

**No. 115**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Thursday, November 1, 2007.

12:00 noon

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—present  
Kuipers—present  
McManus—present  
Olshove—present

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

Senator Jason E. Allen of the 37th District offered the following invocation:

O God, thank You for this day. We ask Your blessings on this state. Bring us the wisdom to help the downtrodden. Give us Your insight to preserve a pristine environment. Help our industry, agriculture, and economy to move this state forward. Bless this body, the lower chamber, and the Governor. Help us to be civil.

All this we ask in Your name. Amen.

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

### Motions and Communications

Senator Cropsey moved that Senators Bishop, Cassis, Garcia, Gilbert, Jansen, McManus and Pappageorge be temporarily excused from today's session.

The motion prevailed.

Senator Cropsey moved that Senator Sanborn be excused from today's session.

The motion prevailed.

Senators Jansen, Gilbert and Pappageorge entered the Senate Chamber.

Senator Anderson moved that Senators Hunter and Gleason be temporarily excused from today's session.

The motion prevailed.

Senator Anderson moved that Senator Thomas be excused from today's session.

The motion prevailed.

Senators Bishop, Clarke, Garcia and Cassis entered the Senate Chamber.

The following communication was received:

Office of the Chief Compliance Officer

October 30, 2007

Attached is the 2006-2007 Annual Report of the Office of the Chief Compliance Officer, which relates to the 21st Century Jobs Fund Programs. This report is submitted pursuant to MCL 125.2088i(6)(i), which requires the Chief Compliance Officer to prepare a written annual report that evaluates compliance with internal policies and procedures and with applicable state and federal law, explains any compliance matters that arose during the previous year, and suggests revisions to agency policies and procedures. While a great deal of activity took place during the year, I am pleased to report that diligent work by all involved ensured that all applicable laws, policies, and procedures were followed, as more completely described in the Annual Report.

John D. Walter  
Chief Compliance Officer

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, October 31, for her approval the following bills:

**Enrolled Senate Bill No. 403 at 3:32 p.m.**

**Enrolled Senate Bill No. 571 at 3:34 p.m.**

**Enrolled Senate Bill No. 240 at 3:36 p.m.**

**Enrolled Senate Bill No. 232 at 4:14 p.m.**

**Enrolled Senate Bill No. 229 at 4:16 p.m.**

The Secretary announced that the following official bills were printed on Wednesday, October 31, and are available at the legislative website:

**Senate Bill Nos. 862 863**

**House Bill Nos. 5385 5386 5387 5388 5389 5390 5391 5392 5393 5394 5395 5396**

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 Barcia as Chairperson.

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

**Senate Bill No. 826, entitled**

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

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.

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

**Senate Bill No. 827, entitled**

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

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.

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

**Senate Bill No. 828, entitled**

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

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.

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

**Senate Bill No. 829, entitled**

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

Substitute (S-2).

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

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

**Senate Bill No. 830, entitled**

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

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.

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

**Senate Bill No. 831, entitled**

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

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 832, entitled**

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

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 833, entitled**

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

Substitute (S-1).

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

1. Amend page 4, line 18, after "(2)" by striking out "IF" and inserting "**SUBJECT TO SUBSECTIONS (4) AND (5), IF**".

2. Amend page 6, following line 6, by inserting:

**"(5) IF A LOAN OFFICER REGISTRANT VIOLATES SECTION 22B(E)(ii), THE COMMISSIONER SHALL REVOKE HIS OR HER LOAN OFFICER REGISTRATION. REVOCATION OF A LOAN OFFICER REGISTRATION UNDER THIS SUBSECTION DOES NOT AFFECT THE COMMISSIONER'S AUTHORITY TO PURSUE ANY OTHER REMEDY AVAILABLE UNDER SUBSECTION (2) FOR THAT VIOLATION."**

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.

During the Committee of the Whole, Senators Hunter, McManus and Gleason entered the Senate Chamber.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

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

**Senate Bill No. 53**

**House Bill No. 4120**

The motion prevailed.

**Senate Bill No. 232, 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, 2008; 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.

(For Conference Report, see Senate Journal No. 114, p. 2066.)

The House of Representatives has adopted the report of the Committee of Conference.

Pursuant to a previous order, the bill was ordered enrolled on October 31, 2007.

**House Bill No. 4725, entitled**

A bill to amend 1982 PA 325, entitled "An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency," by amending sections 1, 2, 3, 4, 5, 8, 9, and 10 (MCL 801.51, 801.52, 801.53, 801.54, 801.55, 801.58, 801.59, and 801.60), sections 8 and 9 as amended by 1988 PA 399, and by adding section 1a.

(For text of amendments, see Senate Journal No. 113, p. 1878.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 461****Yeas—36**

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

**Nays—0****Excused—2**

Sanborn                      Thomas

**Not Voting—0**

In The Chair: President

**Third Reading of Bills**

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

**House Bill No. 4591****Senate Bill No. 92****Senate Bill No. 640****Senate Bill No. 752**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4591, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1538 and 1539 (MCL 380.1538 and 380.1539), section 1538 as added by 1988 PA 339 and section 1539 as amended by 2004 PA 76, and by adding sections 1531h and 1538a.

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. 462****Yeas—29**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Hunter	Schauer
Basham	Cropsey	Jacobs	Scott
Birkholz	Garcia	Jelinek	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Van Woerkom
Cassis	Gleason	Patterson	Whitmer
Cherry			

**Nays—7**Anderson  
BrownJansen  
KahnKuipers  
Pappageorge

Richardville

**Excused—2**

Sanborn

Thomas

**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 not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey moved that the bill be given immediate effect. The motion prevailed, 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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; 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. 92, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 12101, 12102, 12103, 12105, 12107, 12111, 12112, and 12113 (MCL 324.12101, 324.12102, 324.12103, 324.12105, 324.12107, 324.12111, 324.12112, and 324.12113), sections 12101 and 12102 as amended by 2001 PA 165, sections 12103 and 12112 as amended by 2007 PA 75, and sections 12105 and 12107 as amended by 1998 PA 140, and by adding section 12102a.

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. 463****Yeas—36**Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
CassisCherry  
Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
HardimanHunter  
Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
PappageorgePatterson  
Prusi  
Richardville  
Schauer  
Scott  
Stamas  
Switalski  
Van Woerkom  
Whitmer

**Nays—0****Excused—2**

Sanborn                                Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 640, 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.

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. 464****Yeas—32**

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

**Nays—4**

Brater                                Jacobs                                Switalski                                Whitmer

**Excused—2**

Sanborn                                Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Switalski and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 640.

Senator Switalski’s statement, in which Senator Whitmer concurred, is as follows:

You know, normally, I do trust in God; it’s a practice of mine. You know, I figured if it’s on a dollar bill and on the coins, maybe it can go on a license plate too. But I have consistently taken a philosophical position that we should not be doing all these license plates, no matter how good the cause or the reasoning. You know, the license plates are there to identify a car. The State Police say that having the proliferation of plates makes it more difficult to do that. So I have consistently said that we should not be doing this.

The following bill was read a third time:

**Senate Bill No. 752, entitled**

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending section 237 (MCL 32.637).

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. 465**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Sanborn	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

**Senate Resolution No. 101.**

A resolution to urge the Department of Defense to provide copies of Defense Department Form 214 to the home county of each member of the Armed Forces at the conclusion of their service.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Clarke was named co-sponsor of the resolution.



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

**Senate Concurrent Resolution No. 20**

**Senate Resolution No. 119**

The motion prevailed.

### **Recess**

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

The motion prevailed, the time being 12:37 p.m.

2:31 p.m.

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

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

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

#### **Senate Bill No. 845, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 3d (MCL 205.93 and 205.93d), section 3 as amended by 2007 PA 103 and section 3d as added by 2007 PA 93; and to repeal acts and parts of acts.

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. 845**

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 Barcia 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 with a substitute therefor, the following bill:

#### **Senate Bill No. 845, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 3d (MCL 205.93 and 205.93d), section 3 as amended by 2007 PA 103 and section 3d as added by 2007 PA 93; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 4, line 17, after "**BEGINNING**" by striking out "**JANUARY 1, 2008**" and inserting "**DECEMBER 20, 2007**".

2. Amend page 8, following line 12, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 838 of the 94th Legislature is enacted into law."

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.

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 at the head of the Third Reading of Bills calendar:

**Senate Bill No. 845**

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

The following bill was read a third time:

**Senate Bill No. 845, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 3d (MCL 205.93 and 205.93d), section 3 as amended by 2007 PA 103.

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. 466**

**Yeas—22**

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

**Nays—14**

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

**Excused—2**

Sanborn	Thomas
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**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators Schauer, Garcia and Prusi asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schauer's statement is as follows:

This bill is intended, as I understand it, as a way for us to start a process and a dialogue about tax policy in this state. Unfortunately, faced with a very difficult and important deadline just over a month ago, we didn't take the time that we now have the opportunity to take in crafting tax policy on a bipartisan basis that's good for Michigan.

This bill, in my opinion, is very much a work in progress. It is a vehicle bill, frankly, that contains more questions than answers. So I'm not in a position to vote "yes" on this bill. I do expect that the House and the Senate will work together and will enact good public policy that is revenue-neutral, including generating revenue to make up for any delay in implementation of the current use tax.

So this is a start of a process; one that I expect to be bipartisan in nature and, at the end of the day, produces tax policy on a bipartisan basis that hopefully many of us will be able to support.

Senator Garcia's statement is as follows:

As you know, I was one of the three votes for this use tax on this side of the aisle. I think this is a good compromise. I disagree, respectfully, with my colleagues on the other side of the aisle who are not in a position to vote for this yet. I think that it does give us time to craft a better solution. It was something that I felt that we needed to do. We still need to replace the revenue because the state does need it. I know I have a lot—at least I thought I had a lot—of friends in the business community, and I hope I still do.

But my point is we want to make sure that we take a little bit more time and find a reasonable solution. I think the Minority Leader's comments about working together is a good point. I think it is important that we take this step forward to buy some time to craft a better solution. I just wish that my friends on the other side of the aisle would help us in this. I think it would go a long way to demonstrating trust and that we can all work together on this.

Senator Prusi's statement is as follows:

Earlier when the Majority Floor Leader made the motion to discharge the Finance Committee from further consideration of this bill, I was all set to leap up to amend the motion to do what we typically do and discharge any committee from any consideration of the bill because, again, we have not had any consideration of this bill; as we had no consideration of some of the earlier very important, very complex issues that have significant import on the economy of this state, on the business of this state, or on the citizens of this state. We compressed what should have been seven months' worth of work in one weekend. Now, lo and behold, we are here a month later trying to compress—even less time—another significant or a momentous issue that reflects, I think, one good reason why the people of the state of Michigan are very cynical about the Legislature; that we take these important, complex, and momentous issues and we compress our deliberation into a few people in a side room without any committee hearings and without any testimony from the affected people of this state. And I think that starts us down that road again. I think it is a road that we ought to be very careful we tread upon.

Our leader indicated that he expects us to work in a bipartisan, collegial fashion and come up with a policy that is going to matter and a policy that is going to actually work for this state. I am keeping my fingers crossed because if we are going to compress this kind of decision-making into this kind of a timeframe, we are going to be back here in January fixing that, and February fixing the next one, and in March fixing the other one.

So if we are going to work on this legislation, do it in a bipartisan fashion. Let's have enough people in the room and have enough input in the room, rather than expecting all 38 of us to cast significant votes on something that has been worked on by people outside of this chamber, people not elected to represent the people of this state. So I would just ask that we all be given a chance to put our input into this and to make suggestions and to make changes and to do the work that we were elected to do; not the interest groups who are pushing for this; not the people who start to squawk after our last go-round with tax policy around here.

So I am not real comfortable taking \$50 million regardless of what we do down the road. This has a significant impact on the continuation budget that we just passed here a couple of nights ago. That is not a frivolous thing to be doing here—to take \$50 million and to just toss it away because we have not figured out what we are doing here. We did the wrong thing a month ago and we are going to try to do the right thing here and now.

So, Mr. President and colleagues, I am very reluctant and I don't believe that I can put up an affirmative vote for this bill at this time.

By unanimous consent the Senate returned to the order of

### **Resolutions**

Senators Bishop, Cropsey, Van Woerkom and Pappageorge offered the following concurrent resolution:

#### **Senate Concurrent Resolution No. 22.**

A concurrent resolution to request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets.

Whereas, Our state's continuing economic struggles emphasize the need to make sacrifices for our future economic and fiscal health. All avenues to encourage that fiscal policies and decisions reflect this need for prudence must be pursued; and

Whereas, Article IV, Section 12 of the State Constitution of 1963 provides for the State Officers Compensation Commission. This commission determines the salaries and expense allowances of members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court. Pursuant to state statutes amended to conform to 2002 changes in the constitutional provisions regarding the commission, the State Officers Compensation Commission will next meet in 2009; and

Whereas, It is important for all possible mechanisms to be put in place to avoid unnecessary spending. Reducing the salaries of the state's highest elected officers and restraining spending increases can help safeguard the public's interests at an important time in our state's history; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets; and be it further

Resolved, That copies of this resolution be transmitted to the State Officers Compensation Commission.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations and Reform.

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

Senator Birkholz introduced  
**Senate Bill No. 864, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11504, 11507a, and 11514 (MCL 324.11504, 324.11507a, and 324.11514), section 11504 as amended by 1996 PA 359, section 11507a as amended by 2004 PA 39, and section 11514 as amended by 2005 PA 243.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senator Sanborn introduced  
**Senate Bill No. 865, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

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

Senators Scott, Gleason, Hunter, Clark-Coleman, Clarke, Anderson and Brater introduced  
**Senate Bill No. 866, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2026a.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Brown, Stamas, Jansen, Van Woerkom, Allen, Birkholz and Barcia introduced  
**Senate Bill No. 867, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; 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 the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 9 (MCL 207.552 and 207.559), section 2 as amended by 2007 PA 12 and section 9 as amended by 2006 PA 436.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Kuipers and Bishop introduced  
**Senate Bill No. 868, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

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

Senator Kuipers introduced

**Senate Bill No. 869, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 715 and 719 (MCL 38.2665 and 38.2669), section 715 as amended by 1999 PA 215 and section 719 as added by 1996 PA 523.

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

Senator Whitmer introduced

**Senate Bill No. 870, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 417 (MCL 208.1417).

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

Senator Prusi introduced

**Senate Bill No. 871, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 601 (MCL 208.1601); and to repeal acts and parts of acts.

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

Senator Prusi introduced

**Senate Bill No. 872, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3d (MCL 205.93d), as added by 2007 PA 93.

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

Senator Scott introduced

**Senate Bill No. 873, entitled**

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

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

Senator Brater introduced

**Senate Bill No. 874, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201), as amended by 2007 PA 90; and to repeal acts and parts of acts.

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

Senator Brater introduced

**Senate Bill No. 875, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 203 (MCL 208.1203).

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

Senator Gleason introduced

**Senate Bill No. 876, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 201, 203, 235, 263, 417, and 601 (MCL 208.1201, 208.1203, 208.1235, 208.1263, 208.1417, and 208.1601), section 201 as amended by 2007 PA 90; and to repeal acts and parts of acts.

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

Senator Jacobs introduced

**Senate Bill No. 877, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 263 (MCL 208.1263).

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

Senator Jacobs introduced

**Senate Bill No. 878, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

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

**House Bill No. 4468, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2003 PA 314.

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. 4469, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12e of chapter XVII (MCL 777.12e), as amended by 2004 PA 26.

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. 4635, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1068.

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.

### Statements

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

The motion prevailed.

Senator George's statement is as follows:

I wanted to point out that today, November 1, is the 50th anniversary of the opening of the Mackinac Bridge to vehicle traffic. It was in 1934 that the Legislature created the Mackinac Bridge Authority. There were several attempts to build the bridge. There was actually a causeway which started from St. Ignace in the 1940s, and that construction was halted with the coming of the second World War.

In 1953, the authority was reconstituted and the main challenge that they faced was finding the funding for the bridge. You may know that the state of Michigan budget did not build the bridge. The funding was from private investors. It was former U.S. Senator Prentiss Brown from St. Ignace who worked to secure funding from private investors, a New York banking firm. He raised about \$100 million.

Bridge construction was then started in May of 1954. The designer was David Steinman, an engineer. If you've had a chance to look at the MDOT website, you can see pictures of the bridge under construction. You can see how dredging took place in the Straits and then giant caissons were floated in by barges and sunk in the Straits. Cofferdams were constructed. A steel superstructure was made first with the two towers, the north and the south tower, and then the building of the piers, the stringing of the cable between the towers and the piers, the building of the catwalk, and finally, construction of the deck.

