

No. 118
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

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

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 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—excused
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

Reverend J. Robert Keim of First United Methodist Church of Sturgis offered the following invocation:

O God, we come before You this day of Your creation, praying together that we will draw ever closer to realizing Your will for all within this state and for all in our nation. As we open ourselves to You, may Your Spirit fill all those within this chamber as they seek to discern the pathways that will best reflect the possibilities You lay before us.

O God, may it be that You inspire the imagination of Your servants who gather here as they lead our state. May they be given open minds and hearts to hear Your voice during their deliberations. May they be given eyes to see You in each other as they wrestle with the issues of the day. May they feel You in the touch of a handshake that reflects a willingness to reach out and work together to find the center and focus of Your will.

O God, fill those here, who have been called to leadership, with a state's gratitude for the many sacrifices they make for all in our state. May they be honored and respected for the difficult tasks that are put before them. May they know and feel the admiration of a grateful state.

O God, may it be said of this day, and all the days to come within this chamber, that the best of our state's great past, the wonderful promises of the present, and Your vision for the future form together here. May the men and women You have called to be the leaders among us be surrounded by Your Spirit. May they be given the serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to know the difference. May it be so. Amen.

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

Motions and Communications

Senators Cassis, Garcia and Jansen entered the Senate Chamber.

Senator Cropsey moved that Senators Gilbert, Kahn and Kuipers be temporarily excused from today's session. The motion prevailed.

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

Senate Bill No. 868

Senate Bill No. 869

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

Senator Cropsey moved that the rules be suspended and that the following resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Concurrent Resolution No. 22

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

Senators Barcia, Kahn and Kuipers entered the Senate Chamber.

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

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

The Secretary announced that the following official bill and joint resolution were printed on Wednesday, November 7, and are available at the legislative website:

House Bill No. 5410

House Joint Resolution EE

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 Hardiman 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 with a substitute therefor, the following bill:

Senate Bill No. 868, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 7, line 6, after "4" by striking out "OR MORE BUT LESS THAN" and inserting "YEARS, NOT TO EXCEED".

2. Amend page 7, line 12, after "4" by striking out "BUT LESS THAN" and inserting "YEARS, NOT TO EXCEED".

The Senate agreed to the substitute, as amended, 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. 869, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 715 and 719 (MCL 38.2665 and 38.2669), section 715 as amended by 1999 PA 215 and section 719 as added by 1996 PA 523.

Substitute (S-1).

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

1. Amend page 5, line 15, after "4" by striking out the balance of the line through "THAN" on line 16 and inserting "YEARS, NOT TO EXCEED".

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

During the Committee of the Whole, Senators Gleason, Brater and Gilbert entered the Senate Chamber.

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:

Senate Bill No. 868

Senate Bill No. 869

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

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

Senate Bill No. 868

Senate Bill No. 869

Senate Bill No. 572

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 868, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

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. 482

Yeas—36

Allen
Anderson

Cherry
Clark-Coleman

Jacobs
Jansen

Prusi
Richardville

Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kahn	Schauer
Birkholz	Garcia	Kuipers	Scott
Bishop	George	McManus	Stamas
Brater	Gilbert	Olshove	Switalski
Brown	Gleason	Pappageorge	Van Woerkom
Cassis	Hardiman	Patterson	Whitmer

Nays—0

Excused—2

Hunter	Thomas
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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. 869, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” by amending sections 715 and 719 (MCL 38.2665 and 38.2669), section 715 as amended by 1999 PA 215 and section 719 as added by 1996 PA 523.

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. 483

Yeas—36

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

Nays—0

Excused—2

Hunter	Thomas
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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. 572, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40114 (MCL 324.40114), as amended by 2004 PA 587.

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. 484

Yeas—36

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

Nays—0

Excused—2

Hunter	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 125

The resolution consent calendar was adopted.

Senator Cherry offered the following resolution:

Senate Resolution No. 125.

A resolution recognizing November 8, 2007, as National Parents As Teachers Day in Michigan.

Whereas, November 8, 2007, is designated as National Parents As Teachers Day, the program having begun in Missouri in 1985; and

Whereas, Michigan became affiliated with Parents As Teachers in 1991 and has 100 programs serving 220 communities; and

Whereas, Parents As Teachers Day is celebrated each year on November 8 to pay tribute to the more than 3,000 Parents As Teachers programs located in 50 states and 6 countries; and

Whereas, These programs give all parents, regardless of social or economic circumstances, the support and guidance necessary to be their children’s first and best teacher in the critical early years; and

Whereas, Parents As Teachers is an international early childhood parent education and family support program, serving families throughout pregnancy until their child enters kindergarten, usually age 5; and

Whereas, The program is designed to enhance child development, decrease abuse and neglect, and improve school readiness through parent education accessible to all families; now, therefore, be it

Resolved by the Senate, That we hereby observe November 8, 2007, as National Parents As Teachers Day in Michigan to recognize community programs, such as Parents As Teachers, that support parents in their role as their children’s first and best teacher. In Michigan, we urge citizens to acknowledge and show their appreciation for the contributions of Parents As Teachers to the children of our state.

Senators Anderson, Barcia, Birkholz, Clark-Coleman, Clarke, Gleason, Kuipers, Olshove, Pappageorge, Prusi, Richardville and Switalski were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 22.

A concurrent resolution to request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

The substitute was adopted.

The question being on the adoption of the concurrent resolution, as substituted, Senator Cropsey requested the yeas and nays.

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

The concurrent resolution, as substituted, was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 485

Yeas—32

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

Nays—4

Basham	Brater	Cherry	Scott
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Excused—2

Hunter	Thomas
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Not Voting—0

In The Chair: Sanborn

Protest

Senator Basham, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Concurrent Resolution No. 22 and moved that the statement he made during the discussion of the resolution be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement is as follows:

The previous speaker did not define “great deal of money.” This is good political politics. The legislative body in this state has not received a raise in 12 years, gave themselves a 38 percent raise after 12 years, and then hasn’t received a raise 10 years after that.

So this has actually been about a percent and a quarter a year going over the last 22 years. So 22 years, one and a quarter percent is not unreasonable. As a matter of fact, if you look at legislative pay compared to an assistant principal of a high school or a district court judge, it really is not a great deal of money. The legislative body should not be a body made up strictly of folks who are millionaires and come up here and dabble in state politics and then go back to their business. It should be about the everyday working man or woman who wants to come up here and serve and actually be compensated for it. Some people are actually—I personally have grandchildren, so I am okay. But this does not actually affect this legislative body, so is it okay for us to mess with the next legislative body just as we did with term limits. Be careful of what you ask for; you just might get it.

So when people don’t want to leave in the middle of a career to come up here and serve in the legislative body; when they don’t want to actually get fairly compensated for doing public service, you are going to get a group of folks who might be restricted who would otherwise. If a working man or woman wanted to come up here, there might be some incentive for them to come up here.

Again, this legislative pay, basically, we could probably be doing a better job in working together. I would agree with the other side of the aisle. We could find comprehensive solutions to the state’s budget crisis. I would agree with the Governor on that one. This chamber, actually, should be working with the other chamber and the Governor dealing with those issues, but on this issue, I think it makes little sense.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott, Bishop, Sanborn, Schauer and Allen asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

Maya Angelou is one of the most, if not the most, lyrical yet honest and heartfelt African-American writers of all times, and I have chosen her words for my statement on this day of celebration of my upcoming birthday. Ms. Angelou says, “If one is lucky, a solitary fantasy can totally transform one million realities.” Listen again: one solitary fantasy can transform a million realities.

Well, my fantasy is no secret to you folks. I tell you every time we meet my fantasy, my dream is to bring insurance reform to the citizens of Michigan. The million realities it will transform are the millions of drivers and homeowners who are barely surviving under the weight of those expensive and unmanageable premiums. When I blow out the candles on my cake on November 10, you know what my wish will be. You can help me transform my fantasy to a million realities.

So I want you to please consider my bills, and, as the pastor said this morning, just please have the courage to do what is right.

Senator Bishop’s statement is as follows:

Today is another day that we stop and take a moment and look around us and see all the great support staff we have in this chamber for many years. So many of those who sit by us every day, who work with us to make things happen, go unnoticed in many cases, but for the most part, is so much a part of what we do. We couldn’t do it without them.

One of those gentlemen is with us today, Jeff Marshall. With a heavy heart today, I announce that he is going to be leaving us after 18 years of service to the Senate. Jeff is on his way to sunny Nevada for his new endeavors. We’re excited for him, and I hope that he invites us for a visit at some point in time—not that I’m inviting myself.

Jeff has been here since 1993 and has been so much a part of what the Senate does in the technical services. Since he has been here, there have been so many changes to this chamber with the automation and the new technology that allows broadcasting and televising of all of our sessions and all of our various committee work. He has been such an instrumental part of pushing Michigan and this chamber and this building itself into the 21st century.

I want to thank him for his years of service, his dedication, and for being a part of the family. We will sorely miss him in the future. We wish him and his family all the best in Nevada in the coming years.

Senator Sanborn's statement is as follows:

Jeff, we do thank you for your contributions to the Michigan Senate and to the people of the state of Michigan. We will miss your smiling face. We wish you Godspeed to you and your family.

Senator Schauer's statement is as follows:

Senator Tupac Hunter was excused earlier in today's session. He is in flight to a national leadership meeting, but he asked that I make a statement on his behalf about Senate Concurrent Resolution No. 22. I will be reading this statement for the record for Senator Hunter.

He says, "I rise this morning to speak in support of the proposed reduction in legislative salaries. My only regret is that this opportunity did not present itself earlier in the budget process. Our job is to lead by example.

To not support this legislation reminds me of an old adage that authoritarian parents often used with their children that said, 'Do as I say and not as I do.' I believe it is time to follow the same precepts that we are asking of every resident of the state of Michigan. We are asking them to tighten their belts. We are asking them to be even more frugal. We are asking them to do more with less. How can we in good conscience refuse to do the same?

At a time when our state is facing one of the most challenging times in modern history, this is an opportunity to demonstrate true leadership. We must set an example and send a message to the people of the state of Michigan: We are in this crisis with you.

The last few months we have talked and talked about the need for everyone to pitch in and pay their part. It is time to walk the walk."

Senator Allen's statement is as follows:

In 1918 on the eleventh hour of the eleventh day in the eleventh month, the world rejoiced to end all wars. The war was over and the signing of the cease fire agreement to end the first war made this generation of America safe, but we know well that the battle is not ended and the world needs to be a much safer place for future generations.

As we pause today not to honor the war, but to honor the warrior, we say thank you to the brave men and women who have served our nation and earned the respect of being called a veteran. November 11th is the day to remember our debt to those who have worn the uniform of our nation, the United States of America, and it is our day to give thanks.

Our symbols are expressed to show gratitude for the service of our veterans. Our deeds must speak a strong voice to honor these brave men and women. This chamber has too often fallen silent when we have taken a pause to the 158 sons who have paid the ultimate sacrifice for Michigan, defending freedom in Iraq and Afghanistan. Our sons, our daughters, our colleagues, our friends, and our neighbors who continue with this dedication to freedom are the true American heroes.

I'm honored to be working with the Michigan veterans' groups and active Michigan military personnel on our seniors and veterans committee. Our work has been helpful. Our work has been fruitful to protect the protectors in our veterans' package. I thank my colleagues for their support for this needed legislation, especially the committee members for their efforts. I give you my assurance that we will continue to listen to our veterans and their organizations to provide the respect and support that they have earned. Today and every day, our prayers and tears of joy are for the American people who are proudly wearing the uniform and have worn this uniform for our nation. We owe a great deal of courage and gratitude for these men and women.

Our office is welcoming back Jeff Cassidy from his fifth tour overseas protecting our country. May we give an appropriate Senate welcome to one of our staff people, Jeff Cassidy.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Gilbert introduced
Senate Bill No. 886, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2006 PA 114.

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

Senators Basham, Kahn, Pappageorge and Gilbert introduced
Senate Bill No. 887, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2006 PA 661.

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

Senators Brown, Jelinek, Pappageorge and Van Woerkom introduced

Senate Bill No. 888, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 4, 5, and 8 (MCL 445.404, 445.405, and 445.408), as amended by 2006 PA 675.

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

Senators Brown, Richardville, Gilbert, Kahn, Birkholz, Gleason, Pappageorge, Jansen, Van Woerkom and Hardiman introduced

Senate Bill No. 889, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Brown, Richardville, Birkholz, Gilbert, Kahn, Gleason, Pappageorge, Jansen and Hardiman introduced

Senate Bill No. 890, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 175.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Brown, Richardville, Kahn, Gilbert, Birkholz, Gleason, Pappageorge, Jansen, Van Woerkom and Hardiman introduced

Senate Bill No. 891, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 436.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Brown, Birkholz, Richardville, Pappageorge, Gleason, Jansen and Hardiman introduced

Senate Bill No. 892, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," (MCL 256.621 to 256.705) by adding section 42.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Cassis, Richardville, Birkholz, Gilbert, Kahn, Brown, Gleason, Pappageorge, Jansen, Van Woerkom and Hardiman introduced

Senate Bill No. 893, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding sections 7ll, 7mm, 9l, and 9m.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Van Woerkom, Richardville, Birkholz, Gilbert, Kahn, Brown, Gleason, Pappageorge, Jansen and Hardiman introduced

Senate Bill No. 894, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 403 (MCL 208.1403).

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Birkholz, Richardville, Kahn, Brown, Pappageorge, Gleason, Jansen, Van Woerkom and Hardiman introduced **Senate Bill No. 895, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 17408 and 17409.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Patterson, Birkholz, Richardville, Pappageorge, Gilbert, Kahn, Brown, Gleason, Jansen and Hardiman introduced

Senate Bill No. 896, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17410.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Garcia, Birkholz, Richardville, Pappageorge, Kahn, Gilbert, Brown, Gleason and Jansen introduced

Senate Bill No. 897, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 173.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Birkholz, Garcia, Richardville, Pappageorge, Kahn, Gilbert, Brown, Gleason, Jansen and Hardiman introduced

Senate Bill No. 898, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 17309, 17311, 17313, 17315, 17317, and 17319.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Kuipers, Richardville, Pappageorge, Birkholz, Gilbert, Kahn, Brown, Gleason, Jansen, Van Woerkom and Hardiman introduced

Senate Bill No. 899, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72105a (MCL 324.72105a), as added by 1997 PA 129.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Jelinek, Birkholz, Richardville, Pappageorge, Gilbert, Kahn, Brown, Gleason, Jansen, Van Woerkom and Hardiman introduced

Senate Bill No. 900, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74104 (MCL 324.74104), as added by 1995 PA 58.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Cropsey, Birkholz, Kahn, Richardville, Brown, Pappageorge, Gleason, Jansen, Van Woerkom and Hardiman introduced

Senate Bill No. 901, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 8911, 8913, and 8915.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators George, Richardville, Kahn, Birkholz, Brown, Pappageorge, Gleason, Jansen and Hardiman introduced **Senate Bill No. 902, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a, 11526a, 11549, and 11550 (MCL 324.11507a, 324.11526a, 324.11549, and 324.11550), section 11507a as amended by 2004 PA 39, section 11526a as added by 2004 PA 40, section 11549 as amended by 2006 PA 58, and section 11550 as amended by 2003 PA 153.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Richardville, Kahn, Birkholz, Brown, Pappageorge, Gleason, Jansen and Hardiman introduced **Senate Bill No. 903, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503, 11514, and 11526b (MCL 324.11503, 324.11514, and 324.11526b), section 11503 as amended by 1998 PA 466, section 11514 as amended by 2005 PA 243, and section 11526b as added by 2004 PA 37.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Gilbert, Richardville, Birkholz, Brown, Pappageorge, Jansen, Gleason and Hardiman introduced **Senate Bill No. 904, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2005 PA 243.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Kahn, Birkholz, Richardville, Pappageorge, Gilbert, Brown, Jansen, Gleason and Hardiman introduced **Senate Bill No. 905, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2005 PA 243.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Jansen, Birkholz, Richardville, Gilbert, Kahn, Brown, Pappageorge, Gleason and Hardiman introduced **Senate Bill No. 906, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2005 PA 243.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Pappageorge, Birkholz, Kahn, Richardville and Brown introduced **Senate Bill No. 907, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35903 (MCL 324.35903), as added by 1996 PA 88.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:53 a.m.

11:40 a.m.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:41 a.m.

4:37 p.m.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:38 p.m.

4:50 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that the Committee on Education be discharged from further consideration of the following bills:

House Bill No. 4506, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), sections 4 and 5 as amended by 2005 PA 61 and section 614 as amended by 2004 PA 419.

House Bill No. 4507, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

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

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4506

House Bill No. 4507

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

By unanimous consent the Senate returned 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 pro tempore, Senator Richardville, designated Senator Hardiman as Chairperson. After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4506, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), sections 4 and 5 as amended by 2005 PA 61 and section 614 as amended by 2004 PA 419.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4507, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

Substitute (S-6).

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 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. 4506

House Bill No. 4507

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

The following bill was read a third time:

House Bill No. 4506, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), sections 4 and 5 as amended by 2005 PA 61 and section 614 as amended by 2004 PA 419.

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. 486

Yeas—26

Allen	Cropsey	Jansen	Patterson
Birkholz	Garcia	Jelinek	Richardville
Bishop	George	Kahn	Sanborn
Brater	Gilbert	Kuipers	Schauer
Brown	Gleason	McManus	Stamas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry	Jacobs		

Nays—9

Anderson	Clarke	Prusi	Switalski
Barcia	Olshove	Scott	Whitmer
Clark-Coleman			

Excused—2

Hunter	Thomas
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Not Voting—1

Basham

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Cropsey requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 487

Yeas—21

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

Nays—13

Anderson	Clark-Coleman	Olshove	Scott
Barcia	Gleason	Prusi	Switalski
Basham	Jacobs	Schauer	Whitmer
Brater			

Excused—2

Hunter	Thomas
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Not Voting—2

Cherry	Clarke
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In The Chair: Richardville

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; 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. 4507, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 302, 613a, 614a, 615a, 616a, 624g, 641, 644g, and 759a (MCL 168.302, 168.613a, 168.614a, 168.615a, 168.616a, 168.624g, 168.641, 168.644g, and 168.759a), section 302 as amended by 2005 PA 71, section 613a as amended by 2003 PA 13, sections 614a and 615a

as amended by 1999 PA 72, section 616a as added by 1988 PA 275, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, section 644g as amended by 2004 PA 293, and section 759a as amended by 2006 PA 605, and by adding sections 19, 615c, 615d, 642c, and 759c; and to repeal acts and parts of acts.

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. 488**Yeas—26**

Allen	Cropsey	Jelinek	Patterson
Birkholz	Garcia	Kahn	Richardville
Bishop	George	Kuipers	Sanborn
Brater	Gilbert	McManus	Schauer
Brown	Hardiman	Olshove	Stamas
Cassis	Jacobs	Pappageorge	Van Woerkom
Cherry	Jansen		

Nays—10

Anderson	Clark-Coleman	Prusi	Switalski
Barcia	Clarke	Scott	Whitmer
Basham	Gleason		

Excused—2

Hunter	Thomas		
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Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

On which motion Senator Cropsey requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 489**Yeas—21**

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

Nays—15

Anderson	Cherry	Jacobs	Scott
Barcia	Clark-Coleman	Olshove	Switalski

Basham
Brater

Clarke
Gleason

Prusi
Schauer

Whitmer

Excused—2

Hunter

Thomas

Not Voting—0

In The Chair: Richardville

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that when the Senate adjourns on Tuesday, November 13, it stand adjourned until Tuesday, November 20, at 10:00 a.m.; and when the Senate adjourns on Tuesday, November 20, it stand adjourned until Tuesday, November 27, at 10:00 a.m.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Allen, Gilbert, Clarke and Stamas introduced

Senate Bill No. 910, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 6 and 9 (MCL 207.806 and 207.809), section 6 as amended by 2003 PA 248 and section 9 as amended by 2000 PA 144.

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

Senators Olshove, Gleason, Cherry, Prusi, Anderson, Brater, Pappageorge, Barcia, Patterson, Basham, Switalski and Thomas introduced

Senate Bill No. 911, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by amending the title, as amended by 2002 PA 90, and by adding part VIIIA.

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

Senators Thomas, Gleason, Cherry, Prusi, Anderson, Brater, Pappageorge, Barcia, Patterson, Basham, Switalski and Olshove introduced

Senate Bill No. 912, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by adding sections 165, 166, and 167.

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

Committee Reports

The Committee on Government Operations and Reform reported

Senate Bill No. 868, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

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.

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Patterson, Cassis, Kuipers, Schauer, Clarke and Olshove

Nays: None

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

The Committee on Government Operations and Reform reported

Senate Bill No. 869, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 715 and 719 (MCL 38.2665 and 38.2669), section 715 as amended by 1999 PA 215 and section 719 as added by 1996 PA 523.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Patterson, Cassis, Kuipers, Schauer, Clarke and Olshove

Nays: None

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

The Committee on Government Operations and Reform reported

Senate Concurrent Resolution No. 22.

A concurrent resolution to request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets.

(For text of resolution, see Senate Journal No. 115, p. 2111.)

With the recommendation that the following substitute (S-2) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets and to urge the commission to ensure that none of its future recommendations exceed the change in the Consumer Price Index or the average increase in state employee pay.

Whereas, Our state's continuing economic struggles emphasize the need to make sacrifices for our future economic and fiscal health. All avenues to encourage that fiscal policies and decisions reflect this need for prudence must be pursued; and

Whereas, Article IV, Section 12 of the State Constitution of 1963 provides for the State Officers Compensation Commission. This commission determines the salaries and expense allowances of members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court. Pursuant to state statutes amended to conform to 2002 changes in the constitutional provisions regarding the commission, the State Officers Compensation Commission will next meet in 2009; and

Whereas, It is important for all possible mechanisms to be put in place to avoid unnecessary spending. Reducing the salaries of the state's highest elected officers and restraining spending increases can help safeguard the public's interests at an important time in our state's history. Establishing a ceiling for the recommendations that the State Officers Compensation Commission can make, by making sure future recommendations cannot exceed changes in the Consumer Price Index or the average increase in state employee pay, is an appropriate and long-overdue step to take. These moves can enable other reforms in policy to take root; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets and urge the commission to ensure that none of its future recommendations exceed the change in the Consumer Price Index or the average increase in state employee pay; and be it further

Resolved, That copies of this resolution be transmitted to the State Officers Compensation Commission.

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Cassis, Kuipers, Schauer, Clarke and Olshove

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations and Reform submitted the following:

Meeting held on Tuesday, November 6, 2007, at 2:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Bishop (C), Patterson, Cassis, Kuipers, Schauer, Clarke and Olshove

The Committee on Senior Citizens and Veterans Affairs reported

Senate Resolution No. 103.

A resolution to urge the Michigan Civil Service Commission to amend the civil service rules regarding the veterans' hiring preference to extend the eligibility period from 5 years to 10 years following completion of active military duty.

(For text of resolution, see Senate Journal No. 83, p. 1320.)

With the recommendation that the resolution be adopted.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Garcia, Olshove and Basham

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Senior Citizens and Veterans Affairs reported

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).

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Garcia, Olshove and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, November 7, 2007, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, November 7, 2007, at 1:40 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Prusi

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Thursday, November 29, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
(373-2768)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 5:15 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, November 13, 2007,
at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

