

No. 19  
STATE OF MICHIGAN  
**Journal of the Senate**  
94th Legislature  
REGULAR SESSION OF 2008

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Senate Chamber, Lansing, Tuesday, February 26, 2008.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

The roll was called by the Secretary of the Senate, who announced that a quorum was not 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—present  
Hardiman—present  
Hunter—excused  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—excused  
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 James Bender of First Baptist Church of Stugis offered the following invocation:

O gracious God, we come before You this day and humbly request Your help in all we do. You are a great and powerful God who rules over powers and principalities both large and small. You send rain down on the rich and poor alike, and the miracle of new life is Your creation. You love us even though we don't deserve it, and paint the world a picture of mercy and forgiveness in Your very existence. You stand for what is right and true and expect the best from us in all that we do. We praise You because we are fearfully and wonderfully made. All of us have value in Your eyes and, therefore, we are important in our own unique way.

We come before You confessing our sins. We have tried in vain to alleviate poverty, homelessness, and hunger. We have sought to strengthen the family and provide an environment of love, respect, and appreciation for one another. Yet all too often we have failed. We have tried to bring peace, prosperity, and democracy to the world and have not succeeded. Forgive us when we let You down, and help us never to quit trying to bring the things You value to our communities, our state, and the world.

We come thanking You for the many blessings of our lives. Thank You for our families and for the many friends who love and care for us. Thank You for this opportunity to serve You and the people of this state. Thank You for this chance to make a difference in this world that we live in. Help us to be worthy of the positions You have put us in, and let us make every decision with wisdom beginning with prayer.

We come before You this day once again asking for Your blessings. We pray that our day will be meaningful and fruitful. We pray that Your shalom, Your peace, may rest upon our loved ones as well as ourselves; that we might be people of strong character who will be good role models for the people we serve. Help those of us who are parents to be patient and loving parents; and for those who are married, to be faithful and caring husbands and wives. Help us to be sensitive to those who are in need. Help us to protect the public trust. More than anything, Lord, let us have a closer relationship with You, O holy, precious Savior, light of the world. Amen.

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

10:31 a.m.

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

During the recess, Senators McManus, Garcia, Richardville, Hardiman, Gilbert, Cassis, Bishop, Van Woerkom, Stamas, Jelinek, George, Pappageorge, Jansen, Birkholz and Kahn entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

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

Senator Cropsey 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:

#### **House Bill No. 5384**

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

The following communication was received and read:  
Office of the Senate Majority Leader

February 20, 2008

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Committee on Natural Resources and Environmental Affairs hold a hearing on the appointment of Dennis C. Muchmore to the Michigan Natural Resources Trust Fund Board, and make a written recommendation to the Government Operations and Reform Committee on this appointment.

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

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State

Administrative Rules  
Notice of Filing

February 19, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 11:50 a.m. this date, administrative rule (08-02-01) for the Department of Labor and Economic Growth entitled "*Professional Engineers.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

Senator Thomas moved that Senators Barcia, Brater and Hunter 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 Thursday, February 21:  
**House Bill Nos. 4675 4678 5509 5607 5734 5735 5736**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, February 21, for her approval the following bills:

**Enrolled Senate Bill No. 123 at 3:30 p.m.**  
**Enrolled Senate Bill No. 565 at 3:32 p.m.**

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

**House Bill Nos. 5773 5774 5775 5776 5777**

The Secretary announced that the following official bills were printed on Friday, February 22, and are available at the legislative website:

**House Bill Nos. 5778 5779 5780 5781 5782 5783 5784 5785 5786 5787 5788 5789 5790 5791  
5792**

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 and read:

February 22, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Executive Order No. 2000-4:

**Commissioner of the Office of Financial and Insurance Services**

Mr. Kenneth M. Ross of 303 North Bridge Street, DeWitt, Michigan 48820, county of Clinton, appointed to a term commencing February 24, 2008 and expiring at the pleasure of the Governor.

Sincerely,  
 Jennifer M. Granholm  
 Governor

The appointment was referred to the Committee on Government Operations and Reform.

**Messages from the House**

Senator Cropsey moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

**Senate Bill No. 530**  
**Senate Bill No. 1061**

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

**Senate Bill No. 530, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82126 (MCL 324.82126), as amended by 2003 PA 2.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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. 75**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Barcia

Brater

Hunter

Kuipers

**Not Voting—0**

In The Chair: Sanborn

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.

**Senate Bill No. 750, entitled**

A bill to amend 1897 PA 205, entitled “An act to prefer honorably discharged members of the armed forces of the United States for public employments,” by amending section 1 (MCL 35.401).  
 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. 1061, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding chapters 46, 47, and 48.  
 The House of Representatives has substituted (H-1) the bill.  
 The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.  
 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. 76**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Barcia	Brater	Hunter	Kuipers
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**Not Voting—0**

In The Chair: Sanborn

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. 1062, entitled**

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

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.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Stamas as Chairperson.

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

**House Bill No. 5290, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 11 and 12 (MCL 445.1661 and 445.1662), section 11 as amended by 2002 PA 391.

**House Bill No. 5291, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 14 (MCL 445.1664).

**House Bill No. 5384, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending sections 3, 5, 6, 9, 11, 21, 24, 31, 34, 36, 37, 43, and 44 (MCL 460.803, 460.805, 460.806, 460.809, 460.811, 460.821, 460.824, 460.831, 460.834, 460.836, 460.837, 460.843, and 460.844), section 5 as amended by 2002 PA 513 and section 44 as amended by 2002 PA 532, and by adding section 33a.

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:

**House Bill No. 4596, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 6, 7, 8, and 25 (MCL 445.1656, 445.1657, 445.1658, and 445.1675), sections 6, 7, and 8 as amended by 1996 PA 210 and section 25 as amended by 1998 PA 371.

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. 5287, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2007 PA 179.

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. 5288, entitled**

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

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5289, entitled**

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

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.

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

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

**Senate Bill No. 836**

**Senate Bill No. 150**

**Senate Bill No. 652**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 836, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 166b (MCL 388.1766b), as amended by 1999 PA 119.

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. 77**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Barcia	Brater	Hunter	Kuipers
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**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 150, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 261 (MCL 206.261), as amended by 2007 PA 94.

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. 78****Yeas—34**

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

**Nays—0****Excused—4**

Barcia	Brater	Hunter	Kuipers
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**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 652, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 260, 261, and 269 (MCL 206.260, 206.261, and 206.269), section 260 as amended by 1996 PA 484, section 261 as amended by 2007 PA 94, and section 269 as added by 2004 PA 313.

The question being on the passage of the bill,

Senator Prusi offered the following amendment:

1. Amend page 10, following line 21, by inserting:

“Enacting section 1. This act does not take effect unless House Bill No. 4375 of the 94th Legislature is enacted into law.”.

The amendment was not adopted, a majority of the members serving not voting therefor.  
Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 79****Yeas—15**

Anderson	Clarke	Olshove	Switalski
Basham	Gilbert	Prusi	Thomas
Cherry	Gleason	Schauer	Whitmer
Clark-Coleman	Jacobs	Scott	

**Nays—19**

Allen	Cropsey	Jelinek	Richardville
Birkholz	Garcia	Kahn	Sanborn
Bishop	George	McManus	Stamas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Jansen	Patterson	

**Excused—4**

Barcia	Brater	Hunter	Kuipers
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**Not Voting—0**

In The Chair: Sanborn

**Protests**

Senators Cassis and George, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Prusi to Senate Bill No. 652 and moved that the statements they made during the discussion of the amendment be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cassis’ first statement is as follows:

I certainly am aware that those in the minority always want to be relevant in a debate, but they also need to be credible. The good vice chair from Houghton, however, is offering a nongermane amendment to this bill, and I would encourage him to work through the proper channels on this issue regarding property taxes. It is an important issue and the WPW, as it has been labeled, is something that we are working on, and I think that we will have a solution in the very near future. But this is not the way to offer an amendment in an entirely unrelated issue as in Senate Bill No. 652, which you know is a very viable bill. It allows for donation of up to three charitable categories and will extend the tax credit to April, which will help thousands, if not hundreds of thousands, of our taxpayers provide their charitable donations.

I thank you very much and urge a “no” vote on this amendment.

Senator Cassis’ second statement is as follows:

The previous speaker has definitely created what I think is quite clear that this bill dealing with charitable donations has nothing to do with a property tax issue. They are separate issues. I wanted to make that clear. That’s why I categorically said this amendment is nongermane, but I like the idea of being proactive. I like the idea of getting down to the basics and being fiscally responsible, but there is another bill in the Senate Finance Committee offered by a Representative

from Oakland County that deals with a pop-up tax. In other words, it frees and exempts the transfer of owner-occupied residences from the pop-up tax for 18 months; sounds great, especially in this declining home market and our struggling economy. But what that gentleman from the other side of the aisle has not done is live within the parameters of what the good Senator from the Houghton area has asked us to do today. That is, to identify the source, the revenue source to cover that. It would cost millions and millions of dollars to our local units of government and schools. They would suffer a loss. What's good for the goose is certainly, I hope, good for the gander.

Also I would ask at this time and it would be most appropriate if the good Senator who offers this amendment would work on a bill to require each and every credit that goes through the Legislature to have an identified dollar replacement or a source in which that credit would be covered. Even if it meant that it would be stimulative of the economy—to grow the economy, to grow jobs—which we then know it would be an excellent source of revenue.

At this point in time, I urge that you disconnect this amendment from the substance of a very valid bill.

Senator George's first statement is as follows:

I rise in opposition to this amendment and would just point out a couple of things. One is the bill before you is of great benefit to organizations within your districts. Surely you have public universities and public libraries that benefit from charitable donations from your constituents. Surely you have homeless shelters and food banks such as I have in my district that also benefit from private donations, and I will bet you have a community foundation, too, within your district. Currently each of those entities, public institutions, homeless shelters, and food banks and community foundations, their donors benefit from this state of Michigan tax credit which has been in place since the 1980s and which has not increased. It is \$100 per individual and \$200 per couple; the amount has been held level.

This provision allows taxpayers a little window to give a donation up until April 15 and still qualify for a tax credit from the previous year. It lets those groups contact their donors and say, "Hey, did you remember to make your donation last year? We appreciate your support, but if you forgot, you can still give it now on April 10 as you are doing your taxes." It gives them an extra tool to meet their mission in your district, which is to reduce homelessness, to help feed the hungry, to help educate children, to provide books to the public, and to do other community projects.

Tie-barring it to this other issue is really just a way, I think, to kill it and will only serve to harm the organizations in your own districts that are doing so much good. So I would encourage you to vote down this amendment.

Senator George's second statement is as follows:

I just want to respond to some of the statements that were made, and I want to get to this issue of how much this would cost the state. Now let's think about this for a minute and remember that to get this credit, an individual must first make a donation. The credit is a match. So if I or you write a check to your favorite public university for \$100 and you get a 50 percent credit, \$50 back, how does it cost the state? You sent a check to the state of Michigan; to a university in your district. The state gave you half of it back, up to \$100. It brings money into public institutions. The statement that it will cost \$10 million isn't true. For this to cost \$10 million, there would have to be 100,000 new donors, but remember, they would have to put \$20 million in. Much of that would go to public institutions.

So it is not true that it somehow sucks money away from the state of Michigan. It puts money into our public institutions. Your math is wrong. Furthermore, we are not raising the level of the credit; we are just changing the deadline, the date for which you can qualify. I doubt very much that it will bring in tens of thousands of new charitable donors. I suspect regular donors, for whatever reason, who didn't donate on December 31 will now, some of them, take advantage of this and make their donation a little later. I think there will be a few that will. It won't be 100,000 new donors, which is how you would get to a \$10 million cost. But even those donors will be writing checks out to state institutions, and to get a credit, they have to first give. So it doesn't take money away; it puts money into our institutions.

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. 80**

**Yeas—27**

Allen	Cropsey	Jansen	Richardville
Anderson	Garcia	Jelinek	Sanborn
Birkholz	George	Kahn	Schauer
Bishop	Gilbert	McManus	Stamas
Brown	Gleason	Pappageorge	Van Woerkom
Cassis	Hardiman	Patterson	Whitmer
Clarke	Jacobs	Prusi	

**Nays—7**Basham  
CherryClark-Coleman  
OlshoveScott  
Switalski

Thomas

**Excused—4**

Barcia

Brater

Hunter

Kuipers

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Switalski asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Switalski's first statement is as follows:

I also rise to take issue with the suggestion from my good friend from Oakland County that this amendment is somehow nongermane and unrelated. I would espouse this principle: It is never unrelated to pay the bill. When you have a bill before us that is going to cost us \$10 million, it is never unrelated to suggest where that \$10 million should come from. It is exactly what we should do; we should adopt a pay-as-you-go approach. That is the fiscally responsible way to approach government.

It is relatively easy to suggest ways to spend money. We in appropriations make careers out of spending money. But to be responsible, we have to say where that money is going to come from. So I hope members will vote for the amendment.

Senator Switalski's second statement is as follows:

I rise in opposition to this bill. It does have a \$10 million cost, as we have talked about. My good friend, the sponsor, has talked about how it will bring in more money to institutions. But that blurs the distinction between state institutions and this state institution, the state of Michigan, the government here. We have to balance our books and this will be a cost of \$10 million added to it.

We do have some items of concern in the budget, some difficulties. There are cuts in Corrections and cuts in Community Health that would be pretty difficult to achieve. If we do not achieve these cuts, it could cause problems with balancing the budget. There is a general decline in property values taking place in the state which is going to affect our revenues. There are a number of counties coming on to line up for revenue sharing that have exhausted their funds and now will be coming to the state to be funded again for revenue sharing, and that is a growing cost which will grow each year.

There were carryover dollars from the '08 budget that were building into the '09 budget. We can't count on those carryover dollars next year. The earned income tax credit will grow next year. There are problems and fiscal uncertainties that we need to be cautious regarding, and giving away \$10 million without replacing it is not being cautious.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Jacobs, Cassis, Cherry, Olshove, Thomas, Brater, Switalski, Whitmer, Gleason, Allen, McManus, Hardiman, Kahn, Jansen, Gilbert, Jelinek, Patterson, Schauer, Scott, George, Garcia, Birkholz, Barcia, Hunter, Prusi, Richardville, Van Woerkom and Stamas introduced

**Senate Bill No. 1135, entitled**

A bill to provide for the establishment of zoological authorities; to provide powers and duties of a zoological authority; to authorize the levy of a property tax by a zoological authority

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

Senators Brown, Allen, Jacobs and Schauer introduced

**Senate Bill No. 1136, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 496a.

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

**House Bill No. 4675, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 2002 PA 662.

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. 4678, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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. 5509, entitled**

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending sections 3, 13, and 15 (MCL 285.313, 285.323, and 285.325).

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 Agriculture.

**House Bill No. 5607, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80114a.

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 Natural Resources and Environmental Affairs.

**House Bill No. 5734, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 261 (MCL 208.1261).

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 Finance.

**House Bill No. 5735, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 109 (MCL 208.1109).

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 Finance.

**House Bill No. 5736, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 115 (MCL 208.1115).

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 Finance.

### Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Roy Wilkins, well-respected African-American activist and former executive director of the NAACP, reminded us, "History and experience should not be ignored." Those words should encourage and inspire every member of this chamber today, particularly during this month where we honor Black history. It is how we learn, how we evolve, and how we mark our progress on many issues.

History and experience are certainly what inspire me every day. I have been through struggles. I have experienced strife, and this is just one more conflict in my crusade. But I do believe that based on history and experience, eventually justice will prevail. So I stand before you once again to ask you to do the right thing, Mr. President. Please, I am asking you to move my bills.

### Committee Reports

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 680, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 6, 8d, and 9 (MCL 125.2686, 125.2688d, and 125.2689), section 6 as amended by 2006 PA 304 and section 8d as amended by 2006 PA 93.

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.

