

**No. 23**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Wednesday, March 14, 2007.

10:00 a.m.

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

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

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

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

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

Pastor Jim Liske of Ridge Point Community Church of Holland offered the following invocation:

Heavenly Father, we thank You and praise You that we can come together in this form of government—a democracy. We praise You, Father, for the freedoms that You have given us, and, Father, right now we think very mindfully of those who are in harm's way fighting for those freedoms to continue around our world. Lord, as we look at the newspaper today and as we glance at what is taking place in our world, we pray for their safety and their quick return.

Lord, I pray for these individuals who are now on the front lines of the future. I ask, Father, that You would give them Your vision, that they would understand the consequences of their actions well beyond their years here. I ask, Father, that You would give them a delightful view of what You plan to have happen.

Lord, we pray upon them the wisdom of Solomon directly from Your throne by Your Holy Spirit; Lord, that they would find things coming from their research, from their minds, and from their hearts that would astound them. Lord, as they hear from those they lead and as they hear from those they lead with, I pray that You would also give them a sense of justice and understanding, Father, of what it means to not only have an absence of hostility, but the presence, Father, of a justice that affirms and values everyone.

I pray, Father, with their vision that You give them and the justice that You place in their heart, that You would give them the ability, Father, to be people of integrity as they work with one another for the benefit of Your people. Lord, in all things I pray that Your love and Your grace would abound here in this room and throughout the Capitol.

Father, You know some of the tough issues facing these people—tough decisions with the economy, with our prison system, tough issues, Father, that they need to talk about dealing with families and single parents, with people facing addictions, Father, and with places in our economy where that particular type of work is disappearing. Lord, I know those things weigh heavy on their shoulders as they consider the people they have come here representing. I pray, Father, that You would allow those things to weigh heavy on their hearts, that they would not become issues, Father, that would be taken lightly.

But, in that, Father, I pray that You might keep them healthy in this session; that You would keep them well; that You would keep them, Father, free from an anxiety that would disable them; that You would keep them free from stress that would make their decisions quick and unwise; and that You, Father, in all things would bring a spirit of cooperation in here, Father, in every part of our government.

So would you bless these individuals. May Your hand rest upon them warmly. May Your heart be spoken here, and may Your mind, Father, cause their hearts to become one. I praise You and thank You for them.

In Jesus' name. Amen.

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

### **Motions and Communications**

Senators Kahn and Brater entered the Senate Chamber.

Senator Cropsy moved that Senator Garcia be excused from today's session.

The motion prevailed.

Senator Thomas moved that Senators Barcia and Clarke be temporarily excused from today's session.

The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

March 14, 2007

Pursuant to Senate Rule 2.104(g), I am requesting that the Senate Appropriations Committee hold a hearing on the Auditor General's report on the performance audit of the Biennial Internal Control Evaluation Process, Department of Community Health, March 2007, and make a written recommendation to the Government Operations and Reform Committee on this report.

Respectfully yours,  
 Senator Michael D. Bishop, Chairman  
 Government Operations and Reform Committee

The communication was referred to the Secretary for record.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee: **Appropriations** - Senator Gilbert temporarily replacing Senator Garcia.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, March 13: **House Bill No. 4239**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 13, for her approval the following bill:

**Enrolled Senate Bill No. 14 at 1:37 p.m.**

**Messages from the House**

Senator Clarke entered the Senate Chamber.

**Senate Bill No. 176, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2005 PA 187.

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.

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 290, entitled**

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

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. 29**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Barcia

Garcia

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

**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 Cherry as Chairperson.

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

**Senate Bill No. 336, entitled**

A bill to amend 2004 PA 547, entitled "An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 80101 (MCL 324.80101), as added by 1995 PA 58, and by adding section 80108a; and to repeal acts and parts of acts," by repealing enacting section 1.

The bill 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. 271, 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," by amending sections 5 and 5e (MCL 722.115 and 722.115e), section 5 as amended by 2006 PA 580 and section 5e as added by 2005 PA 133, and by adding sections 5h and 5i.

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. 279, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 70107.

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.

**Introduction and Referral of Bills**

Senator Cropsey introduced

**Senate Bill No. 345, 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 section 9 (MCL 207.559), as amended by 2006 PA 436.

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

Senator Van Woerkom introduced

**Senate Bill No. 346, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 66. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Birkholz, Thomas, Garcia and Brown introduced

**Senate Bill No. 347, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 437 and 440 (MCL 206.437 and 206.440), section 437 as added by 2005 PA 249 and section 440 as amended by 2005 PA 160, and by adding sections 430 and 431.

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

Senators Birkholz, Brown, Thomas and Garcia introduced

**Senate Bill No. 348, entitled**

A bill to establish the Amanda’s fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

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

Senators Garcia, Barcia and Pappageorge introduced

**Senate Bill No. 349, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 433. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Garcia, Barcia and Pappageorge introduced

**Senate Bill No. 350, entitled**

A bill to establish the animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

**House Bill No. 4239, entitled**

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 47 (MCL 169.247), as amended by 2001 PA 250, and by adding section 48.

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 Campaign and Election Oversight.

### Statements

Senator Barcia entered the Senate Chamber.

Senators Scott and George 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:

Colleagues, I just want to continue to remind you that there is a large group of people out here who need affordable insurance. I have a bill in committee that would study our insurance laws that are not working for all the people of this state. I would hope that we would soon take up that particular bill so that we can again have the proper insurance for all the people in the state of Michigan.

Senator George's statement is as follows:

As we struggle with our state's budget and as we anticipate another executive order from the Governor, in light of our rejection of the previous order, I would like to explain what I am looking for in the next executive order; what kind of executive order I can approve to balance this year's budget.

First and foremost, we need an executive order that will not balance the budget by instituting a new tax on services. We should not midway through the budget year say to the citizens of Michigan, "Whoa, we miscalculated on our budget projections. We have to raise your taxes now." We should not midway through the budget cycle ask the taxpayers to bail us out.

The two-penny plan is just too much to ask of the citizens of Michigan. It's too much, too complicated, and it's too late for the current budget year. In her town hall meetings, one of which I attended, and in her budget proposals, the Governor has combined the three issues of the single business tax replacement, this year's budget shortfall, and next year's budget. She has combined them all and made the solutions for all contingent on the adoption of her service tax proposal.

I believe this is a mistake. The Governor needs to separate the questions. The Governor needs to separate the three questions. Separating the three problems makes it easier to find solutions. If you separate the problem and look at the current year budget first, you will see that it can be corrected with a combination of cuts and delayed payments. Yes, that would be difficult to do. The cuts would have to be widespread, but you can make cuts and delay payments in this year's budget year which would balance the budget. You can solve the current year problem without linking it to a service tax. That, my friends, is what I am prepared to support in an executive order. Separating the question makes it easier to find solutions.

If you next look at the single business tax, you'll see that there is a solution at hand. We have our BEST proposal, which is before us now on the Senate floor, and, of course, there are other plans for single business tax replacements. There is a solution in sight. It is doable.

That, then, would bring us to next year's budget, where taking into account an SBT replacement and any delayed obligations from this year's budget, we can have a complete discussion that includes some of the ideas we've heard the Governor mention in her State of the State address, such as incentives for local government consolidation or our ideas regarding teacher health and pension restructuring or the Governor's revenue proposals.

So, colleagues, I stand before you to call on the Governor to separate the three questions of this year's budget, the SBT replacement, and next year's budget. Separate the three questions by giving us an executive order that balances the current year budget through spending reductions or payment delays, one that is not contingent on adopting a service tax.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 275, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Sanborn, Patterson, Whitmer, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 13, 2007, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Sanborn, Patterson, Whitmer, Clarke and Prusi

Excused: Senator Cropsey

The Committee on Commerce and Tourism reported

**Senate Bill No. 69, entitled**

A bill to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition

and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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.

Jason E. Allen  
Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, March 13, 2007, at 2:30 p.m., Room 100, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Monday, March 12, 2007, at 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Jansen, Brown, McManus, Switalski and Cherry

Excused: Senators Garcia, George, Stamas, Anderson, Barcia, Brater, Clark-Coleman and Scott

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 13, 2007, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Tuesday, March 13, 2007, at 3:00 p.m., Room 405, Capitol Building

Present: Senators George (C), Brown and Clark-Coleman

#### Scheduled Meetings

**Agriculture** - Thursday, March 15, 9:00 a.m., Room 110, Farnum Building (373-1635)

#### Appropriations -

##### Subcommittees -

**Agriculture** - Thursday, March 15, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768) (CANCELED)

**Capital Outlay** - Thursday, March 15, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

**General Government** - Thursday, March 15, 3:00 p.m., Room 100, Farnum Building (373-2768) (CANCELED)

**Higher Education** - Tuesday, March 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services Department** - Thursday, March 15, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Transportation Department** - Wednesday, March 21, 8:30 a.m., Room 405, Capitol Building (373-2768)  
(CANCELED)

**Energy Policy and Public Utilities** - Thursday, March 15, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Finance** - Thursday, March 15, 11:00 a.m. or later immediately following session, Room 110, Farnum Building; Friday, March 16, 1:00 p.m., Grand Valley State University, Downtown Campus, Eberhard Center, Room 215, 301 W. Fulton Street, Grand Rapids; Monday, March 19, 10:30 a.m., Troy Community Center, Room 303, 3179 Livernois, Troy; and Thursday, March 22, 1:00 p.m., Saginaw Valley State University, Malcomb Field Theater, 7400 Bay Road, University Center (373-1758)

**Government Operations and Reform** - Tuesday, March 20, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

**State Drug Treatment Court Advisory Committee** - Tuesday, March 27, 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 10:34 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, March 15, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate