

No. 94
STATE OF MICHIGAN
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REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, September 25, 2007.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Senator Alan L. Cropsy of the 33rd District offered the following invocation:

As we start today, I want to bring about a couple of passages from the scriptures in the New Testament. I wanted to thank Senator Scott for her beautiful invocation yesterday. I am thinking as we pray today, we need to remember some things that the Apostle Paul said.

He said, "As servants of God we commend ourselves in every way: in great endurance; in troubles, hardships and distresses; in beatings, imprisonments and riots; in hard work, sleepless nights and hunger; in purity, understanding, patience and kindness; in the Holy Spirit and in sincere love; in truthful speech and in the power of God; with weapons of righteousness in the right hand and in the left; through glory and dishonor, bad report and good report; genuine, yet regarded as impostors; known, yet regarded as unknown; dying, and yet we live on; beaten, and yet not killed; sorrowful, yet always rejoicing; poor, yet making many rich; having nothing, and yet possessing everything."

And then in the book of James, it says, "Consider it pure joy, my brothers, whenever you face trials of many kinds, because you know that the testing of your faith develops perseverance. Perseverance must finish its work so that you may be mature and complete, not lacking anything. If any of you lacks wisdom, he should ask God, who gives generously to all without finding fault, and it will be given to him. But when he asks, he must believe and not doubt, because he who doubts is like a wave of the sea, blown and tossed by the wind. That man should not think he will receive anything from the Lord; he is a double-minded man, unstable in all he does."

Dear Lord, as we come before the throne of the Creator of the universe this morning, we thank You, Lord, for looking down and for seeing us and for hearing our prayers. I just pray, Lord, that You would give me and give each one of us purity, understanding, patience, and kindness. Let our speech be truthful; might it be done in Your power and in Your righteousness. And, Lord, we pray like Solomon prayed and as James prayed that we would have Your wisdom during these very difficult times, that we would do right by the people, and that we would do right before You.

And we ask this in the name of our Lord and Savior Jesus Christ. Amen.

The Secretary of the Senate led the members of the Senate in recital of the *Pledge of Allegiance*.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

Motions and Communications

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

The following communication was received and read:

Office of the Auditor General

September 21, 2007

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of the Bureau of Local Government Services, Department of Treasury.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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

The following communication was received:

Department of State

Administrative Rules

Notice of Filing

September 24, 2007

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 1:20 p.m. this date, administrative rule (07-09-05) for the Director's Office,

entitled “*Construction Code - Part 7. Plumbing Code.*” 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.

The Secretary announced that the following House bills were received in the Senate and filed on Monday, September 24:
House Bill Nos. 4882 5096 5097 5249 5252 5253 5254 5255 5256

The Secretary announced that the following official bills and joint resolution were printed on Monday, September 24, and are available at the legislative website:

Senate Bill Nos. 799 800 801
Senate Joint Resolution H

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.

10:29 a.m.

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

During the recess, Senators Brown and Richardville entered the Senate Chamber.

Senator Cropsey moved that the Committee on Appropriations be discharged from further consideration of the following bill:

Senate Bill No. 796, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

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

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

Senate Bill No. 796

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

By unanimous consent the Senate proceeded to the order of

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

Senate Bill No. 419

Senate Bill No. 420

Senate Bill No. 421

The motion prevailed.

Senate Bill No. 210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2006 PA 526.

Substitute (H-1).

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. 348**Yeas—25**

| | | | |
|----------|----------|-------------|--------------|
| Allen | Garcia | Jelinek | Richardville |
| Barcia | George | Kahn | Sanborn |
| Birkholz | Gilbert | Kuipers | Stamas |
| Bishop | Hardiman | McManus | Switalski |
| Brown | Hunter | Pappageorge | Van Woerkom |
| Cassis | Jansen | Patterson | Whitmer |
| Cropsey | | | |

Nays—13

| | | | |
|----------|---------------|---------|---------|
| Anderson | Clark-Coleman | Jacobs | Schauer |
| Basham | Clarke | Olshove | Scott |
| Brater | Gleason | Prusi | Thomas |
| Cherry | | | |

Excused—0**Not Voting—0**

In The Chair: Sanborn

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

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senate Bill No. 211, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 809 (MCL 257.809), as amended by 2005 PA 141.

Substitute (H-1).

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. 349**Yeas—29**

| | | | |
|----------|---------|---------|--------------|
| Allen | Clarke | Jacobs | Patterson |
| Barcia | Cropsey | Jansen | Richardville |
| Birkholz | Garcia | Jelinek | Sanborn |
| Bishop | George | Kuipers | Stamas |
| Brater | Gilbert | McManus | Switalski |

Brown
Cassis
Cherry

Hardiman
Hunter

Olshove
Pappageorge

Van Woerkom
Whitmer

Nays—9

Anderson
Basham
Clark-Coleman

Gleason
Kahn

Prusi
Schauer

Scott
Thomas

Excused—0

Not Voting—0

In The Chair: Sanborn

Senator Cropsey moved to reconsider the vote by which the House substitute was concurred in.
The question being on the motion to reconsider,
Senator Cropsey moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

Senate Bill No. 229, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has substituted (H-9) the bill.

The House of Representatives has passed the bill as substituted (H-9), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, information technology, management and budget including civil service, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 350

Yeas—0

Nays—38

Allen
Anderson

Clark-Coleman
Clarke

Jansen
Jelinek

Richardville
Sanborn

| | | | |
|----------|----------|-------------|-------------|
| Barcia | Cropsey | Kahn | Schauer |
| Basham | Garcia | Kuipers | Scott |
| Birkholz | George | McManus | Stamas |
| Bishop | Gilbert | Olshove | Switalski |
| Brater | Gleason | Pappageorge | Thomas |
| Brown | Hardiman | Patterson | Van Woerkom |
| Cassis | Hunter | Prusi | Whitmer |
| Cherry | Jacobs | | |

Excused—0

Not Voting—0

In The Chair: Sanborn

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 Basham 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 bill:

Senate Bill No. 796, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

The bill 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 796

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. 643

Senate Bill No. 796

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 643, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 708b (MCL 257.708b), as amended by 2004 PA 362.

The question being on the passage of the bill,
Senator Brown offered the following substitute:
Substitute (S-3).

The substitute was adopted, a majority of the members serving voting therefor.

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. 351**Yeas—38**

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

Nays—0**Excused—0****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. 796, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

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. 352**Yeas—37**

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

Nays—1

Sanborn

Excused—0

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. 112

The resolution consent calendar was adopted.

Senators Brown, Kahn and Pappageorge offered the following resolution:

Senate Resolution No. 112.

A resolution declaring October 2007 as Cooperative Month in Michigan.

Whereas, Cooperatives in Michigan, since their beginning 120 years ago, have woven a rich and lasting tapestry of economic and social well-being in the fabric of the state; and

Whereas, The local, self-help nature of cooperatives, combined with their free-enterprise approach to the market, makes them an ideal economic development vehicle; and

Whereas, Cooperatives provide the delivery of essential products and services, often in situations where they would not otherwise be available; and

Whereas, Cooperatives buy supplies, equipment, and services from local sources, thus supporting other businesses in the state; and

Whereas, Cooperatives are locally owned and operated and remain in the state through good times and bad; and

Whereas, Cooperatives touch every resident in Michigan by providing housing, electricity and other energy, financial services (credit unions), agricultural services, food, education, hardware, and health services; and

Whereas, Cooperatives employ thousands of people and contribute billions of dollars annually to Michigan's economy; and

Whereas, Cooperatives empower their members with reliable and cost-effective services, while enhancing their sense of community and democratic control; and

Whereas, The cooperative principles of voluntary and open membership, democratic member control, member economic participation, autonomy and independence, education, training and information sharing, collaboration among cooperatives, and concern for community provide a model of consumer responsiveness for government and business; and

Whereas, October has been celebrated nationally as Cooperative Month since 1964; now, therefore, be it

Resolved by the Senate, That given the richness of cooperative contributions to Michigan's economic and social well-being, we hereby proclaim October 2007 as Cooperative Month in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Electric Cooperative Association and the Michigan Alliance of Cooperatives with our highest esteem.

Senators Anderson, Barcia, Birkholz, Brater, Clarke, Gleason and Jacobs were named co-sponsors of the resolution.

House Concurrent Resolution No. 49.

A concurrent resolution to create a tax credit, exemption and deduction joint study committee to make recommendations on the effectiveness and cost of tax credits, exemptions, and deductions in Michigan.

Whereas, Michigan will forego approximately \$30 billion in state revenue for fiscal year 2007-2008 as a result of preferential provisions such as exclusions, deductions, exemptions, credits, deferrals, or lower tax rates, also known as tax credits, exemptions, and deductions; and

Whereas, Michigan has recently addressed serious budget difficulties, which required the state to resolve more than a \$1.8 billion shortfall for fiscal year 2007-2008. Projections for the future include another major imbalance developing for the next fiscal year; and

Whereas, Many tax credits, exemptions and deductions support the values of Michigan, make the basic needs of Michiganders more affordable, and help support economic growth and jobs in the state; and

Whereas, A detailed study of the effectiveness of each tax credit exemption and deduction has not been undertaken during the recent budget crisis; and

Whereas, Many tax credits, exemptions, and deductions may not provide the job creation and positive economic impact originally intended. It is important to ensure that tax policies achieve economic development goals for the benefit of all Michigan citizens when balanced against the loss of revenues and state services; now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we establish the Tax Credit, Exemption and Deduction Joint Study Committee. The joint committee shall be comprised of the following membership:

—Three members of the Senate, with two appointed by the Senate Majority Leader and one appointed by the Senate Minority Leader;

—Three members of the House, with two appointed by the Speaker of the House and one appointed by the House Minority Leader;

—A member of the organized labor community appointed jointly by the legislators appointed to the Tax Credit, Exemption and Deduction Joint Study Committee;

—A member of the business community appointed jointly by the legislators appointed to the Tax Credit Exemption and Deduction Joint Study Committee;

—A representative of the State Treasurer;

—A representative of the Director of the Department of Labor and Economic Growth; and

—A representative of the Director of the Department of Management and Budget.

The tax credit, exemption and deduction joint study committee shall explore the effectiveness of tax credits, exemptions and deductions, study their relevance in today's economy and the goals of state government, and recommend the elimination, modification, or preservation of each tax credit, exemption and deduction currently in existence; and be it further

Resolved, That the tax credit exemption and deduction joint study committee shall make recommendations to the Michigan Legislature not later than June 1, 2008; and be it further

Resolved, That the joint committee is hereby authorized to expend a maximum amount of \$5,000 in carrying out its duties and such additional expenditures deemed necessary and approved by the Senate Majority Leader and the Speaker of the House. Payment for contractual services may be authorized by the Senate Majority Leader and the Speaker of the House.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations and Reform.

Senators Anderson, Barcia, Basham, Brater, Clarke, Gleason and Jacobs were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott, Sanborn and Gleason 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 rise today once again to remind you of the message I have delivered here every day for going on four years now. But don't tune out or turn away yet; my message has a new spin. Back in 1978, when William Milliken was Governor, the Michigan Supreme Court determined that auto and homeowners insurance are essential products for consumers, and the state has a duty to guarantee that insurance is available to everyone at a fair and equitable price.

I rise today to ask: Has the state upheld its duty? Have insurance companies made a good faith effort to provide fairly-priced coverage? Have legislators made a positive effort to honor that guarantee? Has that promise been fulfilled?

I again remind you that shortly after Governor Granholm assumed office, a House bill was introduced that would reimburse folks cited for driving without their proof of insurance certificate if they could produce it after the fact. When that bill came to the Senate, I amended the bill to require insurance rates to be based on the distance one drives, the type of car, and the driver's record. My colleagues soundly defeated that amendment. And that day, I will tell you, was my worst day in the Legislature to date. That's the day when I stood on the Senate floor and made a promise that I would speak for fairness and equality in insurance rates at every session until the problem was resolved. Well, you have now had the distinct pleasure of listening to my appeals for almost four years. And, frankly, I'm sick to death of standing here watching you roll your eyes and busy yourself with paperwork and telephone calls every time I rise to speak. So I have decided to add some other voices to mine.

Tomorrow morning, some 30-plus buses full of homeowners and drivers will join residents from across the state outside the Capitol doors to tell you how they feel about insurance rates in Detroit and across Michigan. They will tell you that their rates are excessive, disproportionate, and unfairly set. They will tell you that many of them are being forced to live and drive uninsured because of the exorbitant rates. They will loudly and clearly demand that you take action on legislation that will deal with the insurance crisis. Lord knows, I've done my best during the past years to

urge you to address this issue, and I plan to continue to do so. But maybe at noon tomorrow, as thousands of other voices join mine in protest, you will finally acknowledge that we have a problem and I have a solution. That solution is to pass my bills.

The President pro tempore, Senator Richardville, assumed the Chair.

Senator Sanborn's statement is as follows:

Buried below the headlines about the Governor's threatened government shutdown and the strike that endangers one of our state's most important industries is the fact that yet another major industry has said no thanks to Michigan. First it was Comerica and now it is the Bank of America, which has announced that it will lay off some 1,500 employees over the next two years. It almost seems like businesses are tripping over themselves to get out of the state of Michigan, and the Governor's answer, along with her party in the House, is to raise taxes on businesses some \$500 million on the very day that it is made—this announcement.

This will only worsen our state's problems, and yet, they will not compromise; they will not keep their word about looking for reductions and reforms because they are so focused on raising taxes. Think about the message that is being sent to every business in the country. It is not the message that the Governor is spending so much money on spreading inside our state with her glossy ads. The real message that is being sent is that Michigan doesn't have its act together. We are a state where the Governor threatens a government shutdown due to the fact that members of her own political party won't go along with her tax-and-spend plans. It is the state with the highest unemployment in the country, and yet, our major industry will go on strike and our government will shut down, effectively crippling our state's economy because the Governor and her cronies are afraid of the reforms that have allowed the rest of the nation to prosper.

You know, I never thought I would see the day that we would hope to see Michigan's economy rebound to catch the likes of Louisiana, Mississippi, and Arkansas. Governor, you were right; it's been five years and we are all blown away. I understand the importance of keeping one's promise, Governor, but stop blowing us and our jobs away. Come to the table and discuss real solutions for the state's problems. The time for your threats is over, Governor. It is time for you and your party to take some real action. Please, Governor, I plead do not shut down the state's government.

Senator Gleason's statement is as follows:

The previous speaker was talking about an issue that I think he knows little about. I'm a UAW member. I'm the son of a UAW worker and I'm a grandson of a UAW sitdown striker. The previous speaker mentioned that there is a state responsibility and a leadership obligation to offer remedies for economic development, particularly in this state with a manufacturing sector.

As a state and as a Legislature, we used to make that a priority about taking care of our No. 1 industry—manufacturing. Today we sit and we talk about revenues and reforms and cuts. When we really did care about this state and when we really did care about putting people to work in high pay and high benefits and good pension jobs, our revenue was a lot higher because those who came before us had enough courage, enough responsibility to put money in the pot, knowing that eventually this money would be spread to all the Michigan households.

You know, not too long ago in our lifetime, we lost a major corporation in this state—Chrysler. Our Congressman, who became our Governor, understood what it took to save that industry; that government had to step up and had to fund Chrysler to a manageable level. We don't seem to want to do that anymore. Back when Ford, General Motors, and Chrysler were thriving not only in Michigan, but across the world, our income tax rate was at 4.6, 5.6, 6.35, 5.35, and 4.6. It seemed there was a great correlation between our obligation to fund the manufacturing sector and the industry itself.

Now when Chrysler was on the down-and-out, we had a Democratic Congressman, Jim Blanchard, who led that effort to bring back that company. We had a President, Ronald Reagan, who was a Republican. They didn't decide it was more important to have this Republican philosophy or a Democratic philosophy interfere with reviving a much-needed industry. But this banter that we're hearing today and our efforts are visible that we don't have the same concern for our manufacturing sector as we once did.

Now there was a little bit of diatribe about what the Governor should and shouldn't do, but I came out of the automobile industry and I know that we are held hostage by many of the national policies, particularly the trade policies, that are implemented in Washington, D.C., not down here in Lansing. I think we need to look carefully at the history before we just run off half-witted about what has caused us to be in this situation.

Now our calendar is diminishing and our time to act is getting quite small, but we should get back to the place where we used to be in our lifetime when we thought it was important for government to generate revenues to help everybody out. When we cut at-risk kids and when we say we're not going provide transportation for the disabled to get to work; when we say that even though we're the worst at producing college graduates, we can cut tuition; that in my lifetime and yours when the poor and middle class couldn't go to college until government said that there is a societal good that our young folks should go get an education. We don't do that anymore. In 1972, I went to Northern Michigan University. You guys and your family paid 75 percent of the tuition to send me to school. Today, we in this room think it's just great that we're doing mighty fine by paying 40 percent of our kids' tuition.

I know which side I'm on. I'm awful tired of reading and hearing about excessive corporate bonuses for failing industries. I am a UAW member and I'm supporting the workers. I do think that we need to get this funding back to where it should be so we don't have another Chrysler on our hands.

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

Senator Patterson introduced
Senate Bill No. 815, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 401 (MCL 484.1401), as amended by 2006 PA 249.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

House Bill No. 4882, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 7 (MCL 205.92, 205.93, 205.94, and 205.97), sections 2, 3, and 4 as amended by 2004 PA 172.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5096, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 9a (MCL 205.99a), as amended by 2004 PA 172.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5097, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4i (MCL 205.54i), as amended by 2004 PA 173.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5249, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

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 Appropriations.

House Bill No. 5252, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 7b (MCL 205.427 and 205.427b), section 7 as amended by 2004 PA 164 and section 7b as added by 2002 PA 607.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5253, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5254, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, 4a, 4d, 4k, and 9a (MCL 205.93a, 205.94, 205.94a, 205.94d, 205.94k, and 205.99a), sections 3a, 4, 4a, 4d, and 9a as amended by 2004 PA 172 and section 4k as amended by 2006 PA 18.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5255, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 2, 4a, 4g, 4i, 4x, and 6a (MCL 205.52, 205.54a, 205.54g, 205.54i, 205.54x, and 205.56a), sections 2, 4a, 4g, and 4i as amended by 2004 PA 173, section 4x as amended by 2006 PA 17, and section 6a as amended by 1993 PA 325.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5256, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3703, 3704, 5903, and 5904 (MCL 324.3703, 324.3704, 324.5903, and 324.5904), as added by 1995 PA 60.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

By unanimous consent the Senate returned to the order of

Messages from the House

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2006 PA 526.

(The House substitute was concurred in earlier today and the motion to reconsider the vote postponed. See p. 1460.)

The question being on the motion to reconsider the vote by which the House substitute was concurred in,

The motion prevailed, a majority of the Senators serving having voted therefor.

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. 353**Yeas—33**

Allen
Barcia

Clark-Coleman
Clarke

Jacobs
Jansen

Prusi
Richardville

| | | | |
|----------|----------|-------------|-------------|
| Basham | Cropsey | Jelinek | Sanborn |
| Birkholz | Garcia | Kuipers | Scott |
| Bishop | George | McManus | Stamas |
| Brater | Gilbert | Olshove | Switalski |
| Brown | Hardiman | Pappageorge | Van Woerkom |
| Cassis | Hunter | Patterson | Whitmer |
| Cherry | | | |

Nays—5

| | | | |
|----------|------|---------|--------|
| Anderson | Kahn | Schauer | Thomas |
| Gleason | | | |

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Protest

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute for Senate Bill No. 210.

Senator Thomas’ statement is as follows:

Mr. President, I voted “no” on Senate Bill No. 210 not because I have any issues with the Secretary of the State. I certainly want to maintain a very fine level of service through branch offices, but I simply cannot make a choice between busses for my urban-based district for constituents who don’t have cars and branch offices. For me, the question was a matter of will my constituents have transportation. And while this may have been a portion of the 2007 budget agreement—which also, I might add, I believe recommended \$1.5 billion in revenue that I have not seen yet—I will not take away bus service through the Comprehensive Transportation Fund in exchange for Secretary of State branch offices. I do wish everyone well, but mass transit is very important to my constituents.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 211, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 809 (MCL 257.809), as amended by 2005 PA 141.

(The House substitute was concurred in earlier today and the motion to reconsider the vote postponed. See p. 1460.)

The question being on the motion to reconsider the vote by which the House substitute was concurred in, Senator Cropsey withdrew the motion.

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.

Protest

Senator Gleason, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitutes for Senate Bill Nos. 210 and 211.

Senator Gleason's statement is as follows:

My "no" vote would accompany the previous speaker's statement from the 32nd District. I share several of the concerns. There has been consistent effort the last few years to take this money and shift it around for an executive of the state of Michigan's activities. The Senator from Detroit mentioned the concerns that I have spoken about for the last few nights in regard to the budget cuts as well, and that is an issue that I hold very dear in my heart that we are not making these facilities accessible but actually making them more burdensome.

The Secretary of State has constitutional obligations and we do as well. We are talking about diverting money from one fund to another. I don't know if we have seen an example of a responsible expenditure of the funds that have been dedicated to the Secretary of State to date. The site that I can mention in Fenton, Michigan, has brought in over \$11 million worth of transactions, last year alone. The savings to the Secretary of State to consolidate the Fenton office with the site in Clarkston, which, by the way, has not been determined yet, is going to save \$28,000.

So I believe there is a concern whether there is judicious expenditure of the resources that were given to the department already. That and other reasons are why I voted "no" on Senate Bill Nos. 210 and 211.

By unanimous consent the Senate returned to the order of

Statements

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

The motion prevailed.

Senator Kahn's statement is as follows:

I received today something that I would like to share with you, and through you, to our members and to the people of the state of Michigan. We have been fighting for weeks and months to keep some of our Secretary of State offices open, and, in fact, in the budget that we sent over to the House, there has been a requirement that the department shall keep some of these offices open. Concurrently with that effort, we have looked at this from the point of view of voting rights and a violation of voting rights for our citizens. I have received today a copy of a letter sent to the Secretary of State regarding her request for pre-approval of the closure of the Buena Vista Secretary of State office, a closure that was done virtually in the dead of night without a hearing and without inclusion.

These are areas in which information was not provided and which has led to questions on the part of the federal government about the appropriateness of that closure and of the other closures throughout the state. They have not provided information about the requirements of state law to promulgate regulations, or, let alone, an electronic record of the voting age of the people within Buena Vista who have driver's licenses; or what qualifies as a good cause for a waiver of the fee for a nondriver's license ID; or the number of election date challenges issued against voters in each precinct. Nor have they provided a detailed description of the measures that will be and have been taken in order to inform Buena Vista folks of the photo ID requirement; or record of any public notices—that should be easy to do—because there were none; or records of any public notices, hearings, or other consultations regarding the decision by the Secretary of State to close that office and other offices. Nor has there been a list with addresses of all state or local agencies, including the office in Buena Vista, that offer voter registration services.

These were things that pre-registration, pre-approval of closure presupposed and none were done, and this closure we will continue to fight and very likely seek an injunction to prevent.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

September 25, 2007

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-9) to Senate Bill 229 appoints the following members to sit on the conference committee:

Senator John Pappageorge, Chair

Senator Mark Jansen

Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

Sincerely,
Michael D. Bishop
Majority Leader
State Senate, 12th District

The communication was referred to the Secretary for record.

Scheduled Meetings

Banking and Financial Institutions - Wednesday, September 26, 9:00 a.m., Room 210, Farnum Building (373-3543)

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

Families and Human Services - Tuesday, October 9, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 11:27 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, September 26, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

