

No. 78
STATE OF MICHIGAN
Journal of the Senate

93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, September 5, 2006.

12:00 noon

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present
Emerson—present

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present
Whitmer—present

Senator Kenneth R. Sikkema of the 28th District offered the following invocation:

Our Lord and our God, we begin by acknowledging You and Your presence. We thank You for the opportunity You have given all of us to serve the people of Michigan. We come from all parts of the state, different experiences, different ideas, different backgrounds, different political affiliations, and different priorities on what we think is important, but we are united in one common purpose and that is to serve the people of this state—the state of Michigan, the citizens of this state. In all of our deliberations today, here in this chamber and in committee meetings, help us to work together with that common purpose in mind.

We also today ask for Your healing presence for any member or member of any member's family that is struggling with health issues. We ask for Your healing presence on them.

This and more we ask in Your name. Amen.

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

Motions and Communications

Senators Cropsey, Brown and Emerson entered the Senate Chamber.

Senator Hammerstrom moved that Senators Goschka, Garcia and Hardiman be temporarily excused from today's session.

The motion prevailed.

Recess

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

The motion prevailed, the time being 12:05 p.m.

12:35 p.m.

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

During the recess, Senators Garcia and Hardiman entered the Senate Chamber.

The following communication was received:

Department of State

Administrative Rules Notice of Filing

August 31, 2006

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 11:42 a.m. this date, administrative rule (06-08-02) for the Department of History Arts and Libraries, Director's Office, "*Microfilm Standards*." These rules become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, August 30:
House Bill Nos. 5033 5221 6098 6186 6248

The following message from the Governor was received and read:

August 31, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Sections 302 and 902 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.902:

Collection Practices Board

Ms. Sharon L. McWhorter of 677 Selden #202, Detroit, Michigan 48201, county of Wayne, succeeding Harley Krapohl, whose term has expired, representing the general public, for a term commencing August 31, 2006 and expiring June 30, 2007.

Mr. James P. Hoppin of 2413 Hickory Glen Drive, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent professionals expiring June 30, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 435

Senate Bill No. 640

The motion prevailed.

Senate Bill No. 1047, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Goschka entered the Senate Chamber.

House Bill No. 4072, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

The House of Representatives has substituted (H-2) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-2) and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2006 PA 278.

Pursuant to rule 3.202, the bill was laid over one day.

Third Reading of Bills

The following bill was announced:

Senate Bill No. 102, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20d. (This bill was read a third time on February 15, 2005, and consideration postponed. See Senate Journal No. 11 of 2005, p. 133.)

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. 636**Yeas—38**

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman	Sanborn	Whitmer
Clark-Coleman	Jacobs		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The President, Lieutenant Governor Cherry, assumed the Chair.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 71**Senate Concurrent Resolution No. 53**

The motion prevailed.

Senator Brown offered the following concurrent resolution:

Senate Concurrent Resolution No. 54.

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

Whereas, *The Constitution of the State of Michigan of 1963* provides in Article XI, Section 5:

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

; and

Whereas, As a result of recently completed negotiations, a settlement has been reached on a three-year contract between the state and the Michigan State Police Troopers Association regarding compensation and other terms and conditions of employment. This settlement, which will be retroactive to its effective date of October 1, 2005, was reached past the time when the governor could transmit the increase as part of the budget; and

Whereas, The State Personnel Director, with the consent of the chair of the Civil Service Commission, granted interim approval of the collective bargaining agreement on July 24, 2006; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, the Michigan Legislature waives the prior notice requirement to permit increases in rates of compensation for certain members of the Department of State Police as set in the contract settled between the Michigan State Police Troopers Association and the state and the Civil Service Commission; and be it further

Resolved, That copies of this resolution be transmitted to the Civil Service Commission.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senator Kuipers was named co-sponsor of the concurrent resolution.

Senators Gilbert, Kuipers, Van Woerkom, Garcia, Allen, Goschka, Cropsey and Toy offered the following resolution:
Senate Resolution No. 160.

A resolution to urge the Michigan Department of Transportation (MDOT) to establish a 511 traveler information network in Michigan.

Whereas, The Federal Communications Commission designated, in 2000, 511 as a 3-digit telephone number that travelers can call for information on traffic and road conditions. If implemented in Michigan, information available via 511 would allow travelers to make informed decisions about travel routes and times based on knowledge about construction, weather conditions, and traffic congestion. Information could be easily accessible through a 511 system as the number is easy to remember and dial; and

Whereas, The 511 information system would be built on data that is already collected by the MDOT in Southeastern Michigan. Michigan's Intelligent Transportation System (ITS) is used to collect real-time freeway information on traffic congestion, accidents, and weather. Providing traffic information to the public via a 511 number is efficient and helps make the most of the information collected by the ITS; and

Whereas, Twenty-eight active 511 systems were in place as of May 31, 2006 and many of these are statewide systems, including Florida, Utah, Virginia, Minnesota, and Iowa. More than 54 million calls have been placed on 511 systems nationwide since its inception. MDOT has studied the feasibility of implementing a 511 system in the Detroit metropolitan area and is currently working on an implementation plan; and

Whereas, A 511 system benefits both our state transportation system and travelers. Travelers gathering information from a 511 system use the roadway more efficiently, putting less strain on the transportation infrastructure. In addition, studies have shown that traffic moves more safely when a 511 system is available to drivers; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Department of Transportation to establish a 511 traveler information network in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the State Transportation Commission, the Director of the Michigan Department of Transportation, and Governor Granholm.

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

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

The motion prevailed.

Senator Switalski was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senator Gilbert introduced

Senate Bill No. 1395, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 310f. The bill was read a first and second time by title and referred to the Committee on Transportation.

Senator Switalski introduced

Senate Bill No. 1396, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5419 (MCL 700.5419).

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

Senator Switalski introduced

Senate Bill No. 1397, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180.

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

Senator Kuipers introduced

Senate Bill No. 1398, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 11a (MCL 380.11a), as amended by 2003 PA 299.

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

Senators Johnson, Gilbert, Barcia, Stamas, Kuipers, Goschka, Leland and Basham introduced

Senate Bill No. 1399, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 226a (MCL 257.226a), as amended by 2002 PA 642.

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

Senators Jelinek, Bishop, Kuipers, Hardiman, Garcia, Allen, Gilbert, Cropsey, Van Woerkom, Goschka and McManus introduced

Senate Bill No. 1400, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2a (MCL 21.142a), as amended by 2002 PA 16.

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

Senators Garcia and Goschka introduced

Senate Bill No. 1401, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2912i.

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

Senators Goschka, Gilbert, Garcia and Barcia introduced

Senate Bill No. 1402, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512a (MCL 206.512a), as added by 2003 PA 28.

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

Senators Goschka, Kuipers, Johnson, Gilbert, Garcia and Barcia introduced

Senate Bill No. 1403, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 50c (MCL 750.50c), as amended by 2002 PA 672.

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

Senators Goschka, Kuipers, Johnson, Gilbert, Garcia and Barcia introduced

Senate Bill No. 1404, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 50c and 81d (MCL 750.50c and 750.81d), section 50c as amended by 2002 PA 672 and section 81d as added by 2002 PA 266.

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

Senators Goschka, Kuipers, Johnson, Gilbert, Garcia and Barcia introduced

Senate Bill No. 1405, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2000 PA 279.

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

Senators Basham, Jacobs, Barcia and Brater introduced

Senate Bill No. 1406, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e.

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

Senators Basham, Jacobs, Jelinek, Scott, Garcia, Goschka, Barcia and Brater introduced

Senate Bill No. 1407, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

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

Senators Birkholz, Brater and Jelinek introduced

Senate Bill No. 1408, entitled

A bill to amend 1963 PA 42, entitled "An act to provide for the termination of dormant oil and gas interests in land owned by persons other than the owners of the surface and for the vesting of title to same in the surface owners in the absence of the filing of a notice of claim of interest within a specified period of time," by amending sections 1, 2, and 4 (MCL 554.291, 554.292, and 554.294).

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Brater, Birkholz and Jelinek introduced

Senate Bill No. 1409, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78i and 78k (MCL 211.78i and 211.78k), as amended by 2003 PA 263.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 5033, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

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 Agriculture, Forestry and Tourism.

House Bill No. 5221, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8407 (MCL 600.8407), as amended by 1991 PA 192.

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. 6098, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1241; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 6186, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1074.

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 Transportation.

House Bill No. 6248, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 126.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Statements

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:

Now we are back in session and I think it's time that we do something about insurance, making sure that people get affordable insurance.

I have an e-mail today. It says, "High insurance costs is just that, too costly. I paid off my 2001 truck this year and would really like to buy a new vehicle. Ford has some really nice cars and I would seriously consider purchasing, but insurance rates keep me from doing so. I refuse to pay \$1,500 or more per year at my age for the insurance premiums quoted. Most new car insurance premiums are quoted well over \$2,000 per year. When I was in Rock Island, Illinois, last summer for work, I priced a Toyota Camry insurance premium at \$700 for full coverage per year. For my area Clinton Township, the premium would have been \$2,400 per year. You can easily see why I did not buy a Toyota Camry. Thanks for your help in this matter."

This is just the tip of the iceberg. There are so many more people paying much more than that in Detroit. We pay the highest rates in the country. I think that it is unconscionable for us to continue not doing anything about insurance. Now it's time that we do something about it.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on the Department of Human Services submitted the following:

Joint meeting held on Wednesday, August 30, 2006, at 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hardiman (C), George and Scott

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, September 7, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, September 6, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Department of Human Services/House Department of Human Services Appropriations Subcommittee - Thursday, September 7, 8:30 a.m., Room 426, Capitol Building (373-2768)

Banking and Financial Institutions - Thursday, September 7, 1:00 p.m., Room 100, Farnum Building (373-2417)

Legislative Retirement Board of Trustees - Wednesday, September 6, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Natural Resources and Environmental Affairs - Tuesday, September 12, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 12:51 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 6, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate