

No. 6  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2008

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Senate Chamber, Lansing, Thursday, January 24, 2008.

10:00 a.m.

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

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—excused  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—excused  
Hunter—excused  
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 Patrick Mead of Rochester Church of Christ of Rochester offered the following invocation:

Our Father in Heaven, we pray that You would send Your Spirit to us, to the members of this Legislature, and also to our nation and turn our hearts from the frivolous to the profound. Help us to always be aware that the decisions made in this place have real effects in real people's lives that change the way that they can live with their families, work, and feel at peace in this place.

Father, we pray a special blessing upon them; that You would fill them with Your Spirit; that You would give them wisdom; that You would show them the paths that they are to walk, and give them courage to walk therein. We also ask a special blessing upon the members of the United States military forces, including my own son in the United States Marine Corps. We pray that You would keep them safe; that You would keep them the most ethical and moral fighting force this world has ever seen. Father, we pray for a time when peace will come to our land and peace will come to the world, not through fear and giving up, but rather through a great spirit of friendship and cooperation.

In all of these things, Father, we beg Your mercy, for we walk in the darkness more than we do the light. We pray that if we make errors that it will be out of a pure conscience and good intent; that You will override and overlook what we've done wrong and institute righteousness in the land.

We are grateful for You; we are grateful for the law that keeps us safe. We are grateful for Your Son, in whom we pray. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senator Cropsey moved that Senators Garcia and Hardiman be excused from today's session.  
The motion prevailed.

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

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

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

January 22, 2008

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Homeland Security and Emerging Technologies Committee hold a hearing on the appointment of Kenneth D. Theis to the Michigan Department of Information Technology and make a written recommendation to the Government Operations and Reform Committee on the appointment.

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

The communication was referred to the Secretary for record.

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

January 23, 2008

Pursuant to MCL 333.2612, I am appointing Senator Cameron Brown to the Michigan Center for Rural Health Board for a term commencing immediately and ending December 31, 2010. If you have any questions please feel free to contact Bill Sullivan in my office at 373-2417.

Sincerely,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

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

The motion prevailed.

Senator Scott's statement is as follows:

"LET IT BE KNOWN, That on behalf of the citizens of Michigan, we extend our condolences and deep respect to the family and friends of Army Sergeant Peter C. Neesley, of Grosse Pointe Farms, who died on December 25, 2007, while on active duty in Iraq. Indeed, this ultimate sacrifice for his country is a true testament to the kind of individual Sergeant Neesley symbolized: dedicated, compassionate, courageous, and loyal.

Just 28 years of age, Sergeant Neesley died in Baghdad from an undetermined cause in a noncombat environment. He was assigned to the 3rd Squadron, 7th Cavalry Regiment, 2nd Brigade Combat Team, 3rd Infantry Division at Fort Stewart, Georgia. In his honor, Governor Granholm ordered flags throughout the state of Michigan lowered for one day on Friday, January 4, 2008.

Shortly after his high school graduation, Sergeant Neesley gallantly volunteered to join the Army, serving his country for three years before returning home. However, he knew in his heart where he belonged and he soon re-enlisted. He was deployed on May 8, 2007, for his first tour in Iraq. It didn't take long for Sergeant Neesley's fellow soldiers to recognize what a unique, caring person he was. During his short time in Iraq, his quick humor and kindness touched many whom he encountered. In his final thoughts, Sergeant D. Haynes wrote, "He was one of the best friends I've ever had. He was real easy to get along with, as long you could take a joke. He was a guy that would do anything for his soldiers, his friends and his family." From Battalion Commander Broadwater, "Sergeant Neesley always completed his mission to the highest of standards, never looking for personal glory, but seeking the feeling of making a positive difference." And, finally, from Troop Commander Kjonnerod, "I can honestly say that Sergeant Neesley was one of the best soldiers I have ever met. He was an extremely smart and talented soldier and a noncommissioned officer. He would have been successful in any one of the numerous endeavors that he had the opportunity to pursue; he chose to be a soldier." Sergeant Neesley not only befriended his fellow soldiers, but his compassion led him to care for a mother and her young pup while in Iraq. Work is now in progress to have both stray dogs—Mama and Boris—brought back from Iraq to Sergeant Neesley's family in Michigan.

Family came first and foremost in Sergeant Neesley's life. He shared a birthday with his older sister Carey, whom he regarded as a dear friend and confidant. He played a significant role in the life of his nine-year-old nephew Patrick, serving not only as a proud and honorable father figure, but also an exceptional role model. Sergeant Neesley's parents, Christine and Robert, can be proud of the gracious man they raised who was loved, admired, and respected by so many. As was so eloquently described by his sister Carey at a memorial service in his honor at the Grosse Pointe War Memorial on January 5, 2008, "I think what Peter would want you all to take away from this tragic end is to appreciate every day you are given. Tomorrow is promised to no one. He would want you all to go on and become the best person you can be; chase your dreams. He would want you to appreciate every sunrise and sunset. Every starlit night. He would want you to tell the people who are important to you that you love them. He would want you to reach out to those in pain and offer them a hand."

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to offer our highest praise as a memorial for the life of Army Sergeant Peter C. Neesley. To his parents, Christine and Robert; sister Carey; brother Theodore; and nephew Patrick, we extend our sincere condolences and request that they accept this tribute as a symbol of the high regard in which his memory is held by the people of Michigan."

His parents will be here later today to accept this tribute.

A moment of silence was observed in memory of Army Sergeant Peter C. Neesley.

Senator Pappageorge entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, January 23:  
**House Bill Nos. 4064 4280**

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, January 23, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1020</b>	<b>1021</b>	<b>1022</b>	<b>1023</b>	<b>1024</b>	<b>1025</b>	<b>1026</b>	<b>1027</b>	<b>1028</b>	<b>1029</b>	<b>1030</b>	<b>1031</b>	<b>1032</b>	<b>1033</b>
	<b>1034</b>	<b>1035</b>	<b>1036</b>	<b>1037</b>	<b>1038</b>	<b>1039</b>	<b>1040</b>	<b>1041</b>	<b>1042</b>	<b>1043</b>	<b>1044</b>	<b>1045</b>	<b>1046</b>	<b>1047</b>
	<b>1048</b>	<b>1051</b>	<b>1052</b>	<b>1053</b>	<b>1054</b>	<b>1055</b>	<b>1056</b>							
<b>House Bill Nos.</b>	<b>5641</b>	<b>5662</b>												
<b>House Joint Resolutions</b>	<b>LL</b>	<b>MM</b>												

By unanimous consent the Senate proceeded 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:

**House Bill No. 5123**

**House Bill No. 5101**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5123, entitled**

A bill to amend 2005 PA 210, entitled “Commercial rehabilitation act,” by amending section 2 (MCL 207.842), as amended by 2006 PA 554.

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. 19**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Barcia	Garcia	Hardiman	Hunter
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**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide for the establishment of commercial rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain qualified facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local governmental officials; and to provide penalties.”

The Senate agreed to the full title.

Senator Barcia entered the Senate Chamber.

The following bill was read a third time:

**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.

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. 20**

**Yeas—35**

Allen	Cherry	Jelinek	Sanborn
Anderson	Clark-Coleman	Kahn	Schauer

Barcia	Clarke	Kuipers	Scott
Basham	Cropsey	McManus	Stamas
Birkholz	George	Olshove	Switalski
Bishop	Gilbert	Pappageorge	Thomas
Brater	Gleason	Patterson	Van Woerkom
Brown	Jacobs	Prusi	Whitmer
Cassis	Jansen	Richardville	

**Nays—0**

**Excused—3**

Garcia	Hardiman	Hunter
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**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**Senate Bill No. 568**

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

Senator Cropsey moved that the Committee on Energy Policy and Public Utilities be discharged from further consideration of the following bills:

**Senate Bill No. 427, 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 the title and section 6j (MCL 460.6j), the title as amended by 2005 PA 190 and section 6j as amended by 1987 PA 81, and by adding section 6q.

**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.

**Senate Bill No. 1000, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 257.

**Senate Bill No. 1040, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 253.

**Senate Bill No. 1041, 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," (MCL 460.1 to 460.10cc) by adding section 10dd.

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

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, Lieutenant Governor Cherry, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 568, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2007 PA 154.

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**

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

**Senate Concurrent Resolution No. 22**

**Senate Resolution No. 134**

The motion prevailed.

**Senate Resolution No. 143.**

A resolution to urge the Governor to focus attention in the State of the State address and throughout the remainder of her tenure upon the losses that have taken place in employment, manufacturing jobs, and personal income growth in Michigan. (This resolution was offered on January 23, rule suspended, and consideration postponed. See Senate Journal No. 5, p. 82.)

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Thomas moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Sanborn, Scott, Clarke, Gleason, Thomas, Birkholz, Whitmer, Cropsey, Cherry, Switalski and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sanborn's statement is as follows:

With the start of a new year, it's time for the Governor to make it clear that she is prepared to do the right thing to overcome the challenges facing Michigan by working with us to advance sound policies that will help turn Michigan around. That is why my resolution, which just passed, calls for the Governor to openly and honestly discuss the continued economic decline of Michigan in her upcoming State of the State address. The challenges we face as a state are real and they are staggering. As a result, the time for platitudes and pipe dreams are gone. The Governor must recognize that she has no excuse for continuing to ignore the plight of Michigan's families who want jobs rather than handouts and tax increases to pay for them. As a result, the Governor must use her State of the State speech to clearly lay out how she plans to start bringing all types of jobs back to Michigan immediately.

She must also reassure the job providers who are currently here that she will no longer pursue policies that are openly adversarial to businesses and growth, something that she has failed to do. It is time for the state to start to deliver on the promises it has made to the citizens of Michigan, even if it means making tough decisions that draw the ire of some of the groups that exert extreme amounts of influence here in Michigan.

Later this month, the Governor will have the opportunity to assure the citizens of Michigan that she is serious about repairing Michigan's economy. While this will admittedly be no easy task, especially as businesses and individuals start to feel the impact of tax increases in a state that is already in recession.

You know, recently on one of the TV news programs, I had the opportunity to hear former Fed Governor Wayne Angel speak, and he spoke to a group of people and said something that was quite obvious to them, "Everyone knows that you do not raise taxes in a recession." I repeat that important point: Everyone knows that you do not raise taxes in a recession. Michigan has been in a single-state recession for years and we just raised taxes not once, but twice on the citizens of the state of Michigan.

People, we are still getting it wrong by raising taxes in a recession. It is the task that she promised the citizens of Michigan that she would undertake in exchange for their vote. I hope that she takes this task seriously and that she offers us a truthful and realistic set of proposals that we can consider in the near future in her State of the State address.

Senator Scott's statement is as follows:

There is an old Congolese saying: "Sitting is being crippled." Many of you pride yourselves on your many legislative activities in the Legislature, in your districts, and throughout the state, yet when it comes to my insurance bills, there you sit crippled, incapacitated, and lifeless. Meanwhile there are thousands of Michigan residents putting their financial futures at risk by driving without insurance and living in homes whose structures and contents are unprotected.

My message today is to stand up and take action. Break out of your inertia and recognize the rights of the people of Michigan to purchase financial protection at an honest and decent price. Ladies and gentlemen, I implore you to move my bills.

Senator Clarke's statement is as follows:

Over the last few hours, the media led by an article published by the *Detroit Free Press* has focused on alleged text messages made by the current mayor of the city of Detroit. I believe that the facts stated in the news article raise allegations that are important to the public, and the scrutiny of the media on this issue is based on the fact that elected officials are held

to a higher standard than the rest of the public. I agree that we should be held to a higher standard. Although these issues are significant to the public trust, I would ask the media and the public to focus on our priorities. Our priorities are not text messages regarding sex, but doing something about the government's failure to protect families facing foreclosure.

As important as these public issues are that are raised today, we live in a state where our legal system says that until you are proven guilty, you are innocent, and that applies to the mayor of Detroit as well. Let's allow the legal system to run its course.

I finally urge the media and the public to respect those innocent parties, especially the mayor's wife and his children, in this matter.

Senator Gleason's statement is as follows:

I would just like to remind this august body that it was one year ago today that I introduced my legislation in regard to ending the drug immunity here in the state of Michigan. We've had a lack of responsible discussion and a lack of advancement of that much-needed legislation.

In regard to the news that was spread across our country that nearly \$5 billion was dispersed to citizens who have been harmed, some may be even killed by irresponsible drugs being put on the market and being made available to our citizens. In light of that, I've been told that our Michigan citizens do have some recourse, some legal resolution. I'm still waiting for the court. If someone would be kind enough to advance the address and the number of the state court that I could ask, my citizens who have been harmed with these drugs, I would like to forward that opportunity to them.

I'm very honored and proud to stand here today as a member of the Democratic Party. In regard to the resolution, I think there have been tremendous strides that have been advanced by the administration. She certainly has understood the shortfall of nurses to our state, and she has tried to address that by weighing in and trying to make available programs and offering clinicians to help make Michigan nurses expedite their process through the academic morass. Also I'm very encouraged by the responsible discussions with the community from Marquette trying to incorporate a mine where we can extract precious metals to offer the Upper Peninsula a chance for economic development. We've seen in recent times the advancement of the factory in Dundee, and with that factory, we've noticed an increased obligation for academic responsibilities by Michigan citizens.

Lieutenant Governor, you have led the Cherry Commission in understanding the shortfall we have seen in Michigan with a lack of college graduates in this state. These and others, there's transcontinental efforts to bring jobs back to Michigan from foreign lands. I think in the past, the Governor has been responsible in trying to work in a much-needed and much-offered in her person extension of bipartisan action here in these chambers.

So I commend the Senator for trying to reinforce what our Governor has done in the past, and we can look forward to next week and the future of once again seeing proposals and responsible obligations met. The challenges are before us all. State of the States are not solely the responsibility of the Governor. We as a legislative body have the responsibility and the opportunity and must meet the challenge to advance responsible legislation in addressing some of these much-needed programs that our Michigan citizens need. I think we've been quite successful in the past.

And in regard, once again, to the single-state recession, I think it would be foolhardy for anyone in this chamber or anyone in the House to suggest that a single-state recession would lead to a tremendous cut by the Fed in the prime interest rate down to 3.5 percent. Actions such as that do not reflect a single-state recession. It signals that our whole country has obligations to be met. We as individuals have an opportunity to join the Governor and her past efforts and her future efforts as well to make sure Michigan's role in making this state a leading community for investment and entrepreneurial advances are well met.

Mr. Lieutenant Governor, I thank you for your efforts on the Cherry Commission in understanding the shortfall in regard to our college graduates, advancing the clinicians needed for the nurses, advancing the cause of job economic growth in the Upper Peninsula, and with the job opportunities offered in southern Michigan in Dundee with the new factory. So I thank you for the opportunity to speak in regard to the resolution.

I want to thank the sponsor of the resolution for again reminding all in the chamber that the Governor has spoken to these issues in the past, and we can fully look forward to her intentions to do so in the future.

Senator Thomas' statement is as follows:

I was very pleased to join on as a co-sponsor of Senate Resolution No. 143. I am very much looking forward to my twelfth State of the State speech next Tuesday as a member of the Legislature. I must add that through the first eleven, I don't recall a sitting member of the Legislature telling the sitting Governor what to put into that speech specifically through a resolution. We have broken new ground on this one, but I am pleased and I will take away from this resolution some very important points that I hope we can all use as an opportunity to bridge the divide that has existed within this chamber and throughout the halls of the Capitol over the past year. This is an opportunity for bipartisanship. This is an opportunity for us all who have family members, neighbors, constituents, and friends who are struggling and suffering in a very, very tough economy.

I was very pleased, as I read this resolution, to see the acknowledgement that so much of what we are going through in Michigan does originate beyond our borders. There is a recognition on behalf of this Senate that there are problems in



the nation, across the world, in fact, that are contributing to the economic downturn that we have experienced for a very long time here in the state of Michigan. I am very thrilled that this Legislature, that this Senate recognizes the need for both parties to come together to offer comprehensive solutions that will address job loss and economic upturn for the state of Michigan.

While there may have been lots of reasons to do such a resolution this morning, I will take away the very clear message and accept the olive branch of bipartisanship offered by the distinguished Senator. I work with my colleagues on the other side of the aisle to move Michigan forward and to build an economy and a public policy agenda that will work for all of Michigan citizens and create real jobs and real opportunities in this new 21st century economy.

Senator Birkholz's statement is as follows:

With the Senate bills from the Senate energy committee that were just discharged to the floor, I would like to point out to the members that with these bills before us now, we are creating an aggressive RPS standard and providing a foothold to bring renewable energy producers into the state. But we are doing it by requiring state government to purchase increasing amounts of renewable energy according to this schedule: January 1, 2009, 3 percent; 2010, 10 percent; 2020, 20 percent; 2025, 25 percent.

The purchase requirement exists only as long as the price of renewable energy is within 5 percent of the price of non-renewable energy. We are setting up an opportunity by saying if you build, we will buy it. We are telling the renewable companies that the state will lead with this plan. We do not impose a mandate or surcharge on any of our consumers.

The other two bills that were discharged requires the utilities to offer green energy and advise their customers of that cost and provide an income tax credit for up to \$200 a year to offset the higher cost to each consumer household of the green energy.

Basically, we give the renewables the opportunities to have a foothold in the marketplace in Michigan. We do not give, as was done within the last few hours by the body across the dome, a foothold for the utilities to bill the consumers of our state over \$8 billion a year in additional taxes.

I ask that you give these bills their due consideration and help us start a new paradigm in this argument.

Senator Whitmer's statement is as follows:

As the Senator who represents Michigan State University, one of the finest universities in the world and one that attracts many international students, I think we have an issue before us that we have got to address and we've got to address it quickly. I know there are bills that may do this and there are amendments and there are a lot of people talking, but what we need to do is we need to act. I don't care whose name is on the fix, but we need to address the problem that we've created through our new rules about illegal immigration and the issuance of state driver's licenses.

There are thousands of people at Michigan State University alone, and I would submit, in all 83 counties, who are here legally; who we want to be here; who we want to encourage to come to Michigan to get educated and to work here. We need to make sure that they are not inadvertently hurt because of the new policies that are coming down.

I know that illegal immigration is a hot-button issue on the presidential landscape, and that's something that everyone wants to take a part of and take a stance on, but we do not want to do that so quickly that we are taking rights away from people who are absolutely here 100 percent legally and we want to be here in the state of Michigan.

I'm just encouraging this body to act quickly, to do it together, and to fix this problem. There are thousands of students at MSU who need us to do that, and I would submit, a lot more across the whole state of Michigan who we want here and who are here legally.

Senator Cropsey's statement is as follows:

I just wanted to thank the Senator from the 11th District for offering the resolution, Senate Resolution No. 143. I wanted to thank the Senator from the 4th District for making it a bipartisan resolution in asking that all members of the Senate be put on this resolution. This is a very important resolution.

We are still in a single-state recession. The national economy saw a tremendous uptake in the economy about three or four years ago. That is now softening and we may very well be going into another national recession. Here in this state, we never came out of the last recession. This is still a continuation of the previous recession. I think it is very important for the Governor to address this issue; to tell us why we have had the problems that we have had, but more importantly, to show us what her vision is on how we get out of this problem.

Very frankly, the Senator from the 11th District said very clearly that taxes should not be raised during a recession and we've done that twice. We've done it to a large extent on the business community of this state—the job providers—giving them even less of an incentive to expand in this state or to locate in this state.

One of the things I would like to take a look at, in the resolution in the second Whereas clause, about the third or the fourth sentence, it says, "For the natural resource and mining related sector, the decrease has been 16 percent." That is talking about the job losses and that was referred to by one of the previous Senators on the mine up in Marquette, or the lack of a mine up in Marquette. This has been in the works now, I believe, for several months, if not two or three years. Now mining is not a new issue in the Upper Peninsula. Mining has been around there ever since before the Europeans

came to settle that area. So it's been there for hundreds of years, but yet we still have not got a final permit for Kennecott to begin mining in the Upper Peninsula. That is a tragedy. I know I talked to the Department of Environmental Quality months ago and they thought at that time it would be a couple of weeks that things would be approved. That was months ago. The DEQ finally gave its approval after a lengthy period of time, and now we have the Department of Natural Resources weighing in and sitting on it.

Folks, if we are concerned about jobs in this state, we have to make it friendly for job providers to provide the jobs in this state. By going through such a lengthy process, that is not what you'd call a welcoming sign into the state of Michigan. We need to streamline the process. It needs to be done and it needs to be done quickly and it needs to be done thoroughly. That has not been done. I call upon the Governor in her State of the State address to tell us how she is going to make sure in the future that her administration is going to handle these applications in a timely process and have it done in a timely process and at the same time protecting our environment.

Senator Cherry's statement is as follows:

I rise to add my voice to that of the Senator from the 23rd District regarding the recent attorney general ruling which limits legal immigrants into our country who have student visas and who have work visas. His ruling prohibits them from getting driver's licenses and we need to fix that. There are people all across the state who are here legally who are doing work, who are going to school, and all of that needs to be addressed so that they can get their driver's license. I hope that we can do that within the next few weeks.

Senator Switalski's statement is as follows:

I rise in support and agreement with the previous remarks of Senators Cherry and Whitmer about the importance of correcting the situation we have regarding legal immigrants and driver's licenses. My wife is a permanent resident alien; she has been here legally for 22 years. She has been working and paying taxes for 22 years and she has to have a driver's license. She has a driver's license, but as I understand it, she will not be able to renew her driver's license. There are people who are here legally and they have to be able to drive.

So I hope that we listen closely to what Senator Whitmer said. We don't really care who sponsors the bill. I've already talked with the Secretary of State and she said that this is an important thing that we have to fix. There are people from significant businesses, legal aliens here who are providing jobs to people in Michigan who I understand have just been rejected for driver's licenses. This is an embarrassment to us. We need jobs; we need people to come in here and open companies and provide jobs for our unemployed. We shouldn't be telling them, "No, you can't have a driver's license." I know that is not the intent, so people who are complying with our laws, who are here legally, should be able to get driver's licenses.

Senator Cassis' statement is as follows:

Interestingly and seemingly out of the blue, a discussion about freezing the earned income tax credit has come about. In fact, I imagine some considerable amount of money has been paid out in order to have a study on this earned income tax credit. Importantly, I was never consulted or talked to about what kind of intentions there might be about freezing the earned income tax credit. Let me right now be very perfectly clear and clear up any concerns there might be about moving Senate Bill No. 662.

As chair of Senate Finance, I have absolutely no intention of bringing forth for a hearing or otherwise Senate Bill No. 662. And let's remember something that seems to be forgotten. I am the author of Public Act No. 372 of 2006, which put into law the earned income tax credit. Some may have asked what has changed from last year? Last year, as we all recall, we experienced tremendous stress on our state's budget—a \$1.7 billion shortfall. At that time, it seemed reasonable to at least open up a discussion on delaying another outlay of money which we did not have—somewhere between \$132 million and \$193 million. With the earned income tax credit, we were looking at just delaying the implementation, not repealing it. No one has lost anything. This has not gone into effect yet.

Over the last eight months, all of us have witnessed with some degree of comfort that the pressure on our state's budget has been quelled. It is in better shape than last year, and that is good news. Also I think this is very important—it is important to me—with the Legislature giving a tax check rebate to some of our biggest corporations, among them the Big 3. It seems only fair and right to give credit checks to the other end of the spectrum—our working poor. That is my intent and debate.

By unanimous consent the Senate returned to the order of

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

Senator Pappageorge introduced  
**Senate Bill No. 1057, 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 Kahn and Cassis introduced

**Senate Bill No. 1058, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 501 (MCL 208.1501).

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

Senator Cropsey introduced

**Senate Bill No. 1059, entitled**

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

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

Senators Patterson, Cherry, Clark-Coleman, Richardville, Kahn, Hardiman, Brown, Basham, Jelinek, Pappageorge, Jacobs, Birkholz, Olshove, Prusi and Switalski introduced

**Senate Bill No. 1060, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 759e.

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

Senators Sanborn and Whitmer introduced

**Senate Bill No. 1061, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by amending the title, as amended by 2002 PA 304, and by adding chapters 46, 47, and 48.

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

Senators Sanborn and Whitmer introduced

**Senate Bill No. 1062, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 235 (MCL 208.1235).

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

**House Bill No. 4064, entitled**

A bill to establish the home heating credit fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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 Finance.

**House Bill No. 4280, entitled**

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

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 Finance.

### Committee Reports

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 568, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:  
 Meeting held on Wednesday, January 23, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
 Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas and Jacobs  
 Excused: Senator Hunter

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:  
 Joint meeting held on Wednesday, January 23, 2008, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators McManus and Clark-Coleman  
 Excused: Senator Hardiman (C)

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:  
 Joint meeting held on Wednesday, January 23, 2008, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators Stamas (C), McManus, Barcia, Anderson and Brater  
 Excused: Senator George and Hardiman

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:  
 Meeting held on Wednesday, January 23, 2008, at 3:07 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
 Present: Senators George (C), Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

#### Scheduled Meetings

##### Appropriations -

###### Subcommittees -

**Environmental Quality Department** - Tuesdays, February 5 (CANCELED) and February 12, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Higher Education and Community Colleges, and House Higher Education and Community Colleges Appropriations Subcommittees** - Wednesday, January 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Retirement** - Tuesday, January 29, 12:00 noon, Room 110, Farnum Building (373-2768)

**State Police and Military Affairs** - Wednesday, February 6, 2:00 p.m., Room 100, Farnum Building (373-2768)

**Appropriations, Senate/House** - Thursday, February 7, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Homeland Security and Emerging Technologies** - Tuesday, January 29, 1:00 p.m., Room 100, Farnum Building (373-5932)

Senator Cropsey moved that the Senate adjourn.  
 The motion prevailed, the time being 11:05 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, January 29, 2008, at 10:00 a.m.