

No. 5
STATE OF MICHIGAN
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REGULAR SESSION OF 2008

Senate Chamber, Lansing, Wednesday, January 23, 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—excused
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—present
Van Woerkom—present
Whitmer—present

Senator Randy Richardville of the 17th District offered the following invocation:

As I was preparing for this morning, I did some research into a book by Teddy Roosevelt called *The Bully Pulpit*. I went back into the Old Testament and studied a little bit about the prophet Elijah and went into the book of Psalms, but I kept coming back to this same thought from a book called *Christian Discourses*. It says, "A man prayed, and at first he thought that prayer was talking, but he became more and more quiet until he realized that prayer is listening."

Lord, please help us to be more attentive to the sound of Your voice than of our own voices. Amen

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

Motions and Communications

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

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

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

The following communication was received:

Department of Labor and Economic Growth

January 22, 2008

As required by Section 220 (7) and Section 315 of Act 135, P.A. of 1986, as amended, the Michigan Department of Labor and Economic Growth is submitting the enclosed annual report that addresses the status of licensing of asbestos abatement contractors, the amount of money generated by fees, the number of asbestos abatement projects inspected, the number of citations issued for violations of this act, and other applicable laws, rules, and regulations in the State of Michigan.

Copies of this annual report have been forwarded to the state capitol mail room for distribution to each member of the Senate.

Questions regarding this report or the Asbestos Abatement Contractors Licensing Program may be directed to Douglas Kalinowski, Director, Michigan Occupational Safety and Health Administration, at 517-322-1817.

Sincerely,
Keith W. Cooley
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, January 22:
House Bill No. 5513

Senators Schauer, McManus, Pappageorge, Kahn and Birkholz entered the Senate Chamber.

Senators Scott, Bishop and Hardiman 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:

I would like my colleagues to pay special attention this morning because we are honoring an employee of our very own Senate. So I rise today to recognize the outstanding contributions of a very dedicated, hardworking, and genuine employee of our very own Senate Fiscal Agency. After almost 22 years of credible government service, Connie Cole has decided to start a new chapter in her life as a fiscal analyst for Human Services. I have had the distinct pleasure of working closely over the past several years with Connie. We worked diligently at crafting the important DHS budget. She was always available and was always extremely helpful.

Connie received her undergraduate degree from Michigan State University in sociology and political science and then went on to earn her master's degree in social work from the University of Michigan. She has decided to join her mom in our nation's capital, moving to Washington, D.C., at the end of the month. Connie is a woman of her word and exhibited great loyalty and integrity throughout her 20-plus years in serving the members of this esteemed chamber as well as the citizens of this great state.

I will miss her incredible smile and now ask that my colleagues please stand and join me in extending our deep appreciation and gratitude for her many years of dedicated service. Best wishes, Connie, and many happy, healthy, and fulfilling days ahead.

Senator Bishop's statement is as follows:

I would like, on behalf of the Senate Republicans, to pay tribute as well to Connie Cole for her lifetime of service to the state of Michigan. The state went through some very difficult times last year. The Senate Fiscal Agency was pushed to the edge. The employees of the Senate Fiscal Agency are bar none some of the finest employees we have in Lansing, and they served us well throughout that process. One of those individuals was Connie Cole, who stood out in the masses as someone one of her co-workers has described as an amazing woman.

We want to thank her for her service to the state, and we want to thank her for her patience and commitment to this legislative system that pushed everybody to the edge last year. We are grateful for all that you do. We wish you well in the future and hope that you always look at the Michigan Senate as your home in the future. Best to you.

Senator Hardiman's statement is as follows:

I want to add my congratulations to Connie Cole on her retirement from this position and moving to Washington, D.C. I know that she is very close to her mother, and I know that she is going to enjoy that time. I wish her God's richest blessings as she moves forward to this other part of her life.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 968

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 968, entitled

A bill to authorize local units of government to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police or other law enforcement consortium and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

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. 18

Yeas—35

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

Nays—0

Excused—3

Garcia

Gleason

Hunter

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Jacobs as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5101, 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 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. 786, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1999 PA 27.

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.

During the Committee of the Whole, Senator Gleason entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Pappageorge and Brown introduced

Senate Bill No. 1049, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2005 PA 336.

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

Senators Sanborn, Pappageorge, Patterson, Richardville, Jansen, Cassis, Stamas, McManus and Gilbert introduced

Senate Bill No. 1050, entitled

A bill to allow for the review, oversight, and providing of recommendations regarding the operation of certain water and sewer systems within this state; to create the water accountability advisory board; and to provide for the powers and duties of certain governmental officials and entities.

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

Senators Gilbert and Cassis introduced

Senate Bill No. 1051, entitled

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

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

Senators Jansen and Cassis introduced

Senate Bill No. 1052, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 109 (MCL 208.1109). The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Richardville and Cassis introduced

Senate Bill No. 1053, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 511 (MCL 208.1511). The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Pappageorge, Cassis and Jansen introduced

Senate Bill No. 1054, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 105 (MCL 208.1105), as amended by 2007 PA 145.

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

Senators McManus and Cassis introduced

Senate Bill No. 1055, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 305 (MCL 208.1305), as amended by 2007 PA 205.

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

Senators Prusi and Cassis introduced

Senate Bill No. 1056, entitled

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

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

House Bill No. 5513, entitled

A bill to amend 1905 PA 299, entitled "An act to provide for changing and determining the names of divorced women," by amending the title and section 1 (MCL 552.391).

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 Judiciary.

Statements

Senators Scott and Basham 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:

Indira Gandhi, India's first female prime minister, often reminded her followers that you cannot shake hands with a clenched fist. It is a wise and gentle reminder to all of us as we seek ways of resolving differences and achieving compromise on the issues we face. My hope is that we can one day soon resolve our differences and shake hands over a mutually-agreeable package of insurance reform bills. My hope is that those bills will allow Michigan drivers and Michigan homeowners to purchase a fairly-priced product that will provide them the financial safety net that they not only deserve, but are required by law to have.

My request today is that you unclench your fists, pass my bills, and shake my hand. Then sleep well tonight knowing that you have acted to further freedom and justice for all Michigan residents.

Senator Gleason stated that had he been present earlier today when the vote was taken on the passage of the following bill, he would have voted "yea":

Senate Bill No. 968

Senator Basham's statement is as follows:

I was watching C-SPAN last night—Senate hearings trying to stimulate the economy—and one of the things that the GAO said, which I thought was pretty interesting, was extending unemployment benefits. It just so happens that this member of the chamber has that exact bill that has never even had a hearing or a vote in the Senate to extend unemployment benefits for an additional 13 weeks.

I would ask my colleagues across the aisle if they really want to expand the economy in Michigan that they would look at money that would go immediately back into the economy. That is a stimulus that you wouldn't have to wait 6 to 12 months to see the results. We are under a national potential recession right now. It is not just Michigan, but Michigan, certainly, if the rest of the country gets a cold, Michigan gets pneumonia. As Michigan tends to get better with its recovery, one of the things that we could do both in Michigan and nationally would be to extend unemployment for those folks who don't have savings.

I would respectfully request that my legislation dealing with the extension of unemployment benefits receive some special bipartisan attention if you truly want to stimulate Michigan's economy.

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Concurrent Resolution No. 22

Senate Resolution No. 134

The motion prevailed.

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

Senate Resolution No. 142

The resolution consent calendar was adopted.

Senator Whitmer offered the following resolution:

Senate Resolution No. 142.

A resolution congratulating the Capital Area Transportation Authority on receiving the 2007 Outstanding Transportation System Achievement Award.

Whereas, The American Public Transportation Association honors one public transportation system in North America each year which demonstrates the highest levels of efficiency and effectiveness; and

Whereas, Over the years, the Capital Area Transportation Authority (CATA) has excelled in providing the public with safe and reliable transportation and exceptional customer service, while demonstrating a strong commitment to the community; and

Whereas, Through years of strong leadership guided by CATA's CEO/Executive Director Sandra Draggoo and current CATA Board members Patricia Munshaw, Peter Kuhnmuensch, Joseph Sambaer, Dirck Terwilliger, R. John Strolle, Ralph Monsma, Jean Golden, Walter Dell, Pat Cannon, Mark Grebner, and Michael Rice, the Capital Area Transportation Authority has established itself as a leader in the public transportation field; and

Whereas, CATA received the award at the APTA annual meeting luncheon on October 9, 2007, in Charlotte, North Carolina; now, therefore, be it

Resolved by the Senate, That we hereby join the state of Michigan, as well as the entire nation, in congratulating the Capital Area Transportation Authority upon receiving the 2007 Outstanding Transportation System Achievement Award; and be it further

Resolved, That a copy of this resolution be transmitted to the Capital Area Transportation Authority as evidence of our high esteem.

Senators Barcia, Brater, Cherry, Clark-Coleman, Clarke, Gleason, Jacobs, Olshove, Pappageorge, Prusi and Switalski were named co-sponsors of the resolution.

Senators Sanborn, Cropsey, Jelinek, Bishop, Van Woerkom, Stamas, Jansen, Gilbert, Hardiman, George, McManus, Birkholz, Pappageorge, Brown, Richardville, Patterson, Allen, Cassis, Kahn and Kuipers offered the following resolution:

Senate Resolution No. 143.

A resolution to urge the Governor to focus attention in the State of the State address and throughout the remainder of her tenure upon the losses that have taken place in employment, manufacturing jobs, and personal income growth in Michigan.

Whereas, Michigan's longstanding economic difficulties have impacted virtually every business and every home in our state. While those facing job losses, reduced income, and escalating uncertainties are suffering the most, it is clear that no family or enterprise is immune from the harmful effects of our eroding economic resources. Steadily climbing health

care costs and pressures from rising energy costs further threaten every community. As our state continues to grapple with these challenges, many of which originate far beyond Michigan's borders, it is essential that we work in a bipartisan manner to address the difficulties facing our people and businesses; and

Whereas, The job losses Michigan has experienced are reflected across all sectors of the economy. Between 2000 and 2006, overall nonfarm employment has decreased by 7 percent. Specific components of the economy have witnessed far greater job losses. For the natural resource and mining related sector, the decrease was 16 percent. For nontransportation manufacturing, there were 22 percent fewer jobs in 2006 than there were in 2000. For this same period, transportation manufacturing saw jobs losses at 36 percent; and

Whereas, Job losses, which have become more severe in 2007, are projected to increase, as unemployment in Michigan is expected to continue to rise, to more than 8 percent for 2008 and 2009. The rates of growth in personal income and the growth of real disposable income reflect the severity of this overarching economic crisis. The projected impact of national problems, like the deteriorating housing market and energy costs, make it apparent that all parties in Michigan must come together to craft the solutions the people expect from their elected officials; and

Whereas, The gravity of the economic obstacles facing our state makes it clear that virtually all policy efforts—from members on both sides of the political aisle—must be focused on the creation of jobs and the development of policies that strengthen the economic security of Michigan's families and businesses; now, therefore, be it

Resolved by the Senate, That we respectfully urge the Governor to focus attention in the State of the State address and throughout the remainder of her tenure upon the losses that have taken place in employment, manufacturing jobs, and personal income growth in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

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 further consideration of the resolution be postponed for today.

The motion prevailed.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Joint meeting held on Tuesday, January 22, 2008, at 12:30 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, January 22, 2008, at 12:30 p.m., Room 100, Farnum Building

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

Excused: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, January 22, 2008, at 2:30 p.m., Room 100, Farnum Building

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

Scheduled Meetings

Appropriations -

Subcommittees -

Community Health Department - Thursday, January 24, 1:00 p.m., Room 100, Farnum Building (373-2768)

Environmental Quality Department - Tuesdays, February 5 (CANCELED) and February 12, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education and Community Colleges, and House Higher Education and Community Colleges Appropriations Subcommittees - Wednesday, January 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Retirement - Tuesday, January 29, 12:00 noon, Room 110, Farnum Building (373-2768)

State Police and Military Affairs - Wednesday, February 6, 2:00 p.m., Room 100, Farnum Building (373-2768)

Appropriations, Senate/House - Thursday, February 7, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Energy Policy and Public Utilities - Thursday, January 24, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, January 24, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Homeland Security and Emerging Technologies - Tuesday, January 29, 1:00 p.m., Room 100, Farnum Building (373-5932)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:27 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, January 24, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate