

No. 35
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Wednesday, April 16, 2008.

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—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—present
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—excused
Van Woerkom—present
Whitmer—present

Pastor Mark Karls of Ames Methodist Church of Saginaw offered the following invocation:

Dear Heavenly Father, it has been over 44 years since I stood on this very spot as President pro tempore of a high school Senate during Christmas break of 1963 with Governor Romney in the Gallery. Today, over 44 years later, I am a lot older and a little wiser.

Lord, You know of the needs of our beloved state of Michigan. What joy we have in our city of Saginaw to bring together all kinds of people to change hearts, that brings racial and economic reconciliation, that leads to social stability, and that attracts investment and hope for the future.

I pray for changed hearts throughout the state of Michigan beginning here this morning. I pray that we take the time and make the effort to follow Your promptings in what we say and do, for unless You build the house, we who labor, labor in vain.

Father, we so desperately need Your solutions for our cities and our state. This is why we come to You first this morning before we do anything else. I pray Your priceless blessings on Governor Jennifer Granholm, Lieutenant Governor and President of the Senate John Cherry, Jr., President pro tempore Randy Richardville, Senate leaders Mike Bishop and Mark Schauer, and the entire body and staff of this Senate this morning.

We love You so much, Lord. I pray this in the name of Jesus. Amen.

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

Motions and Communications

Senators Clark-Coleman, Patterson and Garcia entered the Senate Chamber.

Senator Anderson moved that Senators Barcia and Brater 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 Cropsy moved that Senator Brown be temporarily excused from today's session.
The motion prevailed.

Senator Cropsy moved that the enrollment be vacated on the following bill:

Senate Bill No. 885, entitled

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 3, 8d, 8e, 9, and 10 (MCL 125.2683, 125.2688d, 125.2688e, 125.2689, and 125.2690), section 3 as amended by 2006 PA 304, section 8d as amended by 2006 PA 93, section 8e as added by 2006 PA 270, and sections 9 and 10 as amended by 2007 PA 186.

The motion prevailed, and the bill was placed on the order of Messages from the House.

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

House Bill No. 5463, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 410 (MCL 208.1410).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsy 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:

House Bill No. 5463

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

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 10:08 a.m.

10:18 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senator Garcia introduced the New Lothrop High School Girls Basketball Team, Class D State Champions, and Head Coach Tom Kohlmann II and presented them with a Special Tribute.

Senator Kahn, Representative Ball, and Coach Kohlmann responded briefly.

During the recess, Senators Brater and Barcia entered the Senate Chamber.

The following communication was received:

Department of Treasury

April 15, 2008

Please find attached one copy of the Personal Property Audit Quarterly Report for the period January 1, 2008 through March 31, 2008. The report is required by Public Act 127 of 2007, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

(1) Of the \$5,267,400.00 included in part 1 for the revenue enhancement program, \$4,767,400.00 shall be used for revenue collection enhancement activities including auditing functions.

(2) The department of treasury shall submit quarterly progress reports to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies, regarding personal property tax audits funded under subsection (1). The report shall include the number of audits, revenue generated, and number of complaints received by the department related to the audits.

Sincerely,

Frederick Headen, Director

Bureau of Local Government Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 15:

House Bill Nos. 4817 5420 5558 5559

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, April 15, for her approval the following bill:

Enrolled Senate Bill No. 1192 at 1:55 p.m.

The Secretary announced that the following official joint resolution was printed on Tuesday, April 15, and is available at the legislative website:

Senate Joint Resolution L

By unanimous consent the Senate proceeded to the order of
Messages from the Governor

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

Senate Bill No. 436

Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

The following message from the Governor was received:

Date: April 15, 2008

Time: 2:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1192 (Public Act No. 97), being

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 113 (MCL 208.1113), as amended by 2007 PA 145.

(Filed with the Secretary of State on April 15, 2008, at 2:36 p.m.)

Respectfully,
 Jennifer M. Granholm
 Governor

Messages from the House

Senator Cropsey moved that the following bill be placed at the head of the Messages from the House calendar:

Senate Bill No. 1118

The motion prevailed.

Senator Brown entered the Senate Chamber.

Senate Bill No. 1118, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 410 (MCL 208.1410).
 Substitute (H-4).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 230

Yeas—37

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Schauer
Birkholz	George	Kuipers	Scott
Bishop	Gilbert	McManus	Stamas
Brater	Gleason	Olshove	Switalski

Brown
Cassis
Cherry

Hardiman
Hunter

Pappageorge
Patterson

Van Woerkom
Whitmer

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.
The motion prevailed, 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.

Senate Bill No. 192, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," by amending section 3 (MCL 32.273), as amended by 2002 PA 121.

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

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

Senate Bill No. 1157, entitled

A bill to amend 1960 PA 77, entitled "An act to create the Michigan higher education assistance authority and to prescribe its powers and duties; to authorize persons, corporations, and associations to make gifts to the authority; to prescribe the powers and duties of certain state officials; to authorize, ratify, and confirm certain guarantees of students' loans and authorize reguarantees; to authorize, ratify, and confirm certain guarantees of loans made to parents of students; to validate certain prior appropriations; and to authorize the transfer of certain appropriations to be transferred to and administered by the authority;" (MCL 390.951 to 390.961) by adding section 7b; and to repeal acts and parts of acts.

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

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

Senate Bill No. 885, entitled

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 3, 8d, 8e, 9, and 10 (MCL 125.2683, 125.2688d, 125.2688e, 125.2689, and 125.2690), section 3 as amended by 2006 PA 304, section 8d as amended by 2006 PA 93, section 8e as added by 2006 PA 270, and sections 9 and 10 as amended by 2007 PA 186.

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute was concurred in.

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

Senator Cropsey moved to reconsider the vote by which the House substitute was concurred in.

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

The question being on concurring in the substitute made to the bill by the House,

Senator Kahn offered the following amendment to the substitute:

1. Amend page 11, line 3, by striking out all of section 9.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 231

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

Senator Kahn offered to amend the title to read as follows:

A bill to amend 1996 PA 376, entitled “An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending sections 3, 8d, 8e, and 10 (MCL 125.2683, 125.2688d, 125.2688e, and 125.2690), section 3 as amended by 2006 PA 304, section 8d as amended by 2006 PA 93, section 8e as added by 2006 PA 270, and section 10 as amended by 2007 PA 186.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Kahn's statement is as follows:

We are taking this action today because of concerns raised by the administration after my bill was enrolled. In the spirit of cooperation and bipartisanship, I am offering an amendment to remove the concerning provision. This provision would have exempted tool and die recovery zones from the mandatory three-year phase-out if the zone granted was for less than 15 years.

I was unaware of the administration's concern when the bill was returned from the House before we took our district work period. I look forward to working with the administration to address this issue in a manner that works for all parties concerned.

House Bill No. 5600, entitled

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 4, 8a, and 12 (MCL 125.2684, 125.2688a, and 125.2692), section 4 as amended by 2006 PA 440, section 8a as amended by 2006 PA 476, and section 12 as amended by 2002 PA 745.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 4, line 5, after "2008," by striking out "AND".
2. Amend page 4, line 6, after "CREATION" by inserting a comma and "AND THE COUNTY IN WHICH THE PORTION OR PORTIONS OF THE RENAISSANCE ZONE ARE LOCATED CONSENTS TO EXTEND THE DURATION OF RENAISSANCE ZONE STATUS".
3. Amend page 10, line 5, by striking out all of section 12.

The House of Representatives has amended the Senate substitute (S-3) as amended, ordered that the bill be given immediate effect and amended the title to read as follows:

An act to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 4 and 8a (MCL 125.2684 and 125.2688a), section 4 as amended by 2006 PA 440 and section 8a as amended by 2006 PA 476.

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

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 Clarke as Chairperson.

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

Senate Bill No. 1126, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

Senate Bill No. 1128, entitled

A bill to provide for the publication of certain information regarding the establishing of alternative fuels facilities in this state; to provide for certain powers and duties for certain state agencies; and to make available to the public certain information.

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. 1129, 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.

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. 1130, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," (MCL 290.641 to 290.650d) by adding section 5a. 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 amendment, the following bill:

Senate Bill No. 1132, entitled

A bill to amend 2006 PA 272, entitled "Renewable fuels commission act," by amending sections 3 and 6 (MCL 290.583 and 290.586).

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 10, after "ECONOMY" by inserting "AND ENVIRONMENT".

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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:
House Bill No. 5865, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8B.

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:
House Bill No. 5866, entitled

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268), as amended by 2007 PA 18.

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:
House Bill No. 5867, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 7 and 8 (MCL 12.257 and 12.258), section 7 as amended by 2007 PA 50 and section 8 as added by 2005 PA 232.

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:
House Bill No. 5463, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 410 (MCL 208.1410). Substitute (S-4).

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.

Resolutions

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

Senate Concurrent Resolution No. 22

Senate Resolution No. 154

Senate Concurrent Resolution No. 27

Senate Resolution No. 156

The motion prevailed.

Senators Birkholz, Kahn, Richardville, Pappageorge, Jansen, Gilbert, Jelinek and Kuipers offered the following resolution:

Senate Resolution No. 171.

A resolution designating April 20-27, 2008, the second annual Michigan Conservation Week, as Land Preservation Week.

Whereas, The Michigan Legislature is constitutionally charged with the responsibility to protect and preserve the natural resources of this great state; and

Whereas, The state of Michigan is blessed with an abundance of natural resources, plentiful lakes, rivers, and streams; bountiful wetlands and sand dunes; and precious forests. These resources provide Michigan residents and visitors to this great state a high quality of life; and

Whereas, Michigan's resources provide both beauty and background for those who live and recreate in the state; and

Whereas, The Legislature has acknowledged the sensitive nature of these resources through a number of environmental programs designed to keep our resource base healthy, while allowing for wise and continuous use of these natural resources; and

Whereas, Michigan's economic, environmental, and social futures are all dependent on the wise use of the state's 37 million acres; and

Whereas, Twenty-first century prosperity is inextricably linked to the quality of life this or any state provides to both its residents and the businesses and entrepreneurs it wishes to attract; and

Whereas, Michigan's land-based industries, including agriculture, tourism, forestry, and mining, currently account for more than \$37.6 billion (17 percent) of Michigan's yearly economic output; and

Whereas, Those same industries contribute immensely to the character of Michigan's landscape, while at the same time supplying the products that sustain and enhance our lives; and

Whereas, In many areas of the state, certain development of open spaces may be altering the character of Michigan's landscapes and threatening those land-based industries; and

Whereas, The ecological services provided by open space, greenways, and other green infrastructure are incalculable; and

Whereas, Through the state's Natural Resources Trust Fund, the Farmland and Open Space Preservation program, and through the growth and development of both public and private land preservation programs at the local level, significant landscapes have been protected for future generations; and

Whereas, Through the efforts of Michigan land conservancies, more than 400,000 acres of Michigan coastline, forests, unique agricultural lands, and other special lands have been protected for future generations of Michigan citizens; and

Whereas, Designating Land Preservation Week will offer local conservation groups and educators an opportunity to educate students and community members on the necessity of preserving Michigan's land-based natural resources in a sustainable manner to provide enjoyment to both current and future generations; now, therefore, be it

Resolved by the Senate, That we hereby designate April 20-27, 2008, the second annual Conservation Week as Land Preservation Week. We urge the citizens of the state of Michigan to celebrate and commemorate the heritage of land preservation and its role in maintaining and enhancing the land-based natural resources of the state and preserving the high quality of life available to those who live, work, and recreate in the state; and be it further

Resolved, That copies of this resolution be transmitted to Rebecca Humphries, director of the Department of Natural Resources; the Natural Resources Commission; Steve Chester, director of the Department of Environmental Quality; Representative Rebekah Warren, chair of the House Committee on Great Lakes and Environment; Representative Joel Sheltrown, chair of the House Committee on Tourism, Outdoor Recreation and Natural Resources; Senate Majority Leader Mike Bishop; Speaker of the House Andy Dillon; Governor Jennifer Granholm; the Michigan Chapter of the Nature Conservancy, the Heart of the Lakes Center for Land Conservancy Policy; and all other state and local conservation groups.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,
Senator Cropsey moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Basham, Clarke, Gleason, Jacobs, Olshove, Prusi, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senator Kahn offered the following resolution:

Senate Resolution No. 172.

A resolution commemorating April 13-19, 2008, as Crime Victims' Rights Week in the state of Michigan.

Whereas, With the implementation of the crime victim's rights act in 1985 and the passage of the constitutional amendment in 1988, crime victims in Michigan enjoy some of the most comprehensive, constitutionally-guaranteed rights in the nation. We celebrate the fact that victims in Michigan have been an integral part of the delivery of justice for the past 23 years. Communities throughout the state are unified in their efforts to assist victims in the recovery from the aftermath of crime; and

Whereas, The support groups that have arisen are many and varied. They range from volunteers coordinated by county sheriff offices to assist victims of crime at the very first moment a crime has occurred, to the motivated and concerned individuals in each county prosecutor's office who ensure that victims are afforded their rights, to the advocates who ensure continued implementation of victims' rights throughout the incarceration of the criminal defendant; and

Whereas, The existence of these groups and the visibility of victims in the criminal justice process can be largely traced to the reforms of 1985 and 1988. Today, every effort is made to treat victims with fairness, respect, dignity, and privacy; and

Whereas, Crime remains a serious issue facing the state of Michigan. We must continue to address the concerns of victims and be open to additional reforms as they are needed; and

Whereas, Communities throughout the state are experiencing a growing concern about the increase in gang-related violence, with 60 percent of the homicides in Saginaw alone during 2006 linked to gangs; and

Whereas, We remember the victims of crime, like young Stacy D. Evans Jr., a 14-month-old who was killed on March 2, 2007, and the tremendous loss his parents still endure after this senseless act of violence that traumatized a family and community; and

Whereas, The exchange of information and level of public awareness are the focus of National Crime Victims' Rights Week and continue to serve as a driving force for changes in attitude and law in Michigan, as well as the entire country; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate April 13-19, 2008, as Crime Victims' Rights Week in the state of Michigan; and be it further

Resolved, That we pay our respects to those who have been victimized by violence and crime, as well as salute the many dedicated individuals who work on behalf of Michigan victims, at a candlelight vigil to be held on Wednesday, April 16, 2008, at the State Capitol; and be it further

Resolved, That a copy of this resolution be transmitted to the coordinators of the candlelight vigil event as evidence of our respect and best wishes.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Allen, Anderson, Barcia, Basham, Birkholz, Bishop, Brater, Brown, Cassis, Cherry, Clarke, Cropsey, Garcia, George, Gilbert, Gleason, Hardiman, Hunter, Jacobs, Jansen, Jelinek, Kuipers, McManus, Olshove, Pappageorge, Patterson, Prusi, Richardville, Sanborn, Schauer, Scott, Stamas and Van Woerkom were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Kahn's statement is as follows:

This resolution recognizes that this week our state recognizes the human impact of crime. It does so by observing Crime Victims' Rights Week. Crime Victims' Rights Week has been set aside as a time of national remembrance, a time to build public awareness about the challenges that crime victims face, and to celebrate the hard-won progress in victims rights and victim services needs.

Victims in Michigan have been an integral part of the delivery of justice for the past 23 years. In this resolution, crime victims in Michigan have some of the most comprehensive, constitutionally-guaranteed rights in the nation with the implementation of the crime victims act of 1985 and the constitutional amendment of 1988.

This week serves to remind us that crime can strike us all—can strike anyone—whether it’s a drive-by shooting, such as we recently had in Saginaw, a campus massacre, an act of terrorism, or crippling identity theft. We are all vulnerable to crime, and in this sense, victims’ rights are everyone’s rights. As we celebrate our successes and access our progress and prepare for our next set of challenges, we need to remember that justice for victims promotes justice for all.

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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

- House Bill No. 5865**
- House Bill No. 5866**
- House Bill No. 5867**
- House Bill No. 5463**

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

The following bill was read a third time:

House Bill No. 5865, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by adding chapter 8B.

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. 232

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5866, entitled

A bill to amend 2005 PA 226, entitled “Michigan tobacco settlement finance authority act,” by amending section 8 (MCL 129.268), as amended by 2007 PA 18.

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. 233

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Richardville

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create the Michigan tobacco settlement finance authority; to create funds and accounts; to provide for the sale by this state and the purchase by the authority of all or a portion of tobacco settlement assets; to authorize the issuing

of bonds and notes; to prescribe the powers and duties of the authority, the state administrative board, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5867, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 8 (MCL 12.258), as added by 2005 PA 232.

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. 234

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Richardville

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create certain funds; to provide for the allocation of certain revenues among certain funds and for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5463, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 410 (MCL 208.1410).

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. 235**Yeas—37**

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

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: Richardville

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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Switalski, Schauer and Barcia introduced

Senate Bill No. 1255, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11 and 99c (MCL 388.1611 and 388.1699c), as amended by 2007 PA 137.

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

House Bill No. 4817, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 675d and 742 (MCL 257.675d and 257.742), section 675d as amended by 2004 PA 49 and section 742 as amended by 2000 PA 268.

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. 5420, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2109, 2115, 2403, and 2603 (MCL 500.2109, 500.2115, 500.2403, and 500.2603), section 2115 as amended by 1980 PA 461 and section 2403 as amended by 1993 PA 200.

The House of Representatives has passed the bill.

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

House Bill No. 5558, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2114 (MCL 500.2114).

The House of Representatives has passed the bill.

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

House Bill No. 5559, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2418 and 2618 (MCL 500.2418 and 500.2618), section 2418 as amended by 1993 PA 200.

The House of Representatives has passed the bill.

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

Statements

Senator Jacobs stated that had she been present on April 15 when the vote was taken on the adoption of the following joint resolution, she would have voted “nay”:

Senate Joint Resolution L

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

The motion prevailed.

Senator Basham’s statement is as follows:

Yesterday the smoke-free coalition actually published a report talking about secondhand smoke in the state of Michigan and how it affects—the press release I would like to read it to my colleagues: “Serving the State: HB 4163 and its impact on Michigan’s health and economy.”

Public Sector Consultants released an analysis of smoke-free air. It goes on to say that “Lansing Public Sector Consultants, a Lansing-based policy research firm, today unveiled an analysis of House Bill 4163 showing no net economic impacts if Michigan adopted a statewide smokefree worksite policy that includes restaurants and bars.

Ken Sikkema”—some of you folks may remember him—“senior policy fellow at PSC and former senate majority leader, unveiled the report to Capitol reporters during a media roundtable. ‘Smokefree workplaces: The Impact of House Bill 4163 on the Restaurant and Bar Industry in Michigan,’ is a review of the common issues surrounding smokefree workplaces including the health impacts, level of public support, government regulation and economic impact. In conducting their research PSC reviewed dozens of published studies, legislation in other states, public polls and Michigan’s legislative history on the issue.

Highlights of the report include: Compelling scientific and health evidence supporting elimination of secondhand smoke exposure for all workers; no net economic impact on Michigan restaurants and bars; increasing public support for smokefree air policies statewide and nationwide; government interest and action in protecting state residents from secondhand smoke exposure dates back more than 20 years and does not constitute unwarranted regulation of businesses.

‘This is definitely one of the most studied and researched public policy issues of the past decade,’ Sikkema said. ‘Research has consistently shown that smokefree policies have no net economic impact on restaurants and bars. When you consider this, coupled with the positive health benefits, there is no question that smokefree workplaces are good public policy.’

The Campaign for Smokefree Air commissioned the report from PSC in January.

‘This report confirms what we’ve been saying from day one—smokefree air is good for our health but is not bad for business,’ said Judy Stewart, spokesperson for CSA. ‘Ken Sikkema and PSC did an excellent job of condensing a huge

amount of scientific data into an easily presentable report that clearly demonstrates there is no losing side to smokefree air policies. It begs the question of what lawmakers are afraid of. What is their hesitation?’

House Bill 4163, was approved by the state House in December 2007. In the Senate, it was referred to the Government Operations and Reform Committee, chaired by Senate Majority Leader Mike Bishop.

About CSA, the Campaign for Smokefree Air is a grassroots coalition with more than 260 members, including leadership from the American Cancer Society, American Heart Association, American Lung Association of Michigan, Michigan Hospital Association, Blue Cross Blue Shield of Michigan, Pfizer and Michigan State Medical Society, as well as other statewide groups that support making workplaces, including restaurants and bars, smokefree. For more information about the Campaign for Smokefree Air, please visit www.MakeMIAirSmokefree.org.”

It says what I have been saying for over 10 years, Mr. President. We should be moving this legislation.

Senator Jelinek’s statement is as follows:

I would like to introduce the newest members of the Jelinek family. This is Bryce Glossinger, his brother Owen Glossinger, and my daughter Jill Ann Glossinger—the apple of their grandpa’s eyes, obviously.

I would like to make them welcome and have them welcomed in the Journal as well.

Senator Clarke’s statement is as follows:

Yesterday I outlined that I believe we are currently facing the worse housing crisis in this state and in this country since the Great Depression. I would like to go into more detail and explain what I believe the Legislature can do to actually help Michigan homeowners, lenders, and investors.

What I am requesting is that we enact legislation that this body adopted in the 1930s to help those homeowners who were facing foreclosure at that time. We adopted a moratorium on foreclosures, but I want to clarify that under this proposal, even though the foreclosure process is frozen—and under my proposal it will be frozen up to a period of two years—the borrower must still pay the lender. The lender still has the legal rights that are in the mortgage. With my proposal, the lender has the right to collect the payments from the borrower. The borrower must make payments to the lender, but a circuit court judge will bring the parties together and make sure that the payments are fair and affordable, but fair and affordable for both the lender and the borrower

Furthermore, I have a companion bill that will provide and effect a guarantee on mortgage payments during the time period of the moratorium, so that the lender, the servicer, and the investor will have the assurance that their investment will be protected during the moratorium period.

Some ask why should we aid a homeowner who most of the time willingly takes out a loan probably knowing they are borrowing more than they should; that they should have gotten a lawyer to look at the terms of the mortgage. Why should we help them when they can no longer afford to make the payments and are heading fast into a foreclosure and are losing their homes?

Well, first of all, many of these homeowners have been deceived. Some of them have been sold mortgages under unfair terms. But even if we consider for the sake of argument that those homeowners were reckless into entering into those loans and borrowing more than they could afford, if they are in foreclosure and they lose that home, that vacant property not only hurts the family who is put out of the home. If that abandoned home that is vandalized, that is stripped, it actually lowers the property value for all the neighbors and has a potential to destroy the value of the entire neighborhood. That is why we need to give the borrower some time not only to help save the home, but to restore the property value in the neighborhood and to protect the investment of the lender.

With time, that homeowner can maybe get a second job; with more time, that homeowner could maybe find a buyer to pay off the mortgage; with more time, that homeowner could work out an agreement with the lender. The problem is when a homeowner is in foreclosure, time is running out, especially when their home is already sold by the sheriff. That is why I request that we give homeowners more time to save their homes, restore property value, and protect the investment of the lender.

Back in the 1930s, we passed emergency legislation to help Michigan families save their homes. I am asking us to do the same thing now. This is the worse housing crisis since the Great Depression. If we give our homeowners more time, they will be able to save their homes, restore the value of the neighborhoods, and protect the investment of our lenders.

We all are affected by foreclosure. We all need this assistance. We need the moratorium, and we need it now.

Senator Scott’s statement is as follows:

You know, it was almost 30 years ago that Harry Belafonte decided that the recording industry needed to do something to fight famine in Ethiopia. As a result, Michael Jackson and Lionel Richie composed a song called “We Are the World” and invited performers from throughout the recording industry to participate. The effort raised over \$63 million for famine relief, and the single version sold over 7 million copies.

The producer of that project was Quincy Jones, and he is probably most remembered in that effort by his message to every single participant in “We Are the World.” Quincy Jones said, “Check your egos at the door.” It was fine advice

for a group of performers normally not known for humility. And it remains good advice for any diverse group of people whose goal is cooperation and collaboration.

So I would ask you now to leave your egos at the door, and let us approach insurance reform from the perspective of fairness, justice, and sound public policy. Let's check our egos at the door, and let's move my bills.

Senator Hunter stated that had he been present on April 15 when the vote was taken on the adoption of the following joint resolution, he would have voted "yea":

Senate Joint Resolution L

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submitted the following:

Meeting held on Tuesday, April 15, 2008, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Jansen (C) and Cherry

Excused: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, April 15, 2008, at 2:30 p.m., Room 405, Capitol Building

Present: Senators Pappageorge (C), Jansen, McManus, Anderson and Cherry

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Wednesdays, April 23, April 30, May 7 and May 14, 3:00 p.m., Room 405, Capitol Building (373-2768)

Capital Outlay - Thursday, April 17, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Health Department - Thursday, May 1, 1:00 p.m., Room 100, Farnum Building (373-2768)

Economic Development - Wednesdays, April 23, April 30, May 7 and May 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Tuesdays, April 22, April 29 and May 13, 2:30 p.m., Room 405, Capitol Building; and Tuesday, May 6, 2:30 p.m., Room 48, Information Technology Operations Center, 7285 Parson Drive, Lansing (373-2768)

History, Arts, and Libraries - Thursdays, April 17, April 24, May 1 and May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesdays, April 22, April 29, May 6 and May 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary and Corrections - Wednesday, April 23, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, April 24, May 1 and May 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation Department - Thursday, April 17, 12:30 p.m., Room 405, Capitol Building; Friday, April 25, 10:30 a.m., Conference Room, Rapid Central Station, 250 Grandville Avenue SW, Grand Rapids; Friday, May 2, Conference Room, Rapid Commission for Oakland County, 31001 Lahser Road, Beverly Hills; and Thursday, May 15, 12:30 p.m., Room 405, Capitol Building (373-2768)

Conference Committees -

School Aid (K-12) Supplemental (HB 5531) - Thursday, April 17, 8:15 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Supplementals (HB 5344) - Thursday, April 17, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Energy Policy and Public Utilities - Thursday, April 17, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, April 17, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Legislative Commission on Government Efficiency - Friday, April 25, 8:30 a.m., Room 326, South Tower, House Office Building (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:44 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, April 17, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate