

No. 127
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, December 5, 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—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

Pastor Jim Carrel of Perry Baptist Church of Perry offered the following invocation:

Father in Heaven, we humbly bow, recognizing that You are the sovereign ruler of the universe. We praise You for Your goodness and Your greatness. We stand in awe of You as the all-powerful and all-wise God.

We thank You for the promise that when we ask for wisdom, You give it to us generously, and I ask that You give these leaders wisdom today, that You would bless them and encourage them. I ask that You would strengthen them for their important work.

This morning we think of those who are suffering hardship because of lack of work and we pray that You would provide for them and care for them, especially during this Christmas season. We ask that You would bring businesses and jobs to our state.

Father, we thank You for the Christmas season where we celebrate the gift of Your Son and our Saviour. May the joy, peace, and love of this season last all year long. We ask for Your blessings on our state, and help us to live our lives worthy of Your blessing.

And now I ask that You would guide this assembly as they do the people's business today. May You be honored in all we do. We ask these things in Jesus' name. Amen.

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

Motions and Communications

Senators Jansen and Bishop entered the Senate Chamber.

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Hardiman admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Senator Anderson moved that Senators Barcia, Brater, Hunter and Thomas be temporarily excused from today's session.

The motion prevailed.

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:15 a.m.

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

During the recess, Senator Hardiman introduced the NorthPointe Christian High School Girls Varsity Cross Country Team, 2007 MHSAA Division 4 State Champions, and Coach Todd Schenck, Division 4 Coach of the Year; and presented them with Special Tributes.

Coach Schenck responded briefly.

During the recess, Senators Thomas, Kahn and Brater entered the Senate Chamber.

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointment:

Michigan State Waterways Commission

Mr. Michael J. Bryanton of 523 Bainbridge Drive, #42, East Lansing, Michigan 48823, county of Ingham, succeeding Todd A. Wyett, whose term has expired, representing the general public, for a term commencing October 26, 2007 and expiring September 18, 2010.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 4:
House Bill Nos. 4940 4941 4942 4943 4944 4945 5443 5444 5445 5446 5447 5449

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 4, for her approval the following bills:

Enrolled Senate Bill No. 799 at 12:25 p.m.

Enrolled Senate Bill No. 757 at 12:27 p.m.

The Secretary announced that the following official bill was printed on Tuesday, December 4, and is available at the legislative website:

Senate Bill No. 945

Messages from the Governor

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

Senate Bill No. 436

Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

Michigan State Waterways Commission

Mr. Michael J. Bryanton of 523 Bainbridge Drive, #42, East Lansing, Michigan 48823, county of Ingham, succeeding Todd A. Wyett, whose term has expired, representing the general public, for a term commencing October 26, 2007 and expiring September 18, 2010.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 521

Yeas—36

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

Nays—0

Excused—2

Barcia

Hunter

Not Voting—0

In The Chair: Richardville

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 Clarke 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:

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.

Senate Bill No. 711, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

Senate Bill No. 712, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

Senate Bill No. 713, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

Senate Bill No. 714, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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. 710, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 101 and sections 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10204, and 20165 (MCL 333.10101, 333.10102, 333.10103, 333.10104, 333.10105, 333.10106, 333.10107, 333.10108, 333.10109, 333.10204, and 333.20165), section 10102 as amended by 2003 PA 62, section 10104 as amended by 2005 PA 140, section 10108 as amended by 2006 PA 301, section 10204 as amended by 1999 PA 60, and section 20165 as amended by 1998 PA 108, and by adding sections 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, and 10123; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 35, line 21, after "**PART**" by striking out the balance of the subsection and inserting "**ARE PERMISSIBLE IF THEY ARE NOT CONTRAINDICATED BY APPROPRIATE END-OF-LIFE CARE AS DETERMINED BY THE STATED WISHES OF THE PROSPECTIVE DONOR, BY A WRITTEN ADVANCE HEALTH CARE DIRECTIVE, OR, IF APPROPRIATE, BY THE HOSPICE MEDICAL DIRECTOR.**".

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.

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

Senate Bill No. 715, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206, 5506, 5507, 5508, and 5510 (MCL 700.3206, 700.5506, 700.5507, 700.5508, and 700.5510), section 3206 as added by 2006 PA 299 and sections 5506, 5507, 5508, and 5510 as amended by 2004 PA 532.

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

1. Amend page 5, line 6, after "**333.10123.**" by inserting "**THE AUTHORITY REGARDING AN ANATOMICAL GIFT UNDER THIS SUBSECTION MAY INCLUDE THE AUTHORITY TO RESOLVE A CONFLICT BETWEEN THE TERMS OF THE ADVANCE HEALTH CARE DIRECTIVE AND THE ADMINISTRATION OF MEANS NECESSARY TO ENSURE THE MEDICAL SUITABILITY OF THE ANATOMICAL GIFT.**".

2. Amend page 6, line 27, after "**333.10123.**" by inserting "**THE STATEMENT REGARDING AN ANATOMICAL GIFT UNDER THIS SUBSECTION MAY INCLUDE A STATEMENT OF THE PATIENT'S DESIRES REGARDING THE RESOLUTION OF A CONFLICT BETWEEN THE TERMS OF THE ADVANCE HEALTH CARE DIRECTIVE AND THE ADMINISTRATION OF MEANS NECESSARY TO ENSURE THE MEDICAL SUITABILITY OF THE ANATOMICAL GIFT.**".

3. Amend page 7, line 3, after "treatment," by striking out "or".

4. Amend page 7, line 3, after "gift" by inserting a comma and "**OR THE RESOLUTION OF A CONFLICT BETWEEN THE TERMS OF THE ADVANCE HEALTH CARE DIRECTIVE AND THE ADMINISTRATION OF MEANS NECESSARY TO ENSURE THE MEDICAL SUITABILITY OF THE ANATOMICAL GIFT**".

5. Amend page 7, line 7, after "exercise" by striking out the balance of the line through "gift" on line 9 and inserting "**THE POWERS DESCRIBED IN SUBSECTION (1)**".

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

During the Committee of the Whole, Senators Hunter and Barcia entered the Senate Chamber.

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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 710

Senate Bill No. 711

Senate Bill No. 712

Senate Bill No. 713

Senate Bill No. 714

Senate Bill No. 715

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

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

Senate Bill No. 925

Senate Bill No. 710

Senate Bill No. 711

Senate Bill No. 712

Senate Bill No. 713

Senate Bill No. 714

Senate Bill No. 715

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 925, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 395 (MCL 18.1395), as amended by 2007 PA 2.

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. 522

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 710, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 101 and sections 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10204, and 20165 (MCL 333.10101, 333.10102, 333.10103, 333.10104, 333.10105, 333.10106, 333.10107, 333.10108, 333.10109, 333.10204, and 333.20165), section 10102 as amended by 2003 PA 62, section 10104 as amended by 2005 PA 140, section 10108 as amended by 2006 PA 301, section 10204 as amended by 1999 PA 60, and section 20165 as amended by 1998 PA 108, and by adding sections 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, and 10123; and to repeal acts and parts of acts.

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. 523

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 711, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

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. 524

Yeas—38

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer

Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 712, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

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. 525

Yeas—38

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators Jacobs and Gleason asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' statement is as follows:

I want to share a personal story because I hope this package of bills will help other people when they have important decisions to make. A few years ago, my mother was very, very ill in a hospital in Florida. My mom had made very expressed wishes in terms of how she wanted to handle her death. We had a DNR order and she signed a living will. My sister and I knew exactly how she wanted to be treated at the end of life. She did have a life-threatening incident. They came in with the crash carts, and because I knew what my mother wanted, it was very easy for me to say, "Don't do anything, leave, don't bring in the crash cart."