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

**House Bill No. 4216, entitled**

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending the title and sections 2, 4, 4a, 7, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.757, 408.762, 408.764, and 408.774), section 2 as amended by 2004 PA 103, sections 4 and 7 as amended by 1980 PA 274, and section 4a as amended by 2004 PA 265, and by adding sections 13a, 13b, 13c, and 13d.

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.

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

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 Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, February 20, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Absent: Senator Hunter

The Committee on Education reported

**Senate Bill No. 1039, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 641.

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.

Wayne Kuipers  
Chairperson

**To Report Out:**

Yeas: Senators Kuipers, Van Woerkom, Cassis and Gleason

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 Education submitted the following:

Meeting held on Thursday, February 21, 2008, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

The Committee on Energy Policy and Public Utilities reported

**House Bill No. 5384, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending sections 3, 5, 6, 9, 11, 21, 24, 31, 34, 36, 37, 43, and 44 (MCL 460.803, 460.805, 460.806, 460.809, 460.811, 460.821, 460.824, 460.831, 460.834, 460.836, 460.837, 460.843, and 460.844), section 5 as amended by 2002 PA 513 and section 44 as amended by 2002 PA 532, and by adding section 33a.

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 and Prusi

Nays: None

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 Thursday, February 21, 2008, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senator Thomas

**COMMITTEE ATTENDANCE REPORT**

The Committee on Agriculture submitted the following:

Meeting held on Thursday February 21, 2008, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Thursday, February 21, 2008, at 1:00 p.m., Senate Hearing Room, Boji Tower

Present: Senators Kahn (C), Pappageorge, George, Stamas, Barcia and Switalski

Excused: Senator Cherry

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, February 21, 2008, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, February 22, 2008, at 10:30 a.m., Alma College, Tyler-Van Dusen Campus Center, 614 W. Superior Street, Alma

Present: Senators Stamas (C), Hardiman, Barcia and Anderson

Excused: Senators George, McManus and Brater

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Friday, February 22, 2008, at 2:00 p.m., Mid Michigan Community College, Mt. Pleasant Campus, 5805 E. Pickard Road, Mt. Pleasant

Present: Senator Hardiman (C)

Excused: Senators McManus and Clark-Coleman

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Monday, February 25, 2008, at 10:00 a.m., Grand Valley State University, Cook-DeVos Center for Health Sciences, 301 Michigan Street, NE, Grand Rapids

Present: Senators Stamas (C), Hardiman, McManus, Barcia and Anderson

Excused: Senators George and Brater

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Monday, February 25, 2008, at 1:30 p.m., Grand Rapids Community College, The Tassell M-TEC, 622 Godfrey Avenue, SW, Grand Rapids

Present: Senator Hardiman (C)

Excused: Senators McManus and Clark-Coleman

**Scheduled Meetings**

**Agriculture** - Thursday, February 28, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -****Subcommittees -**

**Community Colleges** - Wednesday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Community Health Department** - Thursdays, February 28, 1:00 p.m., and March 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Economic Development** - Wednesday, February 27, 8:30 a.m., Room 110, Farnum Building (373-2768)

**Environmental Quality Department** - Wednesdays, February 27, March 5 and March 12, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Higher Education** - Monday, March 3, 10:00 a.m., University of Michigan-Dearborn, Professional Education Center, 4901 Evergreen Road, Dearborn (373-2768)

**Judiciary and Corrections** - Wednesdays, February 27, March 5 and March 12, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**K-12, School Aid, Education** - Tuesdays, March 4 and March 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Natural Resources Department** - Tuesday, March 11, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursday, February 28, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Energy Policy and Public Utilities** - Thursday, February 28, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Finance** - Thursday, February 28, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

**Health Policy** - Wednesday, February 27, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Legislative Commission on Statutory Mandates** - Wednesday, March 26, 2:00 p.m., Oakland County Executive Office Building, Building 41-West, Conference Center/West Oakland Room, 2100 Pontiac Lake Road, Waterford (373-0212)

**Legislative Council** - Thursday, February 28, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Natural Resources and Environmental Affairs** - Wednesday, February 27, 1:00 p.m., Room 110, Farnum Building (373-3447)

**Senior Citizens and Veterans Affairs** - Wednesday, February 27, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:33 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, February 27, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate