

No. 116  
STATE OF MICHIGAN  
**Journal of the Senate**  
94th Legislature  
REGULAR SESSION OF 2007

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Senate Chamber, Lansing, Tuesday, November 6, 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

Dr. Russell Bone of Lincoln Park Church of Christ of Lincoln Park offered the following invocation:

Heavenly Father, we come before You today to ask You to help us with our spiritual equilibrium and our values. Blessed are You, O Lord our God; hallowed is Your name. Yours, O God, is the greatness and the power and the glory and the majesty and the splendor for everything in heaven and on earth. You've created all and everything, and You are exalted as head over all. So, Father, into our hearts we commit this prayer and exalt You for everything.

Father, we thank You for the family You've ordained on this earth to be the first institution of strong leadership, spiritual knowledge, growth, love, support, and worship. Father, we ask You to help us unite our families. Help us to place a high value on our family life. Give us wisdom and courage and strength to lead our families. Give us wisdom and courage and strength to lead our youth who will be America's leaders of this century.

Father, every day they are bombarded with violence and crime and immorality. Give them wisdom and discernment. Father, we pray that You'll give them boldness to speak the truth in love. Give our children courage, Father, to confront evil in the schools and communities, and give them the ability to work together as they do Your will.

Father, we ask You to be a part of saving our communities along with these Senators. Give them the ability to work together here as they do Your will. Father, strengthen their faith, and help them to be in places of hope and healing. Father, help these officials. Help them, Father, to unify our communities. Help them, Father, to send out strong leaders, and bless their efforts to reclaim our neighborhoods.

Father, we are grateful for these governmental leaders. Our leaders at every level—local, state, and national—are under tremendous pressure and temptation. Father, they need our prayers, and they need to know that we are praying for them. Father, we ask that You'll help these leaders serve You in a manner worthy of their position of authority. Give them strength to oppose darkness. Help them to bring a positive change, Father, as we continue to be positive in this country. Help them to reflect the values in their work. Help them to lead with action and not with words.

Father, we are the recipient of so many blessings, and we've enjoyed a measure of peace and prosperity. We've abounded in wealth and power as no other nation, Father, has ever grown. We pray, O Lord, for You to entrust our leadership of this nation in this moment of history. We pray that You'll help them bring our state together and we may rise above partisan politics and seek a larger vision of Your will for our nation.

Father, use them to reconcile between the races to heal our political wounds, that we may truly become one nation under You. Father, bless these Senators. Give them calmness in the face of the storms that they are facing; Father, encouragement in the face of all the frustrations and humility in the face of success. Father, give them the wisdom to know and to do what is right and the courage to say no to all that is contrary.

We pray, Father, especially for these Senators' families, especially their spouses, that they may sense Your presence and comfort as they spend so much time serving us. Bless them, Father. Give them strength beyond all measure, courage beyond measure, and wisdom beyond their years. May this be the beginning of a new dawn for this great state as we humble ourselves before You.

Search us, O God, and know our hearts today. Father, please cleanse us from sin. Guide us and bless these men and women as they have been sent to direct us to the center of Your will. We pray this in His name. Amen.

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

### **Motions and Communications**

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

The following communication was received:  
Department of Human Services

November 1, 2007

MCL 400.713 of 1979 PA 218 and MCL 333.20162 of 1978 PA 368 require the Department of Human Services to prepare a License Issuance Summary Report for adult foster care facilities and homes for the aged facilities. Our report for Fiscal Year 2007 is attached.

The attached report contains the following information:

- (a) The number of initial and renewal applications the department received and completed within the 6-month time period.
- (b) The number of applications requiring a request for additional information.
- (c) The number of applications rejected.
- (d) The number of licenses not issued within the 6-month period.
- (e) The average processing time for initial and renewal licenses granted after the 6-month period.

If you have any questions regarding this information, please contact James B. Gale, Director of the Bureau of Children and Adult Licensing, at (517) 241-5462.

Sincerely,  
Ismael Ahmed

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Thursday, November 1, and are available at the legislative website:

**Senate Bill Nos. 868 869**  
**House Bill Nos. 5397 5398 5399 5400 5401 5402 5403 5404 5405 5406 5407 5408 5409**

The Secretary announced that the following official bills were printed on Friday, November 2, and are available at the legislative website:

**Senate Bill Nos. 864 865 866 867 870 871 872 873 874 875 876 877 878**

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 would like to introduce to you today Ms. Stacy Brown. It gives me great pleasure today to introduce to you Ms. Stacy Brown who has served as an intern in my office since August, and she is also a constituent of mine from Waterford. Stacy has been a tremendous asset to my office during her internship. She is genuinely interested in the legislative process and has displayed a great deal of dedication and commitment.

Today is her last day and we are going to miss her tremendously. She is leaving to complete her master's degree in public policy from the University of Michigan-Dearborn and to also pursue full-time employment. We in our office wish her the best of luck in all her future endeavors.

I would like to express my appreciation to her for the time and effort that she has put into this internship because she has done a tremendous job. I would like to ask my colleagues to congratulate her.

### Messages from the Governor

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

**Senate Bill No. 436**

The motion prevailed.

The following messages from the Governor were received:

Date: October 31, 2007

Time: 2:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 231 (Public Act No. 117), being**

An act to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(Filed with the Secretary of State on October 31, 2007, at 4:25 p.m.)

Date: October 31, 2007

Time: 2:53 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 234 (Public Act No. 118), being**

An act to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2008; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(Filed with the Secretary of State on October 31, 2007, at 4:27 p.m.)

Date: October 31, 2007  
Time: 9:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 235 (Public Act No. 126), being**

An act to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(Filed with the Secretary of State on October 31, 2007, at 10:31 p.m.)

Date: October 31, 2007  
Time: 9:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 233 (Public Act No. 125), being**

An act to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(Filed with the Secretary of State on October 31, 2007, at 10:29 p.m.)

Date: November 1, 2007  
Time: 8:07 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 350 (Public Act No. 132), being**

An act to establish the animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

(Filed with the Secretary of State on November 1, 2007, at 10:28 a.m.)

Date: November 1, 2007  
Time: 8:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 347 (Public Act No. 133), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending sections 437 and 440 (MCL 206.437 and 206.440), section 437 as added by 2005 PA 249 and section 440 as amended by 2005 PA 160, and by adding section 435.

(Filed with the Secretary of State on November 1, 2007, at 10:30 a.m.)

Date: November 1, 2007  
Time: 8:22 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 348 (Public Act No. 134), being**

An act to establish the Amanda’s fund for breast cancer prevention and treatment in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

(Filed with the Secretary of State on November 1, 2007, at 10:32 a.m.)

Date: November 1, 2007  
Time: 8:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed  
**Enrolled Senate Bill No. 16 (Public Act No. 135), being**

An act to establish the prostate cancer research fund in the department of community health; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

(Filed with the Secretary of State on November 1, 2007, at 10:34 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received:

October 31, 2007

Today I have signed Enrolled Senate Bill 234 containing a total of \$1,301,230,700 in fiscal year 2008 appropriations for the Department of Labor and Economic Growth.

This budget will provide the funding necessary for the department to support the safety and economic well being of the state through effective regulatory oversight, consumer protection services, and workforce training programs. The budget bill provides initial support for the new No Worker Left Behind and Michigan Nursing Corps initiatives, which will help thousands of Michigan workers acquire the skills necessary to transition to new, well-paying careers, and help alleviate Michigan's severe nursing shortage.

However, the Legislature reinstated two boilerplate sections that remain unenforceable. Section 337 amends by reference powers granted to the Commissioner of the Office of Financial and Insurance Services established in the Insurance Code of 1956, in violation of Article IV, Section 25 of the State Constitution of 1963. Section 355 amends by reference provisions in the Michigan Occupational Safety and Health Act, also in violation of Article IV, Section 25 of the State Constitution of 1963.

I thank the Legislature for its work in completing the fiscal year 2008 budget for the Department of Labor and Economic Growth.

Sincerely,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received and read:

#### APPROPRIATIONS; DEPARTMENT OF AGRICULTURE

October 31, 2007

Today I have signed Enrolled Senate Bill 222, the FY 2008 appropriations bill for the Department of Agriculture. However, I am returning it to you because of items of which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

This bill provides \$109.4 million for programs that protect the health and safety of Michigan's residents, provide consumer protection, ensure animal health, and promote agriculture and the horse racing industry.

However, I have vetoed the appropriation for the cooperative resources management initiative program. I cannot support use of general fund revenues for this discretionary program during these tough fiscal times. This action is consistent with my veto of the same within Enrolled House Bill 4354.

I have also vetoed language section 703, which requires the Department of Agriculture to grant \$30,000 to the Northwest Michigan Horticultural Research Station, which specializes in cherry industry research, as this is not part of the core functions of this department.

In addition, I believe that Section 902 is legally unenforceable, as it attempts to amend Public Act 431 of 1984 by reference.

This bill supports the essential operations of the Department of Agriculture. I commend the Legislature for its work on this budget.

Sincerely,  
Jennifer M. Granholm  
Governor

This bill was signed by the Governor on October 31, 2007, at 9:30 p.m. (Filed with the Secretary of State on October 31, 2007, at 10:35 p.m.) and assigned Public Act No. 128.

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

The following message from the Governor was received and read:

#### APPROPRIATIONS; GENERAL GOVERNMENT

October 31, 2007

Today I have signed Enrolled Senate Bill 229, the fiscal year 2008 General Government budget bill, which provides funding for the departments of Attorney General, Civil Rights, Information Technology, Management and Budget, State, Treasury, the Executive Office, and the Legislature. Also included is \$1.1 billion in funding for revenue sharing grants. However, I am returning it to you because of items of which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

My action today includes vetoes of three items with which I do not concur. I have vetoed the carry forward provisions in section 307 because the language effectively authorizes general fund spending in excess of the funding target for the Department of Attorney General.

Due to a requirement of up-front costs, I have vetoed boilerplate section 724b, which requires the Department of Management and Budget to conduct an extensive inventory of all of the state's personal property to evaluate asset monetization proposals.

I have vetoed boilerplate section 919(2), which requires the Department of Treasury to pay annual dues to the national Conference of Commissioners on Uniform State Laws, as the department is not a member of the organization.

This action completes the fiscal year 2008 General Government appropriation and assures continuation of essential operations of various agencies in the executive and legislative branches of government.

Sincerely,  
Jennifer Granholm  
Governor

This bill was signed by the Governor on October 31, 2007, at 8:35 p.m. (Filed with the Secretary of State on October 31, 2007, at 10:33 p.m.) and assigned Public Act No. 127.

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

The following message from the Governor was received and read:

#### APPROPRIATIONS; DEPARTMENT OF HUMAN SERVICES

October 31, 2007

Today I have signed Enrolled Senate Bill 232, the fiscal year 2008 appropriation for the Department of Human Services (DHS). However, I am returning it to you because of items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

This bill appropriates over \$4.5 billion, an amount that represents a significant commitment to the safety, well-being, independence, and permanency of Michigan's children and families. Highlights of the bill include:

- Full funding of projected caseloads and costs for critical family support programs including the Family Independence Program (\$374.0 million), State Disability Assistance Program (\$34.7 million), and Child Day Care Services (\$409.9 million).
- The appropriation of nearly \$634 million for the Foster Care, Child Care Fund, and Adoption Subsidies programs to provide children with caring families and safe homes.
- Funding of \$43.5 million for services to improve the child welfare system. These services will support guardianship programs for children in foster care and other services to place children in permanent homes.
- Statewide expansion of the Jobs, Education and Training (JET) Program with increased funding of \$18.0 million.
- A commitment of current and new resources to support development of an integrated information technology system (BRIDGES) that will reduce the workload for overburdened staff and increase accuracy of client payments.

My action today vetoes Sections 303(3), 304, 306, 309, and 581, which earmark funds for various special projects that cannot be supported during these tight fiscal times.

I have vetoed Section 908. The department is already piloting a similar effort to increase child support collections and I await the results of that pilot before instituting a new project.

I have vetoed Section 576, which increases adoption rates above the amount agreed to during budget negotiations. I am directing the Department of Human Services to implement a 4 percent rate increase for adoption providers. Likewise, I have vetoed Section 613, which increases indigent burial rates by over 50 percent. I am directing the department to implement the burial rates currently established by Administrative Rule.

I have also vetoed Section 531, which allocates \$5 million in Title IV-E revenues to local units of government. I continue to support the existing policy, which splits the revenue equally between the state and the counties.

I have vetoed language in Section 574(1), which is inconsistent with discussions during final budget negotiations.

Section 727 is legally unenforceable because it attempts to amend 1974 PA 150, MCL 803.305 by reference without republication.

Finally, Section 684 expresses legislative intent that the maximum number of day care hours remain at 100 per two-week period. This section cannot be implemented because the funding in Part 1 was reduced to reflect a reduction in day care hours to 90.

While I have found it necessary to make some modifications to the bill, I am pleased that the Legislature met targeted funding levels while protecting key DHS programs and initiatives. I appreciate the Legislature's cooperation in the development of a particularly difficult budget and your effort to focus on preserving the services to vulnerable families and children.

Sincerely,  
Jennifer M. Granholm  
Governor

This bill was signed by the Governor on October 31, 2007, at 10:00 p.m. (Filed with the Secretary of State on October 31, 2007, at 10:41 p.m.) and assigned Public Act No. 131.

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

The motion prevailed.

The following message from the Governor was received and read:

#### APPROPRIATIONS; DEPARTMENT OF STATE POLICE

October 31, 2007

Today I have signed Enrolled Senate Bill 238, which provides \$566.5 million to support the fiscal year 2008 operations of the Department of State Police. I am, however, returning it to you because of one item of which I disapprove, pursuant to Article V, section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

I have vetoed funding for a law enforcement resource study and corresponding boilerplate section 233. This expenditure is unnecessary because the Department of State Police is already working on development of a service delivery model, which reviews where law enforcement services are needed in the state.

This bill supports the essential operations of the Department of State Police and I thank the Legislature for its cooperation in finalizing the fiscal year 2008 budget.

Sincerely,  
Jennifer M. Granholm  
Governor

This bill was signed by the Governor on October 31, 2007, at 9:40 p.m. (Filed with the Secretary of State on October 31, 2007, at 10:39 p.m.) and assigned Public Act No. 130.

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

The motion prevailed.

The following message from the Governor was received and read:

#### APPROPRIATIONS; DEPARTMENT OF TRANSPORTATION

October 31, 2007

Today I have signed Enrolled Senate Bill 240, the FY 2008 appropriations bill for the Department of Transportation. However, I am returning it to you because of items of which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific veto is contained in the attached copy of this bill, which has been filed with the Secretary of State.

This bill provides over \$3.3 billion for rebuilding, repair and maintenance of Michigan's roads and bridges, as well as key intermodal and public transportation programs. My action today:

- Provides over \$2.5 billion in road and bridge construction funds to the Department of Transportation and local road agencies for the preservation, repair, and maintenance of Michigan's transportation network.
- Provides over \$285 million for public transit programs, including \$182.3 million for bus operating assistance grants to local transit agencies.

However, I have again vetoed Section 306(3) that requires the Department of Treasury to develop a cost allocation plan for motor fuel tax collections based on time and effort. I continue to believe this level of administrative oversight by the Legislature is unwarranted.

There are also two provisions contained in this bill that remain unconstitutional, and, therefore unenforceable for the reasons specified below:

1. Section 401 requires legislative approval of federal aid distributions. This section violates the separation of powers doctrine in Article III, Section 2 of the 1963 Constitution of the State of Michigan.

2. Section 732(5) and (6) include withholding provisions that are unenforceable as they attempt to amend by reference 1951 PA 51, MCL 247.664. Since Section 732 addresses an important public policy issue, under my direction, the Department of Transportation has implemented policies and procedures ensuring accessibility to public transportation for all citizens by requiring lifts on transit vehicles be adequately maintained and operable.

Sincerely,  
Jennifer M. Granholm  
Governor

This bill was signed by the Governor on October 31, 2007, at 9:45 p.m. (Filed with the Secretary of State on October 31, 2007, at 10:37 p.m.) and assigned Public Act No. 129.

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

The motion prevailed.

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 Basham as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 682, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 8302, 8303, 8310, 8317, 8325, and 8715 (MCL 324.1301, 324.8302, 324.8303, 324.8310, 324.8317, 324.8325, and 324.8715), section 1301 as amended by 2004 PA 381, section 8302 as amended by 2002 PA 418, section 8303 as amended by 2004 PA 24, section 8310 as amended by 2004 PA 325, section 8317 as amended by 2003 PA 82, and section 8715 as amended by 2000 PA 100, and by adding section 8310a.

Substitute (S-2).

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

**Resolutions**

**Senate Concurrent Resolution No. 20.**

A concurrent resolution to urge the Michigan Office of Financial and Insurance Services to continue its participation in the states-based development of the Nationwide Mortgage Licensing System.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted.

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

The motion prevailed.



Senator Kahn's statement is as follows:

This resolution has the background of being the work product of the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators, and, of course, us in the Legislature. We've worked in tandem for two years to develop the state-based nationwide mortgage licensing system. This system is a web-based database that will act as a single record for state-licensed and registered mortgage companies, branches, and individuals and shared by participating states.

The nationwide mortgage licensing system is scheduled to go live on January 2, 2008. This is the state's answer in bringing more accountability and uniformity to the industry, in light of a potential federal encroachment and regulatory preemption.

I urge its support and I thank you.

#### **Senate Resolution No. 119.**

A resolution to urge the Michigan Office of Financial and Insurance Services to continue its participation in the states-based development of the Nationwide Mortgage Licensing System.

The question being on the adoption of the resolution,

The resolution was adopted.

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

Senators Garcia, Anderson, Switalski, Barcia, Schauer, Gleason and McManus introduced

#### **Senate Bill No. 879, entitled**

A bill to designate the third Sunday in September as Children's Day in the state of Michigan.

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

Senators McManus, Allen, Van Woerkom, Prusi, Barcia and Gleason introduced

#### **Senate Bill No. 880, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4p (MCL 205.94p), as added by 1999 PA 117.

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

Senators McManus, Allen, Van Woerkom, Prusi, Barcia and Gleason introduced

#### **Senate Bill No. 881, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4u (MCL 205.54u), as amended by 2004 PA 173.

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

Senators George, Allen, Pappageorge, Jelinek and Gleason introduced

#### **Senate Bill No. 882, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2, 7, and 8 (MCL 205.422, 205.427, and 205.428), sections 2 and 8 as amended by 2005 PA 238 and section 7 as amended by 2004 PA 164.

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

Senators Allen, George, Pappageorge, Jelinek and Gleason introduced

#### **Senate Bill No. 883, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 3 (MCL 205.53), as amended by 2004 PA 173.

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

### **Statements**

Senators Scott and Garcia 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:

Marian Anderson, the brilliant and enthralling African-American contralto, was the victim of racial discrimination throughout her career. In fact, one of her most stirring performances took place on the steps of the Lincoln Memorial after she was barred from appearing at Constitution Hall and an all-white high school. It was Eleanor Roosevelt who arranged the outdoor performance.

Miss Anderson once said, "There are many persons ready to do what is right because in their hearts they know it is right. But they hesitate, waiting for the other fellow to make the first move. And he, in turn, waits for you." I know there are those of you sitting in this room ready to do what is right, but you are hesitating, waiting for a colleague to make the first move, and your colleague is sitting there waiting for you. Meanwhile, Michigan drivers and Michigan homeowners continue to bear the burden and cost of your inaction.

I am here to urge you to do what you know in your heart is right. Demonstrate leadership; others will follow. You know it's just the right thing to do.

Senator Garcia's statement is as follows:

Last week, you may recall that we had extensive discussion on the budgets. One of those budgets was the Department of Natural Resources. I got up and made a statement about it because, while I said that I would support the budget, I was very concerned about what was going on around Island Lake Shooting Range. As many of you know, I've been endorsed by the NRA. I serve in the military. I've lived on air bases and noise is no stranger to me. However, I do believe that we do have a problem at Island Lake Shooting Range. Many of my constituents have attempted to use the process to get assistance in getting the noise reduced there. The township there and a number of residents had to go to court to see what they could do to alleviate the situation out there.

Unfortunately, the court ruled against my constituents, and the shooting range will continue to make quite a bit of noise which affects very seriously the quality of life of many of my constituents. I intend to meet with the director to see if we can find some resolution so that the shooting range can continue, but yet the noise level can be abated for the sake of the families who live in and around the shooting range.

In last week's statement, I made a comment that said that there was some dispute as to whether or not who was there first. I said that clearly the department was there first. Well, that came as a result of a meeting I had with the department, and evidently, I did not hear correctly. On the record today, I want to correct that statement. Many of the constituents who live around that shooting range where there first. In fact, in some cases, they were there 26-29 years ago before the shooting range.

I want to make sure that my constituents and the department and this body understood who was there first, and it's still my hope that we're able to get some kind of resolution to improve the quality of life for my constituents who were there first.

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

**Senate Bill No. 826**

**Senate Bill No. 827**

**Senate Bill No. 828**

**Senate Bill No. 829**

**Senate Bill No. 831**

**Senate Bill No. 832**

**Senate Bill No. 833**

**Senate Bill No. 830**

The motion prevailed.

Senator Hunter entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 826, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 33 (MCL 445.1683).

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. 467****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: Sanborn

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Richardville's statement is as follows:

I believe that what we have in front of us right now are Senate Bill Nos. 826 through 833, which is an eight-bill package that came out of the Committee on Banking and Financial Institutions. This legislation, if passed, will help address some of the problems within the mortgage industry by requiring each mortgage loan officer in our state to register with OFIS. There are approximately 30,000 loan officers in the state of Michigan today. The primary goal of this package is to help make individual mortgage loan officers more accountable and responsible when brokering or originating loans in the state of Michigan. By doing this, we are assuring homeowners who are currently facing many problems such as rising foreclosure rates that their mortgage loan officer is qualified to conduct these transactions.

To help bring increased responsibility through accountability to the mortgage industry, Senate Bill No. 826 creates the Mortgage Industry Advisory Board. This board will make recommendations to the OFIS Commissioner on educational courses, requirements, and policies for the mortgage loan officer registration process. I'm going to now highlight a few of the things that the package does. No. 1, it would prohibit a mortgage broker or lender from paying a commission to any unregistered loan officers. It will establish educational and application requirements for becoming a loan officer. It will develop standards for the registration renewal process, which includes continuing education. We would require employers to conduct a criminal records check on all mortgage loan officers in Michigan. It would specify some prohibited mortgage loan officer conduct; it sets penalties for officers who violate the law; and encourages OFIS to continue its participation in the state-based development of a nationwide mortgage licensing system. Registering mortgage loan officers in Michigan complements other efforts that have been taken at the federal and state level to help curb fraud and reduce the foreclosures in Michigan.

Mr. President, today there is no way to track bad actors in the mortgage loan industry. Often an unscrupulous mortgage loan officer will move from homeowner to homeowner, creating a wake of financial destruction that is often devastating for families who are already facing tough economic times in our state. This legislation helps to provide consumers further protection from these mortgage loan officers and allows us to keep track of those bad actors who often move from state to state.

Colleagues, I ask that you help support this bicameral, bipartisan initiative.

Senator Hunter’s statement is as follows:

First of all, I wanted to thank the distinguished chair of the Banking and Financial Institutions Committee for leading this very worthwhile effort. He, as well as I, have been very adamant in addressing the foreclosure crisis in our great state. I am glad we have come up with some great legislation on a bipartisan and bicameral basis which can further add integrity to the mortgage industry.

As mentioned before, this loan officer registration package represents months of work between our regulators and the industry. I believe the final product is very consumer-friendly. I, therefore, encourage my colleagues to support Senate Bill Nos. 826 through 833.

The following bill was read a third time:

**Senate Bill No. 827, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2006 PA 594.

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. 468**

**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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 828, entitled**

A bill to amend 1987 PA 173, entitled “Mortgage brokers, lenders, and servicers licensing act,” by amending the title and section 1a (MCL 445.1651a), section 1a as amended by 2002 PA 391.

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. 469**

**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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 829, entitled**

A bill to amend 1987 PA 173, entitled “Mortgage brokers, lenders, and servicers licensing act,” (MCL 445.1651 to 445.1684) by adding section 2b.

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. 470**

**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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 831, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 10 (MCL 445.1660), as amended by 1996 PA 210.

The question being on the passage of the bill,

The passage was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 471**

**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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 832, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 22a (MCL 445.1672a), as added by 1996 PA 210, and by adding section 22b.

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. 472**

**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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 833, entitled**

A bill to amend 1987 PA 173, entitled “Mortgage brokers, lenders, and servicers licensing act,” by amending section 29 (MCL 445.1679), as amended by 1996 PA 210.

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. 473**

**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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 830, entitled**

A bill to amend 1987 PA 173, entitled “Mortgage brokers, lenders, and servicers licensing act,” by amending section 8 (MCL 445.1658), as amended by 1996 PA 210.

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. 474****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: Sanborn

The Senate agreed to the title of the bill.

**Committee Reports**

The Committee on Appropriations reported

**House Bill No. 4494, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Appropriations submitted the following:

Meeting held on Thursday, November 1, 2007, at 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 572, entitled**

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



With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Thursday, November 1, 2007, at 10:00 a.m., Room 100, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Basham and Prusi

Excused: Senator Patterson

#### COMMITTEE ATTENDANCE REPORT

The Conference Committee on General Government (SB 229) submitted the following:

Meeting held on Tuesday, October 30, 2007, at 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Anderson

#### Scheduled Meetings

##### Appropriations -

###### Subcommittee -

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

**Economic Development and Regulatory Reform** - Wednesday, November 7, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Energy Policy and Public Utilities** - Thursday, November 8, 8:30 a.m., Room 210, Farnum Building (373-7350)

**Health Policy** - Wednesday, November 7, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Natural Resources and Environmental Affairs** - Wednesday, November 7, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Senior Citizens and Veterans Affairs** - Wednesday, November 7, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 10:45 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, November 7, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