Then they asked me if I wanted to donate my mother's organs, and it was not anything we had discussed before. My sister was out of town. I was the only family member there, and I had to say, even though I personally would have liked to have done that, I didn't know what my mother would have wanted. So, regretfully, I had to say, "No."

My hope is that through legislation like this, more of us will not only have our own living wills in order, but that we really encourage our parents to make their wishes known so that family members aren't given very, very tough decisions. So, anyways, I just wanted to share that story. I think this is very important, and I really want to thank Senators Gleason and George for being such an important part of bringing this issue to the forefront in Michigan.

Senator Gleason's statement is as follows:

I rise with a personal experience. You've heard me speak on this many times, and I can assure you that you'll hear my words many more times in the future in regard to organ donation. I want to say that this is a totally bipartisan effort. We use that word haphazardly from time to time. I want to thank again Senator George. I think his uniqueness in his profession has offered a level of responsibility to this debate. I know he lives in an environment where every single day he sees the need for organ donations, for transplants, for the gift of life.

There has been a great deal of confusion, and sometimes, there has been a lot of angst against the organ donation process. Only a few years ago, we saw where there was a doctor in an affiliation out on the West Coast who was caught selling organs on the black market. We, in this chamber, a few months ago celebrated the courageous efforts by the University of Michigan transplant team who lost their lives trying to transport lifesaving organs across state lines into Wisconsin. We hear from time to time that those in other countries actually sell organs for lifesaving efforts.

I think this is really important legislation because it removes a lot of the opportunities for fraud. Michigan now will be at the forefront. We've elevated debate about the necessary need for donations, but we've also added a sense of responsibility and integrity to the whole process. This is only the beginning. As Senator George mentioned earlier, the number of lives that are lost daily, it depends on the organization and who is doing the calibration for the number of lives, but some organizations say sixteen, others say eighteen lives are lost every single day waiting for lifesaving organs.

I want to thank all of the Senators because now you will have an individual part, you will have a very important role today in passing this legislation, and this is a bipartisan effort. This makes Michigan much more responsible in how we procure the organs and how we save lives. I'd like to thank every member of this chamber for taking this issue to heart. We have become a much better state because of this legislation, and I thank all of those who played an integral part, those main sponsors, and those of you who added your names to sponsorship this responsible legislation as well.

The following bill was read a third time:

Senate Bill No. 713, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

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. 526

Yeas—38

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

Brown
Cassis
Cherry

Hardiman
Hunter
Jacobs

Patterson
Prusi

Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 714, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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. 527

Yeas—38

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 715, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 3206, 5506, 5507, 5508, and 5510 (MCL 700.3206, 700.5506, 700.5507, 700.5508, and 700.5510), section 3206 as added by 2006 PA 299 and sections 5506, 5507, 5508, and 5510 as amended by 2004 PA 532.

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. 528

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

House Concurrent Resolution No. 52.

A concurrent resolution to call for changes in state tax and housing policy to deal with urban areas that are subject to high rates of home mortgage foreclosure and tax delinquency.

Whereas, Michigan leads the nation in the rate of home mortgage foreclosures. This problem is particularly acute in our urban areas where the state’s economy has been hit the hardest, and where predatory lending practices and redlining have further contributed to the problem. Tax delinquency is also a pressing concern in our urban core communities. Clearly, efforts to support homeownership pay dividends to us all. While mortgage foreclosure is a free market business issue and tax delinquency is a public concern, these problems have common economic and social roots. Potential solutions may likewise be available to address both of these problems. It will require a long-run public-private commitment to home ownership, housing preservation, and community development; and

Whereas, In the more immediate term, an investment in preserving homeownership must begin with intergovernmental cooperation and the assistance of the local financial community. The state could be a leader in this effort with initiatives to reduce the property tax burden on those in urban neighborhoods with high rates of mortgage foreclosure and tax delinquency through the establishment of “Local Protected Tax Zones,” defined as specific geographical areas within a local jurisdiction identified by the local unit as being critical to the preservation of residential property values; and

Whereas, As envisioned, the Department of Treasury could designate up to two local protected tax zones in an eligible community each year. The department would select these zones based on demonstrated need, evidence of a residential

property value stabilization plan, identification of a local nonprofit plan manager, and the submission of any applicable administration fees. In addition, under its rights of first refusal pursuant to the reforms associated with 1999 PA 123's expedited property tax foreclosure process, a foreclosing governmental entity could transfer reverted properties within these local protected tax zones to the nonprofit residential property value stabilization plan manager on a minimum bid basis. The refurbishing and reuse of these properties would be a critical component of this property value stabilization effort; and

Whereas, In recognition of the immediacy of the problem, the state of Michigan should adopt a pilot local protected tax zone initiative. The Northwest Detroit Community Coalition, and its preferred nonprofit manager, National Faith Home Buyers in zip codes 48221 and 48235, stands ready to take reverted properties for reuse and community renewal. The state, in cooperation with the city of Detroit and the United States Department of Housing and Urban Development, could design and launch the pilot program within the zone associated with the Detroit Housing Commission's Scattered Site Program; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we hereby call for changes in state tax and housing policy to deal with urban areas that are subject to high rates of home mortgage foreclosure and tax delinquency; and be it further

Resolved, That copies of this resolution be transmitted to the Offices of the Governor and the Mayor of the city of Detroit, the Michigan Department of Treasury, the Detroit City Council, the Wayne County Treasurer, and the United States Department of Housing and Urban Development.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Banking and Financial Institutions.

The motion prevailed.

Senators Barcia, Gleason, Hunter and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Allen introduced

Senate Bill No. 946, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 22e.

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

Senator Patterson introduced

Senate Bill No. 947, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10q (MCL 460.10q), as added by 2000 PA 141, and by adding sections 10dd, 10ee, 10ff, and 11; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Hunter, Anderson, Clarke, Olshove, Cherry, Jacobs, Scott, Barcia, Brater, Schauer and Thomas introduced **Senate Bill No. 948, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

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

Senators Anderson, Clarke, Hunter, Olshove, Cherry, Jacobs, Scott, Barcia, Brater, Schauer and Thomas introduced **Senate Bill No. 949, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32a (MCL 125.1432a), as amended by 2004 PA 535.

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

Senators Clarke, Anderson, Hunter, Olshove, Cherry, Jacobs, Scott, Barcia, Brater, Schauer and Thomas introduced **Senate Bill No. 950, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 24f.

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

Senators Thomas, Clarke, Anderson, Hunter, Olshove, Cherry, Jacobs, Scott, Barcia and Brater introduced

Senate Bill No. 951, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 1 (MCL 125.1401), as amended by 1998 PA 33.

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

Senators Olshove, Clarke, Anderson, Hunter, Cherry, Jacobs, Scott, Barcia, Brater, Schauer and Thomas introduced **Senate Bill No. 952, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32 (MCL 125.1432), as amended by 2004 PA 535.

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

Senators Whitmer, Pappageorge, Hardiman and Brater introduced

Senate Bill No. 953, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1203a (MCL 339.1203a), as added by 1997 PA 97.

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

Senators Richardville, Patterson, Anderson, Gilbert, Kuipers, Pappageorge, Basham, Kahn, Hardiman, Jansen, Cropsey and Garcia introduced

Senate Bill No. 954, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 387 (MCL 750.387), as amended by 1998 PA 311.

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

Senators Richardville, Kuipers, Anderson, Pappageorge, Gilbert, Basham, Kahn, Hardiman, Patterson, Jansen, Cropsey and Garcia introduced

Senate Bill No. 955, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2005 PA 106.

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

House Bill No. 4940, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 101 and sections 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10204, and 20165 (MCL 333.10101, 333.10102, 333.10103, 333.10104, 333.10105, 333.10106, 333.10107, 333.10108, 333.10109, 333.10204, and 333.20165), section 10102 as amended by 2003 PA 62, section 10104 as amended by 2005 PA 140, section 10108 as amended by 2006 PA 301, section 10204 as amended by 1999 PA 60, and section 20165 as amended by 1998 PA 108, and by adding sections 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, and 10123; 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 and referred to the Committee on Health Policy.

House Bill No. 4941, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

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 Health Policy.

House Bill No. 4942, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

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 Health Policy.

House Bill No. 4943, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

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 Health Policy.

House Bill No. 4944, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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 Health Policy.

House Bill No. 4945, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206, 5506, 5507, 5508, and 5510 (MCL 700.3206, 700.5506, 700.5507, 700.5508, and 700.5510), section 3206 as added by 2006 PA 299 and sections 5506, 5507, 5508, and 5510 as amended by 2004 PA 532.

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 Health Policy.

House Bill No. 5443, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32a (MCL 125.1432a), as amended by 2004 PA 535.

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 Banking and Financial Institutions.

House Bill No. 5444, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

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 Banking and Financial Institutions.

House Bill No. 5445, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 24f.

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 Banking and Financial Institutions.

House Bill No. 5446, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32 (MCL 125.1432), as amended by 2004 PA 535.

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 Banking and Financial Institutions.

House Bill No. 5447, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 1 (MCL 125.1401), as amended by 1998 PA 33.

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 Banking and Financial Institutions.

House Bill No. 5449, entitled

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending sections 4 and 5 (MCL 141.934 and 141.935), section 4 as amended by 2002 PA 405 and section 5 as amended by 1987 PA 282.

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 Local, Urban and State Affairs.

Statements

Senators Scott and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

The National Training School for Women and Girls of Washington, D.C., was founded in 1911. It was the first educational and vocational school in the nation specifically for black females. And their motto, created by their dynamic founder and headmistress Nannie Burroughs, was, "We specialize in the wholly impossible." "We specialize in the wholly impossible." Well, that just pleases me because some days I feel like that could be my motto too.

During my years in the Legislature, the subject of insurance and economic slavery has certainly become my specialty. And some days my mission to bring insurance reform to Michigan residents certainly does seem impossible. But then I remember why I'm doing it and who I'm doing it for, and I'm re-energized to continue in my efforts because I really believe that eventually my efforts are going to meet with success. You just watch.

Senator Clark-Coleman's statement is as follows:

I am honored today to recognize one of our great high schools in the Detroit public school system. I don't know how many of you saw the news reports within the last day or so, but the *U.S. News & World Report* did a survey of 18,000 high schools around the country. They ranked them; and in the top tier, rated as the best public high school in the state of Michigan is Detroit Renaissance High School, which is in my district. Around the country, they were also rated one of the best public high schools; in the top tier.

I am so proud of the great job that Detroit Renaissance High School is doing over there. They have an average G.P.A. of 3.0, but most of them are a lot higher. They achieve large numbers of scholarships. So I am honoring them today because they just received that award, but I am going to be formally recognizing them. Very shortly, you will see the crowning glory of the Detroit Public Schools coming up here to be recognized for such a wonderful honor.

Committee Reports

The Committee on Commerce and Tourism reported

House Bill No. 5101, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2006 PA 661.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, December 4, 2007, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, December 4, 2007, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville, Pappageorge, Hunter, Olshove and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, December 4, 2007, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Jelinek and Brater

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Wednesday, December 5, 2007, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Jelinek, Cropsey, Hardiman, Pappageorge, Switalski, Cherry and Clark-Coleman

Absent: Senators Brown and Scott

Scheduled Meetings

Energy Policy and Public Utilities - Thursday, December 6, 1:00 p.m., Room 210, Farnum Building (373-7350)

Families and Human Services - Thursday, December 6, 2:30 p.m., Room 110, Farnum Building (373-0797)

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

Senator Cropsey moved that the Senate adjourn.

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

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, December 6, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

