

No. 9
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Thursday, February 8, 2007.

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—excused
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—excused

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

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

Senator Nancy Cassis of the 15th District offered the following invocation:

Dear God, to everything there is a season, as a cold winter bite gives way to the warmth that melts the snow and allows the crocuses to gingerly peak their heads to the sky. Eagerly, eagerly we rejoice as the temperature gauge leaves its sub-zeros and marches up all the way to the mid-teens—amazing, a thaw.

So, too, dear God, at a defining moment in Michigan, let not a chill of labeling descend upon us as we rise to meet the challenges facing our state. Let our words be warm and inviting. Let our differences melt and give way to common ground benefiting all the people we so diligently serve.

You, O gracious Lord, have put us together in this incredible room not by accident, but by design, so we can forge together a brighter, stronger Michigan. Let the words of our mouths and the songs in our hearts be guided by Your presence as we reach out to each other. Give us courage, bestow on us humility, guide us with a gift of understanding, and help us to truly, truly listen to each other, so that we may do to the very best of our ability what we were sent to do in these trying times.

It is no coincidence; it is by design—one Governor, one House, one Senate, one Michigan, one day in February to begin anew. Amen.

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

Motions and Communications

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

Senator Anderson moved that Senators Barcia and Hunter 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.

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

Senate Bill No. 166

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

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

The motion prevailed.

Senator Gilbert's statement is as follows:

Lance Corporal Thomas Echols' family could not be here today, but I believe it is appropriate to honor Mr. Echols, who gave the ultimate sacrifice here in the Senate. I will read a tribute:

“LET IT BE KNOWN, That on behalf of the citizens of the State of Michigan, we extend our sympathy and deep respect to the family and friends of Lance Corporal Thomas Echols. A native of St. Clair, Lance Corporal Echols courageously laid down his life December 4, 2006, while conducting combat operations in Anbar province, Iraq. His loyal service to this country undoubtedly spared the lives of numerous others. Many will experience freedom as a direct result of his bravery and heroism.

Lance Corporal Echols joined several generations of his family in military service. He enlisted in the Marines shortly after high school graduation. He loved the military and its responsibilities. He was a designated marksman, trained to supply rapid and accurate fire on enemy targets. He particularly enjoyed the challenge of physical training and set personal goals to further serve as part of a Special Force unit.

We extend our most sincere admiration and gratitude to Thomas' surviving wife, Allyson, who is expecting the couple's first child in April 2007. Like other fallen heroes in Iraq, we remember Thomas as an American soldier who answered his nation's call and willingly made the ultimate sacrifice that others might live in freedom.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to express our sympathy to the family of Lance Corporal Thomas Echols and to memorialize his heroic service to his nation, state, and local community.”

Signed by Representative Pavlov, Governor Granholm, and myself.

A moment of silence was observed in memory of Marine Lance Corporal Thomas Echols.

The Secretary announced that the following official bills were printed on Wednesday, February 7, and are available at the legislative website:

Senate Bill Nos.	158	159	160	161	162	163	164	165	166	167	168	169	170	171
	172	173	174	175	176	177	184							

General Orders

Senator Brown 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 Allen 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. 97, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding sections 3f and 5h.

Senate Bill No. 155, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2005 PA 134.

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

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

Senate Bill No. 166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 2006 and September 30, 2007; and to provide for the expenditure of the appropriations.

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.

Introduction and Referral of Bills

Senators Jacobs, Allen, Gleason and Kahn introduced

Senate Bill No. 185, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 682 (MCL 257.682), as amended by 1990 PA 188.

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

Senators Jacobs, Gleason and Kahn introduced

Senate Bill No. 186, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 55 (MCL 257.1855), as amended by 2006 PA 320.

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

Senators Van Woerkom, Garcia, Kuipers and Kahn introduced

Senate Bill No. 187, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 273.

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

Senator Van Woerkom introduced

Senate Bill No. 188, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 7, 623a, 684, and 686 (MCL 380.3, 380.7, 380.623a, 380.684, and 380.686), section 3 as amended by 2004 PA 303, section 623a as amended by 2004 PA 588, and section 684 as amended by 1996 PA 277.

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

Senator Gilbert introduced

Senate Bill No. 189, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the part heading of part 361 and by adding part 363.

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

Senators Gleason, Clark-Coleman, Garcia, Basham, Hunter, Prusi, Switalski, Jacobs and Schauer introduced

Senate Bill No. 190, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951 and 952 (MCL 168.951 and 168.952), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137.

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

Senators Richardville, Hunter and Sanborn introduced

Senate Bill No. 191, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 725 and 729 (MCL 339.725 and 339.729), as amended by 2005 PA 278.

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

Statements

Senators Scott and Hardiman 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:

I have an e-mail today that I wish to read to my Senators and it says: "Dear Senators, at every renewal period for my auto and homeowners insurance policies, I am sickened and angry at the outrageous premiums that I am faced with for no other obvious reason than being a resident of the city of Detroit. I don't drive an expensive European vehicle nor live in a luxury estate, reasons that I could see for a higher premium.

Additionally, it has been many, many years since I have filed a claim through my insurer. Therefore, the only plausible explanation is the redlining and insurance practices that continue to plague the residents of Detroit. I cannot understand the continuous injustice that we face based on our geographic location, which may be by choice or circumstance.

In any event, assistance is greatly needed to incorporate legislation that will end this mistreatment immediately. I am asking that you continue your efforts in this fight and to please make the citizens of Detroit aware of what we can do in this effort. Governor Granholm said believe in the next Michigan where opportunities to grow and to live a good life exist for all our citizens. However, until all the citizens of the state of Michigan are treated equally, sadly, not all citizens will be able to live a good life. Thank you for your time."

Senators Barcia and Hunter entered the Senate Chamber.

Senator Hardiman's statement is as follows:

I rise today to offer some comments on a very important anniversary. February is Boy Scout Month in the United States. We marked this with a ceremony on the Senate floor a few years ago, and a number of Scouts from the Grand Rapids area participated.

This year is also another important anniversary because 100 years ago this August, Lord Baden-Powell started the first Boy Scout troop in the world with a small camp of 22 boys and a few leaders at Brownsea Island in England. He wanted to provide an outdoor experience for boys which would teach them lasting lessons he had learned from his own wartime experiences. He knew it was important to teach about character, citizenship, and service and that camping and hiking would provide the classroom. One hundred years later, Baden-Powell's idea has spread to 155 countries, and over 25 million boys and young men have worn the Scout uniform. Boys have learned the lessons he first taught and have carried them into countless walks of life.

A few short weeks ago, we laid to rest perhaps the most prominent Scout when President Ford came home for the final time to Grand Rapids. I don't say former Scout because the standards of scouting are lifelong, and they are never out of mind or out of fashion, especially for an Eagle Scout like Gerald R. Ford. It was especially moving to see the long lines of fellow Scouts paying tribute as his motorcade traveled the streets toward his museum in a testimony to his lifelong adherence to the scouting ideals.

I offer these comments on this anniversary as a proud board member of the Boy Scout Council, which bears President Ford's name, and as a supporter of the values this organization still seeks to instill in young men and future leaders. When these values of integrity, duty, respect for others, and service to others seem in short supply, it is good for us to pay tribute to the Boy Scouts, to wish them success in their mission, and to hope that they will fulfill the Scout slogan "Do a Good Turn Daily" for many years to come.

Committee Reports

The Committee on Homeland Security and Emerging Technologies reported

Senate Concurrent Resolution No. 3.

A concurrent resolution to urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada.

(For text of resolution, see Senate Journal No. 4, p. 77.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada.

Whereas, The Canada-United States border relationship is a special one. More than 300,000 business people, truck drivers, tourists, and regular commuters, and \$1.1 billion in goods on average travel daily between the two nations; and

Whereas, Under the Intelligence Reform and Terrorism Prevention Act of 2004, millions of Americans may be required to show passports when they reenter this country from Canada by January 1, 2008. This provision, known as the Western Hemisphere Travel Initiative (WHTI), is intended to make it more difficult for terrorists to enter the United States. Currently, Americans only need to show a driver's license or a birth certificate when they reenter from Canada; and

Whereas, Congress passed the Real ID Act in 2005, which mandates that beginning in May 2008, a state driver's license cannot be used for any federal purpose (including boarding an airplane), unless it meets specific federal requirements including a digital image of the client's face, proof of legal status, certain mandatory information, and card security features. A Real ID-compliant driver's license is very similar to the documentation necessary to obtain a passport, which is a requirement of the WHTI; and

Whereas, The Michigan Secretary of State has proposed the exploration, on a pilot basis, of the feasibility of developing, in cooperation with the Department of Homeland Security, a state-issued driver's license that is compliant with the Real ID Act as an acceptable document for WHTI; and

Whereas, This dual-purpose driver's license identification card proposal has the following stated objectives: combine the requirements of the WHTI and Real ID Act; recognize the need for secure borders by making it tougher for terrorists to enter the country; provide a convenient service and additional benefits to American citizens; honor the intent of the Real ID Act and the WHTI without subjecting citizens to multiple layers of governmental bureaucracy; and acknowledge the limited state and federal resources available for document verification; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States; the United States Secretary of State; the United States Secretary of the Department of Homeland Security; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States

Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; and the members of the Michigan congressional delegation.

Cameron Brown
Chairperson

To Report Out:

Yeas: Senators Brown, Garcia, Pappageorge, Hunter, Olshove and Thomas

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, February 6, 2007, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville, Pappageorge, Hunter, Olshove and Thomas

The Committee on Appropriations reported

Senate Bill No. 14, 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 2e (MCL 21.142e), as amended by 2004 PA 342.

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.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 2006 and September 30, 2007; and to provide for the expenditure of the appropriations.

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.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 184, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 371 and 395 (MCL 18.1371 and 18.1395), section 371 as amended by 1999 PA 8 and section 395 as amended by 1988 PA 504.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Clark-Coleman and Scott

Nays: Senators Brater and Cherry

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 7, 2007, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:

Meeting held on Wednesday, February 7, 2007, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Jansen (C), Stamas, Scott and Anderson

Excused: Senator George

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, February 7, 2007, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, February 7, 2007, at 3:02 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture - Thursdays, February 15, February 22, March 1, and March 8, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Wednesday, February 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursdays, February 15, February 22, March 1, March 8, and March 15, 3:00 p.m., Room 100, Farnum Building (373-2768)

Natural Resources Department - Tuesday, February 27, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, February 15, February 22, March 1 and March 8, 1:00 p.m., Room 405, Capitol Building (373-2768)

Education - Thursday, February 15, 2:30 p.m., Room 210, Farnum Building (373-6920)

Judiciary - Tuesday, February 13, 12:30 p.m., Room 210, Farnum Building (373-6920)

Natural Resources and Environmental Affairs - Wednesday, February 14, 1:00 p.m., Room 110, Farnum Building (373-3447)

Transportation - Tuesday, February 13, 12:30 p.m., Room 110, Farnum Building (373-7708)

Senator Brown moved that the Senate adjourn.
The motion prevailed, the time being 10:27 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, February 13, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate