

No. 38  
STATE OF MICHIGAN  
**Journal of the Senate**  
94th Legislature  
REGULAR SESSION OF 2008

---

---

Senate Chamber, Lansing, Wednesday, April 23, 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—present  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—excused  
Kuipers—present  
McManus—present  
Olshove—present

Pappageorge—present  
Patterson—present  
Prusi—present  
Richardville—present  
Sanborn—present  
Schauer—present  
Scott—present  
Stamas—present  
Switalski—excused  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Pastor Michael Osminski of Lord of the Harvest Christian Fellowship Church of Warren offered the following invocation:

God, our Father, we come to You today in need of Your help. The journey we are facing has brought us to a difficult place. As the men and women of this legislative body are gathered here on behalf of the citizens of this state, they are assembled as Your sons and daughters on behalf of Your sons and daughters. We pray for Your wisdom to grant us strategies to assist You in Your purpose of creating a just and righteous order that ensures fairness to all, particularly the powerless and vulnerable, and that removes all forms of oppression, restores community relationships, and establishes community solidarity.

We pray that our lawmakers will know that power must always be subservient to justice and that true authority will always be administered as service in humility. May the service that originates from this body not favor men over women, rich at the expense of the poor, the majority culture over any minority, and the established older over the developing younger.

We pray, in particular, that You might grant this body insight to assist in the task of repairing our economy, establishing peace, restraining lawlessness, and providing leadership that reflects integrity and restoring the state of Michigan once again to a position of prominence as a model of hope for the rest of our nation.

Finally, may we all remember that while You, O God, do the rescuing, You often work through the united power of Your great and diverse community to do it. May we align ourselves with Your government and purposes to accomplish Your deep and significant justice.

We ask this in Your great name. Amen.

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

### Motions and Communications

Senator Thomas moved that Senators Barcia, Brater, Clarke and Schauer be temporarily excused from today's session. The motion prevailed.

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

Senators Garcia and McManus entered the Senate Chamber.

Senator Cropsy moved that Senator Kahn be excused from today's session. The motion prevailed.

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

**Senate Bill No. 1265**

**Senate Bill No. 1266**

**Senate Bill No. 1267**

**Senate Bill No. 1268**

**Senate Bill No. 1269**

**Senate Bill No. 1270**

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 22:

**House Bill Nos. 4625 4626 5814**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, April 22, for her approval the following bill:

**Enrolled Senate Bill No. 120 at 11:12 a.m.**

By unanimous consent the Senate proceeded to the order of

### Messages from the Governor

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

**Senate Bill No. 436**

**Senate Bill No. 222**

**Senate Bill No. 229**  
**Senate Bill No. 232**  
**Senate Bill No. 238**  
**Senate Bill No. 240**  
The motion prevailed.

The following message from the Governor was received and read:

April 22, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 88I of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088I:

**Strategic Economic Investment and Commercialization Board**

Ms. Lynnette J. Rhodes of 1330 Hickory Island Drive, Haslett, Michigan 48840, county of Ingham, succeeding A. David Canter, who has resigned, representing qualified businesses or persons with business, technology, or financial experience related to competitive edge technology, for a term commencing April 22, 2008 and expiring December 31, 2008.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointment was referred to the Committee on Government Operations and Reform.

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 George 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 without amendment, the following bills:

**Senate Bill No. 1265, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432.

**Senate Bill No. 1266, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432a.

**Senate Bill No. 1267, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432b.

**Senate Bill No. 1268, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432c.

**Senate Bill No. 1269, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432d.

**Senate Bill No. 1270, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 6 (MCL 207.806), as amended by 2007 PA 150.

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

During the Committee of the Whole, Senators Brater, Gilbert, Clarke, Brown, Schauer and Barcia entered the Senate Chamber.

### Resolutions

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

**Senate Concurrent Resolution No. 22**

**Senate Resolution No. 154**

**Senate Concurrent Resolution No. 27**

The motion prevailed.

Senators Hardiman, Gilbert and Jansen offered the following resolution:

**Senate Resolution No. 177.**

A resolution to express support for the construction of a replacement rail tunnel between Detroit and Windsor.

Whereas, Global economic integration has dramatically altered transportation networks and systems critical to the movement of goods and information. Transportation and logistics systems are integral to an ever-increasing array of economic activities. Lower costs, reliability, and strong connections to the national and international transportation systems are essential to economic competitiveness; and

Whereas, Michigan is Canada's lead trading partner and, despite its location on the northern border, is Mexico's third largest trading partner. More than \$160 billion in trade crosses the Detroit and Windsor border annually, which makes it the most lucrative and important international border crossing in North America; and

Whereas, Metropolitan regions are purposefully targeting investment to increase the modes of transportation operating in the region and enhance the effectiveness of transfer functions and connectivity between modes. The economic growth of metropolitan regions is now inextricably linked to the efficacy of their transportation networks; and

Whereas, First tier metropolitan transportation hubs offer multiple transportation modes with service provided by several operators. Metropolitan Detroit has extensive strengths and opportunities to ensure that it remains a leading global transportation hub; and

Whereas, In its Road to Renaissance strategy, Detroit Renaissance recommends that the metropolitan Detroit region further develop its existing transportation infrastructure and coordinate economic development policies to ensure that it is positioned to rapidly respond to the dynamics of global economic integration; and

Whereas, The Detroit River Rail Tunnel, the only existing rail border crossing connecting Detroit and Windsor, is a 100-year-old tunnel that is too small for the efficient double-stacked rail cars that are now used to transport freight. The lack of a rail tunnel in metropolitan Detroit with the ability to handle the next generation of rail cars will have a long-term negative impact on the economic viability of the region and the state; now, therefore, be it

Resolved by the Senate, That we express our support for the construction of a replacement rail tunnel between Detroit and Windsor as a critical infrastructure project necessary to the economic competitiveness of Michigan and the metropolitan Detroit region; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Transportation, the Michigan Department of Transportation, the city of Detroit, the city of Windsor, Transport Canada, and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Birkholz and Garcia were named co-sponsors of the resolution.

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. 1233**

**House Bill No. 5459**

The motion prevailed.

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:21 a.m.

10:28 a.m.

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

During the recess, Senator Richardville entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 1233, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2405 (MCL 339.2405), as amended by 2007 PA 157.

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. 252****Yeas—36**

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

**Nays—0****Excused—2**

Kahn	Switalski
------	-----------

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5459, entitled**

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2008 PA 3.

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. 253****Yeas—36**

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

**Nays—0****Excused—2**

Kahn Switalski

**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.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills****House Bill No. 4625, entitled**

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 1991 PA 11.

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 Commerce and Tourism.

**House Bill No. 4626, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 556 (MCL 750.556).

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 Commerce and Tourism.

**House Bill No. 5814, entitled**

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to create

funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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 Appropriations.

### Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

In 218 B.C. when Hannibal, the great military commander and strategist, pondered his long march across the Alps to invade Italy, he said simply, "We will either find a way or make one." Hear that: "We will either find a way or make one." What a plain and simple declaration of determination. There is no third option that includes failure. Those words continue to inspire me.

My determination remains equally as strong regarding insurance reform. I am hopeful we will find a way, working together in partnership and collaboration. And if we don't find an existing way, we will make one.

You may recall, one of the things that made Hannibal's expedition so remarkable is that he led elephants on that long and dangerous journey. I am hoping to do the same.

Senator Patterson's statement is as follows:

I know I am making a mistake relying on the media's accuracy in reporting that there is a movement in the other chamber talking about Hire Michigan First. I know that the Governor has said that she will go anywhere at anytime and do anything to bring jobs back. At my age, I go in for an annual physical every year. You know, they require you to do that every year for these annual physicals. I got the portion that I have to pay and I sent my check to the University of Michigan Health System. You know where I sent it at their direction? I sent it to Palatine, Illinois—hello, good-paying jobs—hello. The University of Michigan is in Ann Arbor. Why are they sending my check to Palatine, Illinois? Hello.