The bridge was opened to traffic on November 1, 1957. The first one to cross the bridge in a vehicle was Governor G. Mennen Williams. He had to pay the toll. The fare then was \$3.25. When he finished crossing the bridge, he said, "The bridge is proof that there is no job too big for the people of Michigan."

Five men lost their lives in the construction of the bridge. Several died in diving accidents related to the placing of the caissons and the cofferdams.

Today the bridge is the third-longest suspension bridge in the world. It can swing 35 feet in either direction, depending on the wind. About 3.5 million vehicles cross the bridge per year.

The engineer, David Steinman, said 50 years ago today regarding the bridge, "The Mackinac Bridge is a poem stretched across the Straits. A symphony of stone and steel."

So, Mr. President, I would ask today that we note the 50th anniversary of the opening of the bridge, and remember the work of the men and women in Michigan who had the vision to make it possible.

Senator Scott's statement is as follows:

I rise to share with you a letter I received following our immensely successful insurance rally on September 26th. It says, "Thank you for positioning the insurance redlining problem front and center on Tuesday of this week. It is really time to move this problem from discussion and marching to action. While we are waiting for our legislators in Lansing to see that this is not a Detroit problem but a consumer/civil rights issue between the haves and have nots, we must start working on ideas under a task force/committee with objectives and goals and meeting frequently."

I cannot accept the position that if Lansing does not move those bills, Detroit has to go along with insurance business as usual. I read you this letter not to emphasize the rally's success, but to show you how ready folks are for action. They are frustrated and angry, and they are ready to take on the job that we should be doing here in Lansing. We need to protect consumers, not continue to ignore them. It's time to act.

Senator Gleason's statement is as follows:

I'd like to commend the Senator from the 20th District, who happens to be a Flint area friend as well. November 1st is an historic date in the state of Michigan. My oldest uncle, Michael Gleason, worked on the Mackinac Bridge and my cousin, Patrick "Shorty" Gleason, was selected to be the co-chairperson of the 50th anniversary for the Mackinac Bridge.

It was a great honor for our family to be involved with this particular issue. I think they just tightened up the Flint relationship with the Mackinac Bridge. They did have a lot of difficulty gaining funding for the Mackinac Bridge, and actually, the first few bonds that were sold for the construction of the Mackinac Bridge came from a gentleman from Flint, Michigan, C.S. Mott. But it actually struggled for a long time to see if they could gather the funding to begin the construction of that project. So Flint, Michigan, and those brave souls, we still have a few of the original bridge workers—the bridgemen—who are still living in the Flint area, but many moved up to the Bridge area and have retired up there. But they have provided a great access to our state and the economic and tourist industry.

Within a few days, a few Senators from this chamber actually will traverse the Big Mac going up after Michigan white tail.

I just wanted to briefly mention that I'm very proud to have had an uncle who played an integral role. There have been documentaries actually made on the Mackinac Bridge, and I'm proud to say that my uncle was the lead spokesperson in every single one of them, speaking on behalf of the bridgemen—the carpenters, the laborers, and all the union men and women who worked on that bridge. The Prentiss Brown family—Barbara Brown is still a dear friend of our family.

I want to thank the Senator from the 20th District for reminding us all about what a great historic day this is.

## **Committee Reports**

### COMMITTEE ATTENDANCE REPORT

The Conference Committee on Transportation (SB 240) submitted the following:  
Meeting held on Tuesday, October 30, 2007, at 9:30 a.m., Room 405, Capitol Building  
Present: Senators Hardiman (C), Cropsey and Anderson

### COMMITTEE ATTENDANCE REPORT

The Conference Committee on Human Services (SB 232) submitted the following:  
Meeting held on Wednesday, October 31, 2007, at 2:50 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Hardiman (C), Kahn and Scott

## **Scheduled Meetings**

### **Appropriations -**

#### **Subcommittee -**

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

**Families and Human Services -** Tuesday, November 6, 2:30 p.m., Room 210, Farnum Building (373-0797)

**Finance** - Tuesday, November 6, 12:00 noon, Room 110, Farnum Building (373-1758)

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

Senator Cropsy moved that the Senate adjourn.  
The motion prevailed, the time being 3:06 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, November 6, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate