

No. 51
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2008

Senate Chamber, Lansing, Thursday, May 22, 2008.

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

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

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

Pastor Jimmy Lawson of Community Free Will Baptist Church of Westland offered the following invocation:

Our loving God, we love You and we thank You for Your many blessings. We thank You for Your grace and for Your mercy. We thank You for the strength which You give. We thank You for the love that You have shown us. Lord, You have been so good to us as a nation, and we thank You and we praise You for all that You have done.

Father, we pray that You would continue to add Your blessings to this great nation and to this great state. We thank You for the privilege that we have to be able to live in this country, a place where we are able to enjoy all of the rights and all of the freedoms that You have intended for each and every individual to be able to enjoy. We thank You for each and every man and lady here in this room who has given their lives as a service to their fellow man, and we pray, God, that You would add Your blessings to each and everyone.

God, as we celebrate this Memorial Day holiday, we know that we have men and women faithfully serving to protect and defend our freedoms all across this world, and we pray, God, that You would place Your hand upon each one. We know that even this morning there are no doubt some of our soldiers who are standing in the way of danger. Father, we ask that You would plant Your hand of protection upon each one. We pray that You would meet their needs and that You would add Your blessings to them today.

God, our hearts go out to the many mothers and fathers, sons and daughters, and the brothers and sisters of those here in the state of Michigan as well as across this great country who have given their lives for the freedoms and protections that we are able to enjoy. God, we ask that You would add Your blessings to these families. We pray that You would grant them peace and comfort. And, Lord, while we mourn the loss of every soldier, we thank You and we praise You. We thank them for their willingness to stand in defense and to lay everything on the line for this great nation.

God, we ask now for Your leadership here in this house. We ask that You would bless this nation and that You would bless this state. I ask that You would be with our Governor. Give her the wisdom to lead, and continue to grant her the strength that she stands in need of. For the members of this Senate, God, I pray that You would grant the wisdom and the vision that are needed to help lead this great state. We know that with Your help that this state can again rebound and lead this nation forward.

So, God, we place our trust and our confidence in You. Help us to place our cares and our needs at Your feet because we know that You care for us. Again, we thank You and we praise You. In the name of our loving God, we pray. Amen.

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

Motions and Communications

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

Senator Cropsey moved that Senator Patterson be excused from today's session.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 21:
House Bill Nos. 5639 6092 6093

The Secretary announced that the following official bills were printed on Wednesday, May 21, and are available at the legislative website:

Senate Bill Nos. 1325 1326 1327 1328 1329 1330 1331
House Bill Nos. 6124 6125 6126 6127 6128 6129 6130 6131

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Garcia admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:16 a.m.

11:04 a.m.

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

During the recess, Senator Garcia presented the 14th Annual Memorial Day Ceremony in honor of the military personnel who served during wartime. The ceremony was accompanied by the Brighton VFW Post 4357 Honor Guard, Kalamazoo Pipe Band, and VFW Post Commanders.

Senator Bishop introduced the Men of Grace choir of Grace Centers of Hope of Pontiac, who sang the "National Anthem."

Senator Garcia introduced Sergeant Michelle Rudzitis, Michigan National Guard, who addressed the Senate.

Senator Basham conducted a roll call of Michigan fallen soldiers since the 2007 Memorial Day Ceremony, and Senators Allen, Bishop, Brown, Cherry, Clarke, George, Hardiman, Kahn, Kuipers, McManus, Olshove, Pappageorge, Scott, Stamas, Switalski and Van Woerkom acknowledged the casualties with memorial flags.

A moment of silence was observed in memory of those who lost their lives serving their country.

The Kalamazoo Pipe Band played "Taps" and "Amazing Grace."

Senator Garcia acknowledged Senators who serve and have served in the military: Senators Allen, Basham, Hardiman, Pappageorge, and himself.

By unanimous consent the Senate proceeded to the order of

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 196

The resolution consent calendar was adopted.

Senator McManus offered the following resolution:

Senate Resolution No. 196.

A resolution commemorating the Seventy-fifth Anniversary of the family ownership of the Grand Hotel of Mackinac Island, Michigan.

Whereas, The Michigan Senate is proud to acknowledge the Seventy-fifth Anniversary of the Musser family ownership of the Grand Hotel, beginning with the 1933 purchase of the hotel by William Stewart Woodfill, uncle to R.D. Musser II; and

Whereas, Mr. Woodfill's devotion and love of the hotel inspired a similar passion in a young R.D. Musser II, beginning with his first work assignment to the hotel in 1951; and

Whereas, R.D. (Dan) Musser II advanced in his talents and responsibilities to the point of being selected by his uncle as the president of the Grand Hotel in 1960; and

Whereas, Through Mr. Musser's leadership, the hotel prospered and improved, including an extensive redesign of both the interior and exterior of the Grand Hotel by architect Richard Bos and decorator Carleton Varney in 1976; and

Whereas, In 1979, R.D. Musser II purchased the Grand Hotel from his uncle William Stewart Woodfill and continues the tradition of excellence established by his uncle; and

Whereas, Ongoing improvements were made to the hotel, including addition of the Cupola Bar, renovation of the Woodfill Conference Center, and improvements to the Jewel Golf Course in 1987; and

Whereas, In 1989, R.D. Musser II appointed his son R.D. Musser III as president of the Grand Hotel, during which time the East Wing was added to the hotel, and the U.S. Department of Interior designated the Grand Hotel as a National Historic Landmark; and

Whereas, The Musser family ownership and management continues its tradition of quality improvements to the Grand Hotel, including addition of the new Woods nine-hole golf course in 1994, a new golf pro shop in 2000, the opening of the Millennium Wing in 2001, and the addition of the Gate House in 2006; and

Whereas, Under the Musser family lineage, the Grand Hotel has become a worldwide landmark, symbolizing a tradition of unmatched, first-class elegance and style. The Grand Hotel has also been a key component of the Mackinac Island economy and a leader in promotion of the important tourism industry in northern Michigan; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the Seventy-fifth Anniversary of the family ownership of the Grand Hotel and express our congratulations to R.D. (Daniel) Musser III and his entire family for their leadership, hard work, and devotion to one of Michigan's crown jewels, the Grand Hotel of Mackinac Island; and be it further

Resolved, That copies of this resolution be transmitted to Messrs. R.D. Musser II and R.D. Musser III on behalf of the Michigan Senate as a token of our congratulations and best wishes.

Senators Allen, Anderson, Birkholz, Cassis, Cherry, Hardiman, Pappageorge, Schauer, Stamas and Switalski were named co-sponsors of the resolution.

Committee Reports

The Committee on Commerce and Tourism reported

House Bill No. 4050, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3e.

With the recommendation that the substitute (S-2) 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.

The Committee on Energy Policy and Public Utilities reported

Senate Bill No. 1048, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 253.

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Brown, Birkholz, Kuipers and Richardville

Nays: Senators Olshove, Prusi and Thomas

The bill was referred to the Committee of the Whole.

The Committee on Energy Policy and Public Utilities reported

Senate Bill No. 1228, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding sections 10dd and 10ee.

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Brown, Birkholz, Kuipers, Richardville, Olshove, Prusi and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Energy Policy and Public Utilities reported

House Bill No. 5316, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241b (MCL 18.1241b), as added by 1995 PA 38.

With the recommendation that the bill pass.

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Birkholz, Richardville, Olshove, Prusi and Thomas

Nays: Senators Brown and Kuipers

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Tuesday, May 20, 2008, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Prusi and Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Campaign and Election Oversight submitted the following:

Meeting held on Wednesday, May 21, 2008, at 12:00 noon, Room 405, Capitol Building

Present: Senators McManus (C), Jansen, Jacobs and Schauer

Excused: Senator Brown

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Wednesday, June 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Energy Policy and Public Utilities - Tuesday, May 27, 1:00 p.m., Room 210, Farnum Building (373-7350)

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

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

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:07 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, May 27, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

