

No. 17
STATE OF MICHIGAN
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94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Wednesday, February 20, 2008.

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

Father Charles Morris of St. Elizabeth Catholic Church of Wyandotte offered the following invocation:

Creator God, as we gather in this storied chamber this morning, we are reminded of the challenging words of the prophet Isaiah: "Learn to do good. Make justice your aim; redress the wronged, hear the orphan's plea, defend the widow. If you are willing and you obey, you shall eat the good things of the land."

O God, Isaiah's pointed challenge to the leaders of Judah remains our challenge as well. For, O Creator, during this time when our sisters and brothers throughout the Christian world are in the sacred season of Lent, we recognize that we, too, are in need of metanoia this day. We confess our need for metanoia that for too long we have parlayed party partisanship into political paralysis. We confess that we are but human, that we can get caught up in victories and losses at the expense of the vision of the common good and the common future we are all charged to embrace. We confess that for too long we have depended on our own actions and have failed to surrender to Your guiding grace.

We have sojourned in the desert. But this day, as we face the challenge of a new energy future; of protection for our treasure—the lakes; of providing the best educational opportunities for our youth and retraining for our workers who are caught in the vagaries of Michigan's shifting economy in this new world of common constraints of peak oil and globalization, we cry for a vision and the courage to carry out that vision. We need Your divine guidance for our state and the legislation that will help us in our sojourn. And like the Israelites of old, we need to envision that promised land of a bright blessed future for Michigan; for as Proverbs says, "Without a vision the people perish."

O Lord, send Your Spirit like a mighty Pentecostal wind upon this chamber and on our work ahead that we may be captured by that vision of a kingdom of justice and of peace. O Lord, send us also Your manna, food to nourish us in the manna of sound legislation reflective not of special interests, but of the common good pointing to the promised land of Michigan's special role in this 21st century. May we heed Isaiah's warning to be especially cognizant in our deliberations of the needs of the least among us.

Like Moses standing at the brim of the Promised Land, we recall that he charged the leaders not to be seduced by the allurements of Canaan land; to choose life and not death; to choose the blessing and not the curse.

In these challenging times, in this Lenten season of metanoia, may we, O God, be given proper vision this day. May we choose the blessing where justice is our aim, where the wrong are redressed, the orphan's plea is heard, and the rights of the widow are defended. May we, O God, this day come together on common ground for a common purpose. This day we plant seeds of a fertile and fecund future so that those who come after us may still look around and say, "This is truly a pleasant peninsula." Amen.

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

Motions and Communications

Senator Schauer entered the Senate Chamber.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 19:
House Bill Nos. 4092 4773

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, February 19, for her approval the following bill:

Enrolled Senate Bill No. 92 at 2:17 p.m.

The Secretary announced that the following official bill was printed on Tuesday, February 19, and is available at the legislative website:

Senate Bill No. 1133

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Garcia and Barcia entered the Senate Chamber.

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

Senate Concurrent Resolution No. 22

The motion prevailed.

Senator Cropsey moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

Senate Concurrent Resolution No. 25

Senate Resolution No. 150

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

Senator Scott offered the following concurrent resolution:

Senate Concurrent Resolution No. 25.

A concurrent resolution offered as a memorial for William B. Fitzgerald, Jr., former Senate Majority Leader and member of the House of Representatives.

Whereas, The members of the Michigan Legislature were saddened to learn of the untimely passing of former Senate Majority Leader William B. Fitzgerald, an individual known for his outstanding commitment to his constituents and true concern for the well-being of the people of the state of Michigan. His record of service stands as a testimony to his warmth of heart and dynamic leadership. Indeed, Bill Fitzgerald learned the value of public service at an early age, following in the footsteps of his father and uncle who also served in the Legislature. He heeded these lessons well, as he went on to earn the respect of his colleagues and the admiration of those both in and outside of state government; and

Whereas, William Fitzgerald was known for his hard work and tireless commitment to public policy. This was reflected throughout his entire career and in his service as a member of the Michigan Legislature. A graduate of Austin Catholic Preparatory School and Western Michigan University, Bill Fitzgerald worked his way through the Detroit College of Law in the evenings while teaching and coaching basketball at Detroit's St. Martin High School. He was elected to the first of his two terms in the House in 1970. With his election to the Senate in 1974, he was selected to become the youngest Senate Majority Leader in state history. He was also honored as one of the "Ten Outstanding Legislators in America"; and

Whereas, The true measure of William Fitzgerald's career as a policymaker was found in the depth and breadth of his many legislative accomplishments. These include, among others, post-Watergate ethics and campaign finance reforms, landmark environmental initiatives, the establishment of the state's rainy day fund, and the statutory creation of a statewide minority and women business enterprise office. In these, and in all of his affairs, Bill Fitzgerald exemplified true strength of character and selfless concern for others. He will be missed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby extend a unanimous accolade of tribute to the memory of William B. Fitzgerald, Jr., former Senate Majority Leader and member of the Michigan House of Representatives; and be it further

Resolved, That copies of this resolution be transmitted to his wife Margaret and their three children, William, John, and Meghan, as evidence of our deepest condolences.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted by a unanimous standing vote of the Senate.

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

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

Senator George offered the following resolution:

Senate Resolution No. 150.

A resolution of tribute honoring Richard C. Frank.

Whereas, It is with deep sadness that we have learned of the passing of Richard "Dick" C. Frank. Today we honor the life and work of this great Michigian with genuine respect for his distinctive accomplishments. Through his work as one of our country's first and foremost preservation architects, Dick Frank was ultimately responsible for the historic preservation of countless buildings and sites in Michigan, including the Michigan State Capitol, and numerous historic buildings across the United States; and

Whereas, Dick Frank was born May 17, 1930, in Louisville, Kentucky, to parents William G. Frank and Helen Calhoun Frank. He graduated cum laude from Louisville Male High School, was a member of the Delphic Literary Society, and a devoted member of the High School Men's Glee Club. His passion for singing never subsided, and he continued to sing with many different choral groups right up until his death. Dick graduated from the University of Michigan with a degree in architecture in 1952. His fifty-five years of practice as an architect were dedicated to saving Michigan and United States history through the preservation and restoration of numerous buildings, including projects in Washington, D.C., the Library of Congress, the National Portrait Gallery, the National Press Club, the Old Post Office, the Treasury Building, and the Smithsonian Arts and Industries Building; and

Whereas, In Michigan, Dick Frank was the implementing architect or served as a consulting architect on hundreds of buildings and historic preservation projects. What he considered, however, to be the highlight of his career was his work on the master plan for the restoration of the Michigan State Capitol. He was a very early supporter of the effort to restore the Capitol and worked tirelessly toward that goal. He eventually received the very prestigious American Institute of Architects Gold Medal for his work on the Capitol restoration; and

Whereas, In an interview with Dick in the early stages of the Michigan Capitol restoration in 1988, Dick stated that he went into architecture originally because his father “being very, very German, decided for me because he wanted one of his sons to become an architect and he picked on me and it worked.” Dick’s sense of humor was always evident, and when he formed his first architectural firm in Lansing in 1961 with his good friend Mr. Stein, the firm naturally had to be named Frank and Stein. Dick said, “Of course, it was deliberate. I was a year older and I wasn’t going to put his name first”; and

Whereas, Dick Frank is survived by his brother William Frank, six children: Richard, Jr., of Woodbridge, Virginia; Scott of Shaker Heights, Ohio; Elizabeth DeLyria of Katy, Texas; William of Romeo, Michigan; Philip of Seattle, Washington; and Jennifer of Tampa, Florida; 14 grandchildren and one great-grandchild. Surviving him also are the hundreds and hundreds of historic buildings across this state and the nation that he helped to preserve and restore for future generations. He and his legacy truly live on in these grand and glorious historic places; now, therefore, be it

Resolved by the Senate, That we proudly join in offering our words of praise as a memorial for Richard “Dick” C. Frank and pay tribute to his extraordinary contributions to the people of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Frank family as evidence of our highest esteem and heartfelt gratitude.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Cropsy 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.

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

The motion prevailed.

Senator George’s statement is as follows:

I would like to explain the contents of this resolution. Mr. Richard C. Frank was the architect who was involved in the restoration of the State Capitol. He passed away recently. So this is a resolution in tribute to him.

I would like to tell you a little bit about him. He had been born in Kentucky in 1930 but moved to Michigan and attended the University of Michigan Architecture School, where he graduated in 1952. He practiced architecture for 55 years. His practice specialized in historic preservation. He was involved in numerous restoration projects, including many in Washington, D.C., such as the Library of Congress, the National Portrait Gallery, the National Press Club, the old post office, the Treasury Building, and the Smithsonian’s Arts and Industry Building. But it was really his work here at the State Capitol which he considered the highlight of his career.

This resolution is a tribute to him. I want members and staff to know that there will be a memorial service for him in the Capitol next Monday, and you all are welcome to attend.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 151

The resolution consent calendar was adopted.

Senator Hardiman offered the following resolution:

Senate Resolution No. 151.

A resolution to declare February 20, 2008, as Digital Transition Day.

Whereas, In 1996, Congress and the President mandated that television broadcasters end the transmission of analog signals by February 17, 2009, and complete a national transition to all digital broadcasting; and

Whereas, The effects of this transition and deadline will be felt directly by approximately 1.5 million Michigan citizens in 600,000 households which currently rely exclusively on analog or over-the-air signals for their televised local news, emergency information, community programming, and other services; and

Whereas, These Michigan citizens are disproportionately poor, elderly, in need of assistance, or reside in rural areas and would be negatively impacted by the loss of access to this news, information, and broadcasting services; and

Whereas, There is a public purpose in keeping all members of Michigan society informed, prepared with vital news, and able to participate in the lives of their communities. Moreover, there is also a need to inform all Michigan citizens of the changeover and deadline, as well as a need for an effective comprehensive public awareness campaign, including technical assistance, for those citizens who desire to continue to receive their television signals free over the air; and

Whereas, Michigan broadcasters are engaged in such a public awareness campaign and have built a strong public-private partnership with other stakeholders to spread the knowledge of this issue and to encourage community and neighborhood efforts to help those most affected by this transition; and

Whereas, The Michigan Association of Broadcasters, its members, and other stakeholders are leading this public awareness campaign and fulfilling an important public role by helping citizens across our state and in each Senate district to hopefully ensure no citizen is left behind in this change; and

Whereas, The Michigan Senate desires to honor this public awareness campaign and all the efforts to assist fellow Michiganians in this transition and to commend the Michigan Association of Broadcasters and all those who are partners with it in this regard; now, therefore, be it

Resolved by the Senate, That we hereby declare the twentieth day of February two thousand and eight as Digital Transition Day. We also commend the Michigan Association of Broadcasters and their partners for their service to citizens of this state in preparing for the conversion to digital broadcasting and helping to ensure that no Michigan citizen is left without a television signal after the transition date; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of Broadcasters as evidence of our appreciation and respect for their efforts and those of their partners.

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. 471

House Bill No. 5034

House Bill No. 5035

Senate Bill No. 843

Senate Bill No. 364

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 471, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521a (MCL 436.1521a), as added by 2006 PA 501.

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. 61

Yeas—22

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5034, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8501 (MCL 324.8501), as amended by 2006 PA 503.

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. 62

Yeas—35

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

Nays—3

Brater	Clark-Coleman	Scott
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Excused—0

Not Voting—0

In The Chair: Richardville

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

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5034 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

Mr. President and members, I no longer have the honor of serving on the Agriculture Committee, but when I did last session, we dealt with a couple of issues that dealt with preemption of local ability to pass ordinances governing things like phosphorous in the ecosystem. We also talked about genetically-modified seeds. In both cases, we rejected the approach of preempting local control, preempting local jurisdictions, from being able to regulate these potentially hazardous substances in our environment. There are specialized reasons, for example, in the watershed—the Huron River watershed—we are under a directive from the DEQ to reduce phosphorous in the water. There are local needs to have ordinances, as we do in the city of Ann Arbor, to reduce runoff containing phosphorous. We do have a local ordinance in place to do that; similarly, regulating fertilizers, which do sometimes contain phosphorous and other chemicals that are not helpful to our ecosystem when they are used in excess. There are sometimes time when they do need to be regulated locally.

Now this particular agricultural use of fertilizer, there is no existing example of a local preemption. So this bill is pretty redundant in any case, but just on the principle that we should not set a precedent of preempting local ordinances, I am opposed to this bill.

The following bill was read a third time:

House Bill No. 5035, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8517 (MCL 324.8517), as added by 1998 PA 276.

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. 63

Yeas—35

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

Nays—3

Brater	Clark-Coleman	Scott
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Excused—0

Not Voting—0

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 843, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 17.

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. 64

Yeas—21

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Thomas and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 843.

Senator Thomas moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Thomas' statement, in which Senator Whitmer concurred, is as follows:

Mr. President, I agree that we must promote legislation that will bolster our state's economy and grow business in Michigan. That's why I rise in opposition to Senate Bill No. 843. We have heard consistently that businesses are concerned that new ergonomic standards will increase their costs, and this is a very legitimate issue for this Legislature to consider. Yet if you look at the composition of the standards commission that is considering new rules, they include representatives from the business community as well as those from organized labor, the general public, and academia. It is doubtful those in the business community will issue regulations that are ultimately harmful to the community that they serve and their own interests. Rather, it is in their best interest to encourage ergonomics rules which will reduce injuries, increase productivity, and improve quality as a number of our major manufacturers across the state of Michigan have already done.

This legislation would put the state at odds with the federal OSHA requirements that MIOSHA standards be as effective as the federal standards and that MIOSHA promulgate rules that are substantially similar to OSHA's within six months of a federal standards effective date. Should OSHA ultimately implement a workplace ergonomics rule in the future, this bill would prevent the state from meeting its obligations to match that new federal standard.

Quite simply, this is a bill in search of a problem. Why? Because there are no rules to completely reject at this point. There are only recommendations of a workgroup. There are no formal rules. We, in fact, have an administrative rules process in place. Members of this Legislature, the Majority Leader, and the Senator from Troy all worked on this. I served on the Administrative Rules Committee with them in 2003, where we extended the legislative opportunity to object to any rules that were promulgated by the boards appointed by the executive branch.

So this is, in fact, an inappropriate intrusion into the administrative rules process that members of this Senate, whether they be in the House and in the Senate now, fought very vigorously to protect. I, as someone who has been a member of the Administrative Rules Committee process for a number of years, want to stand up and support that tradition that exists within the legislative body. If you, too, support that, I believe you should vote "no" as well. Again, this is a bill in search of problem and will not improve the business climate and will likely meet the same fate that it did in the last legislative session should it make it to the Governor's desk, and that is a ready veto.

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

The motion prevailed.

Senator Sanborn's statement is as follows:

High taxes, excessive regulation, contentious collective bargaining process, and many, many more things—these all make Michigan less competitive, less attractive. California passed this. Our rules would be even more egregious because with just one complaint, you could have MIOSHA in there going through making things more difficult for you. This is something being driven by the Granholm administration. Union bosses would like to see it go through. The trial attorneys would love to use this for a way to start more and more lawsuits.

I mean, safe working places are important to us all, but by following the federal standards, the federal guidelines which you could voluntarily submit to, you could address the problem within the workplace. I urge you to support the bills. You say that perhaps there is not a draft in place; they're up to now, on the DLEG website, draft No. 15. It proves the age-old adage: If you want to see something get screwed up, let government get involved in it.

And yes, Senator Thomas, I would rather fight than switch.

The following bill was read a third time:

Senate Bill No. 364, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 2, 5, 6, 9, 18, 20, 22, 23, and 27 (MCL 125.2872, 125.2875, 125.2876, 125.2879, 125.2888, 125.2890, 125.2892, 125.2893, and 125.2897), sections 5 and 18 as amended by 2007 PA 44.

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. 65

Yeas—37

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

Brater
Brown
Cherry
Clark-Coleman

Hardiman
Hunter
Jacobs

Pappageorge
Patterson
Prusi

Thomas
Van Woerkom
Whitmer

Nays—1

Cassis

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 364 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cassis’ statement is as follows:

While the purposes behind this bill do have merit to create the Corridor Improvement Authority Act, now we are changing, however, the rules. I think it is very important in these struggling economic times that our citizens or taxpayers do have an opportunity to vote on whether they would approve using general obligation bonds that increase debt into the future of that community; that they have the opportunity to vote on it.

Let the community make the case for the need and generally taxpayers will follow. However, they could have used another mechanism to bypass a vote of the people and that would have been to issue revenue bonds. They chose not to do it. But in removing voter approval, I cannot support this bill. I wanted to bring that to the attention of my colleagues. I think it’s very important that things be done openly and that our taxpayers have a say, especially in these very difficult times.

I would like to add that a few years ago I was very fortunate in being able to obtain a Michigan Department of Transportation grant to do a corridor study—a management access study—in White Lake, which was designed and has been utilized to develop proper development along that all-important M-59 commercial corridor.

I do want to bring to my colleagues’ attention the fact that there are opportunities, in addition to this act, to aid in corridor studies and research with practical applications.

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 Whitmer as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 292, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

Senate Bill No. 531, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111c.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 291, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411u. Substitute (S-2).

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

1. Amend page 2, line 2, after "**INCLUDING**" by striking out the comma and "**BUT NOT LIMITED TO,**".
2. Amend page 2, line 5, after "**LEADERSHIP**" by striking out the comma and "**HIERARCHY,**".

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

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

Senate Bill No. 660, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411u. Substitute (S-3).

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

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

Senate Bill No. 661, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16t and 43 of chapter XVII (MCL 777.16t and 777.43), section 16t as amended by 2004 PA 112 and section 43 as amended by 2002 PA 666.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 5021

The motion prevailed.

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

Senate Bill No. 1118, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 410 (MCL 208.1410).

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

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

Senate Bill No. 1118

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Whitmer as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 1118, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 410 (MCL 208.1410).
The bill was placed on the order of Third Reading of Bills.

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

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

Senate Bill No. 1118

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

Call of the Senate

Senator Cropsey moved that there be a Call of the Senate.

The motion prevailed, a majority of the members serving voting therefor, the time being 11:03 a.m.

Proceedings under the Call

The roll was called by the Secretary of the Senate and no Senators were reported absent.

Senator Cropsey moved that the Senate proceed with business under the Call.

The motion prevailed.

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

Senate Bill No. 1118

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1118, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 410 (MCL 208.1410).

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. 66

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Cropsey introduced

Senate Bill No. 1134, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 319, 322, 625, and 625b (MCL 257.319, 257.322, 257.625, and 257.625b), section 319 as amended by 2004 PA 362, section 322 as amended by 2001 PA 159, section 625 as amended by 2006 PA 564, and section 625b as amended by 2004 PA 62, and by adding section 20b.

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

House Bill No. 4092, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 520m (MCL 750.520m), as amended by 2003 PA 100.

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 Judiciary.

House Bill No. 4773, entitled

A bill to provide for remedies and prescribe civil sanctions against a person who presents a false or fraudulent claim to obtain money, property, or services from this state; to prescribe the powers and duties of certain state and local governmental officers and agencies; and to prohibit retaliation against a person who pursues a remedy under this act.

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 Judiciary.

Senator Cropsey moved that the Call of the Senate be lifted.

The motion prevailed.

Statements

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

I rise to make a statement about an event that is going on today at the Capitol. The Michigan Association of Broadcasters and several individual stations have come to the Capitol to start a promotional effort on the transition to all-digital television.

As most of you know, the federal government determined in 1996 that analog television would cease and all broadcasting will be digital by February 17, 2009. This does not affect people with cable or satellite service or people with new televisions. It will affect many people in our state who rely on older televisions without paid services. An estimated 600,000 households and 1.5 million persons in Michigan will lose their television service and access to news, public safety information, and entertainment unless they take certain steps. These are more likely to be elderly neighbors, poor people, or those in rural areas.

Short of buying a new television or getting cable service, people can buy a TV converter box if they want to continue watching television. Those will cost between \$50 and \$70, and there is a federal program that provides coupons of \$40 toward the purchase of a converter. More information on that is at www.DTV2009.com.

The federal program is good, but this can be an opportunity for our communities to do more. Some people will need help buying a converter box even with the \$40 coupon. Maybe community groups and charities can think of innovative ways to raise funds to buy the converters for the neediest. Many people may need help installing the converter boxes. Young people or people comfortable with technology may provide a great service to seniors and others by taking just a few minutes to install the converters.

My point is this: With the deadline and conversion, this can be a chance for us to look beyond ourselves and to offer service to people who need a little assistance. There are so many reasons for us to feel preoccupied with our situations or isolated from our neighbors. I applaud the Michigan Association of Broadcasters and many others for launching the promotion and awareness of the deadline. I hope that we will use this as an opportunity to help build our communities beyond the single issue of television service.

Senator Scott's statement is as follows:

There is an old African proverb that says, "Ashes fly back in the face of him who throws them." It is sort of a traditional take on "What goes around, comes around," and I don't think I need to draw you a picture of the meaning of this proverb.

It has been decades that Michigan legislators have been throwing ashes at advocates of insurance reform, and I fervently pray that the ashes do not fly back in the faces of those who throw them. Instead, I am hopeful that the winds will shift and that the winds of change will carry a spirit of cooperation and collaboration through the Legislature and that those same winds will blow my bills through this chamber, through the Legislature, and to the Governor's desk. That's when I will sit down satisfied and happy.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submitted the following:

Meeting held on Tuesday, February 19, 2008, at 12:05 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C) and Cherry

Excused: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Tuesday, February 19, 2008, at 2:10 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Brown, Garcia, Switalski and Clark-Coleman

Scheduled Meetings

Agriculture - Thursday, February 21, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Capital Outlay - Thursday, February 21, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Colleges - Friday, February 22, 2:00 p.m., Mid Michigan Community College, 5805 E. Pickard Road, Mt. Pleasant; Monday, February 25, 1:30 p.m., Grand Rapids Community College, The Tassell M-TEC, 622 Godfrey Avenue, SW, Grand Rapids; and Wednesday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursdays, February 21 and February 28, 1:00 p.m., and March 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Economic Development - Wednesday, February 27, 8:30 a.m., Room 110, Farnum Building (373-2768)

Environmental Quality Department - Wednesdays, February 27, March 5 and March 12, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Friday, February 22, 10:30 a.m., Alma College, Tyler-Van Dusen Campus Center, 614 W. Superior Street, Alma; Monday, February 25, 10:00 a.m., Grand Valley State University, Cook-DeVos Center for Health Sciences, 301 Michigan Street, NE, Grand Rapids; and Monday, March 3, 10:00 a.m., University of Michigan-Dearborn, Professional Education Center, 4901 Evergreen Road, Dearborn (373-2768)

Human Services Department and Families and Human Services - Tuesday, February 26, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary and Corrections - Wednesdays, February 27, March 5 and March 12, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

K-12, School Aid, Education - Tuesdays, February 26, March 4 and March 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Tuesdays, February 26 and March 11, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

Retirement - Tuesday, February 26, 12:00 noon, Room 810, Farnum Building (373-2768)

State Police and Military Affairs - Thursday, February 21, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Friday, February 22, 11:00 a.m., Northwest Activities Center, 18100 Meyers Road, Detroit (373-7670)

Education - Thursday, February 21, 2:30 p.m., Room 110, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, February 21, 1:00 p.m., Room 210, Farnum Building (373-7350)

Families and Human Services and Human Services Department Appropriations Subcommittee - Tuesday, February 26, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Legislative Council - Thursday, February 28, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:26 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, February 21, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