I would like my remarks to be printed in the Journal if necessary to be heard in Ann Arbor.

### Committee Reports

The Committee on Commerce and Tourism reported

**Senate Bill No. 1265, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**Senate Bill No. 1266, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432a.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**Senate Bill No. 1267, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432b. With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**Senate Bill No. 1268, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432c. With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**Senate Bill No. 1269, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432d. With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**Senate Bill No. 1270, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 6 (MCL 207.806), as amended by 2007 PA 150.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, April 22, 2008, at 2:30 p.m., Room 100, Farnum Building

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



The Committee on Transportation reported

**Senate Bill No. 72, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**Senate Bill No. 943, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 88.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**House Bill No. 5085, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82105, and 82114 (MCL 324.82101, 324.82105, and 324.82114), section 82101 as amended by 2005 PA 175, section 82105 as amended by 2005 PA 271, and section 82114 as added by 1995 PA 58, and by adding sections 82105a, 82105b, and 82116a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

The Committee on Transportation reported

**House Bill No. 5695, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 720 (MCL 257.720), as amended by 2003 PA 142.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:  
 Meeting held on Tuesday, April 22, 2008, at 1:00 p.m., Room 110, Farnum Building  
 Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:  
 Meeting held on Tuesday, April 22, 2008, at 1:00 p.m., Room 210, Farnum Building  
 Present: Senators Kuipers (C), Cropsey, Sanborn, Whitmer, Clarke and Prusi  
 Excused: Senator Patterson

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:  
 Meeting held on Tuesday, April 22, 2008, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
 Present: Senators Hardiman (C), Jansen, Scott and Barcia  
 Excused: Senator Kahn

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:  
 Meeting held on Tuesday, April 22, 2008, at 2:30 p.m., Room 405, Capitol Building  
 Present: Senators Pappageorge (C), Jansen, Anderson and Cherry  
 Excused: Senator McManus

#### Scheduled Meetings

**Agriculture** - Thursday, April 24, 9:00 a.m., Room 110, Farnum Building (373-1635)

#### Appropriations -

##### Subcommittees -

**Agriculture** - Wednesdays, April 30, May 7 and May 14, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Community Health Department** - Thursday, May 1, 1:00 p.m., Room 100, Farnum Building (373-2768)

**Economic Development** - Wednesdays, April 30, May 7 and May 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

**General Government** - Tuesdays, April 29 and May 13, 2:30 p.m., Room 405, Capitol Building; and Tuesday, May 6, 2:30 p.m., Room 48, Information Technology Operations Center, 7285 Parson Drive, Lansing (373-2768)

**History, Arts, and Libraries** - Thursdays, April 24, May 1 and May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Human Services Department** - Tuesdays, April 29, May 6 and May 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**State Police and Military Affairs** - Thursdays, April 24, May 1 and May 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Transportation Department** - Friday, April 25, 10:30 a.m., Conference Room, Rapid Central Station, 250 Grandville Avenue SW, Grand Rapids; Friday, May 2, Conference Room, Rapid Commission for Oakland County, 31001 Lahser Road, Beverly Hills; and Thursday, May 15, 12:30 p.m., Room 405, Capitol Building (373-2768)

**Education** - Thursday, April 24, 2:30 p.m., Room 110, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, April 24, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Families and Human Services** - Tuesday, April 29, 4:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

**Finance** - Thursday, April 24, 11:00 a.m., Room 110, Farnum Building (373-1758)

**Health Policy** - Thursday, April 24, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Legislative Commission on Government Efficiency** - Friday, April 25, 8:30 a.m., Room 326, South Tower, House Office Building (373-0212)

**Legislative Commission on Statutory Mandates** - Tuesday, May 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**State Drug Treatment Court Advisory Committee** - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:37 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, April 24, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

