.m. They are saying his farewells to him today up in Genesee County.

Bobby was born May 6, 1936, and I knew him well. I want to thank you for your diligence in allowing me to say a few words about this longtime friend.

Just a quick story. Our daughter's name is Clancey Rose, and Bob loved to sing all the Irish songs that he knew. Every time we'd have a gathering, our little daughter was blessed with Bobby Flynn singing, "Clancey Lowered the Boom." Now in our daughter's younger years, she would always get up on the stage and dance at all the Irish gatherings.

Bob Flynn always gave more than he took in life. He was a member of many fraternal organizations. He was a character and we don't have enough of them in life anymore. Bob Flynn knew hundreds, literally hundreds, of western, country, and Irish songs. If you mentioned a song, he could sing it. If you mentioned a story, he could sing that as well.

I told the family in written mode earlier today that many people in life are asked where were they when John F. Kennedy or Dwight Eisenhower died. But if you knew Bobby Flynn, you would say, where were you when Bobby Flynn lived? He had that ability, the magnetism, and the charisma of a true typical Irishman.

I'd just like to leave Bobby Flynn, since I can't be at his funeral today, he gave me a poem when I was quite young. I think it's quite fitting today:

"There's a love of a stout true man, and there's a love of beautiful fair maiden.

There's a love of a baby unafraid that's went on since time began.

But the greatest love and the truest love, even stronger than that of Mother,

Is the infinite, passionate, wonderful love of one Irishman for another."

So God bless Bobby Flynn, his soul, and his family.

Senator Cherry's statement is as follows:

I rise today to express my disappointment that we once again did not solve the problem, but instead we delayed this issue. On Tuesday, as was stated, the Treasury Department will be sending out notices to all businesses within the state of Michigan because we did not finish our job today. Those businesses are going to be very confused, and they are spending, I think, the tag that I saw last week was something like \$14 million a day just to get ready for implementation

of the service tax. So while we are talking, they are spending money trying to figure out how to comply with something that may or may not exist on December 1. So I am very disappointed that we could not solve this problem today and instead have shifted it.

To the Senator from Oakland County, the 13th District, the conference committees that we had for our budget shut people out. They did not bring people together. There were conference committees that dealt with only one or two people solving a problem. House Bill No. 5408 actually brought a large group of people together, they took testimony, and they took time in committee to come up with a solution that was comprehensive in nature. The conference committee, by the nature of it, includes very few people; they do not have to talk to anybody else to solve that problem. They simply need to figure out a solution that they think can get passed. It is not the best procedure for solving a problem.

Today was the best procedure for that, I think, where we could have all come together in a bipartisan fashion. I'm very disappointed that we did not do that.

Senator Brown's statement is as follows:

For those members who are still here, inasmuch as the presidential primary was discussed a short while ago, some random thoughts. The presidential primary effort to advance the primary in Michigan and make Michigan a player in the national sweepstakes, as some people have said, make Michigan relevant, I think that is appropriate. It was just simply an opportunity to give people an opportunity to participate in one of the most significant voting decisions of our time. So, yes, it was an opportunity to encourage greater voter participation which just might encourage a greater sense of citizen awareness.

This, in turn, might encourage, dare I say, greater citizenship. Greater citizenship might change the tenor of our debate and our discourse—less shrill, more civil.

Mr. President, on this Thanksgiving Day week, I'm thankful to the God who created us for the privilege to be an American. I trust it's so with you.

Senator Basham's statement is as follows:

There's been a lot of comments from both sides of the aisle about what this solution does or doesn't do to fix Michigan's business woes; if we'd acted on House Bill No. 5408 as it came to us. There were some comments about how it hurts businesses, and in reading my analysis in support of House Bill No. 5408, it says the Michigan Manufacturers Association supports it; Detroit Regional Chamber supports it; the Grand Rapids Chamber supports it; the Insurance Institute of Michigan supports it; specifically, Ford Motor Company, General Motors, Chrysler, AT&T, Meijer, EDS, Kellogg's, Herman Miller, Alticor, Dow, Whirlpool, Delphi, Strategic Staffing Solutions, Northwest Airlines, Amerisure Insurance, AAA, Steelcase, Guardian, Jackson National Life Insurance, Auto-Owners Insurance—they all support House Bill No. 5408 the way it was presented to the Senate. The only opposition I see here to that House bill on my paper, it says the Michigan Chamber opposes it.

So I would ask my colleagues who want to work together, maybe you should tell the Michigan Chamber that they should work with members of this chamber, both the Democratic and Republican sides of the aisle, because, certainly, there are a lot of businesses who support House Bill No. 5408 as it came to this chamber.

The majority party in this chamber talks about working together. The majority party needs to talk with minority members of this chamber to come up with a solution to our budget woes. If we continue to do one-time fixes, shifts, and raids of restricted funds, it's not in the best interest of the state of Michigan. This chamber raided \$70 million out of the revolving petroleum fund. That was a restricted fund. Just today, I read a survey that concluded that Michigan per capita spends less money than any other state on environmental issues.

We're going down a road, my friends, and it's a road that we should not be so proud of. We talk about working together. We should actually come together, work together, come up with a solution, and go home and enjoy our families. I would encourage members on both sides of the aisle to work together to come up with a reasonable solution.

Senator McManus' statement is as follows:

The other side wants to talk about gamesmanship. I've heard that word here today. Yes, the presidential primary bill is in the courts, but I think you left out a few details. The Senate had a fix. Do you remember that opportunity? Instead of moving that particular piece of legislation, the Senate Democrats have ensured that Michigan—we here in Michigan—will remain on the sidelines; remain on the sidelines again.

My colleague from the 19th District, and some of the other individuals in his caucus, used a procedural vote to block a measure that would have allowed the citizens of this state the opportunity to voice their opinions in a presidential primary. That's gamesmanship, not moving the process forward. Plus, to add insult to injury, the House has decided to not even be here this week and not even take up the bill—more gamesmanship.

You know, my last hope is that the Supreme Court will give Michigan citizens the voice the Democrats have denied.

Senator Cropsey's statement is as follows:

I find it interesting some of the comments that have been made. The service tax, or the tax on services, was obviously proposed by the Governor. It was a bill that came out of the House of Representatives. It was supported by almost every

Democrat in the House of Representatives, opposed by almost every Republican in the House of Representatives, and the same thing happened over here in the Senate. It was a tax that the Democrats uniformly supported, except for one. I believe that it was a tax that the Republicans uniformly opposed, except for two or three of us, and it was signed by the Democratic Governor. The service tax is a Democrat tax, pure and simple.

It is also a tax that the business community hated. People hated it. It was a new tax. Everybody knew that once it was implemented as a brand-new tax that whenever the government decided it could not control its spending, as it has not been able to control its spending now for several years, then they would keep expanding the tax to bring in new people all the time. It was a tax that needed to go. The fact is, I want to commend the Finance Committee for holding a hearing this last week; having a good hearing which the business community came in and mentioned vehemently that this tax needed to go.

I wanted to thank the Senators from the 25th and 28th Districts for coming up with a very good alternative on this that we have just sent back over to the State House of Representatives today. Obviously, the service tax was going to have a devastating effect upon the business community, upon the job providers of this state. One thing we don't need to do is drive more job providers out of this state. The fact is, this tax was so bad that even though the Governor had proposed it and signed it, the Governor has wanted to have it eliminated. Even though it passed with almost unanimous support from the Democrats in the House of Representatives, they have seen the error of their ways. They have passed legislation over here to eliminate that service tax. We passed legislation back eliminating the service tax.

Now there are changes and differences between the House and the Senate. But, yet, obstructionists on the other side are saying they don't like the idea of conference reports. That's part of the process. Let's be grown-up. We know we've been around here for a long time and that the way you settle differences between the two bodies is you go to conference committee reports. That is what we are doing. It is unfortunate that the House of Representatives is not here today so that we can have the conference committee meet right away and go into serious negotiations on how we are going to get rid of this dreadful, dreadful service tax. I don't think the idea of attacking the idea of conference committees is the way to do that.

By the way, I just wanted to say to everybody, happy Thanksgiving. Isn't this a great country where we can come together, disagree, debate our disagreements, but yet, still walk away as friends and as a civil government? It's a government in which, yeah, we did have our disagreements and we do have our disagreements, but yet, it is a free country and, boy, it's wonderful to live in a free country where we can do this and not be settling things at the end of a gun because we don't like another person's ideas. I am very thankful to God for living in a country as great as this one is.

## **Committee Reports**

### **COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:

Meeting held on Thursday, November 15, 2007, at 1:10 p.m., Room 110, Farnum Building

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

Excused: Senators McManus, Prusi and Jacobs

## **Scheduled Meetings**

### **Appropriations -**

#### **Subcommittee -**

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

**Health Policy** - Wednesday, November 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

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

**State Drug Treatment Court Advisory Committee** - Tuesday, November 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-1212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 1:46 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, November 27, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

