

No. 124
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Friday, November 30, 2007.

10:00 a.m.

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

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:

Much of the prayer this morning is taken from the Old Testament book of Isaiah, the Prophet Isaiah, last part of Chapter 8 and the first part of Chapter 9.

Isaiah 8:16 - 9:7: "Bind up the testimony and seal up the law among my disciples. I will wait for the LORD, who is hiding his face from the house of Jacob. I will put my trust in him. Here am I, and the children the LORD has given me. We are signs and symbols in Israel from the LORD Almighty, who dwells on Mount Zion. When men tell you to consult the mediums and spiritists, who whisper and mutter, should not a people inquire of their God? Why consult the dead on behalf of the living? To the law and to the testimony! If they do not speak according to this word, they have no light of dawn. Distressed and hungry, they will roam through the land; when they are famished, they will become enraged and, looking upward, will curse their king and their God. Then they will look toward the earth and see only distress and darkness and fearful gloom, and they will be thrust into utter darkness.

Nevertheless, there will be no more gloom for those who were in distress. In the past he humbled the land of Zebulun and the land of Naphtali, but in the future he will honor Galilee of the Gentiles, by the way of the sea, along the Jordan. The people walking in darkness have seen a great light; on those living in the land of the shadow of death a light has dawned. You have enlarged the nation and increased their joy; they rejoice before you as people rejoice at the harvest, as men rejoice when dividing the plunder. For as in the day of Midian's defeat, you have shattered the yolk that burdens them, the bar across their shoulders, the rod of their oppressor. Every warrior's boot used in battle and every garment rolled in blood will be destined for burning, will be fuel for the fire. For to us a child is born, to us a son is given, and the government will be on his shoulders. And he will be called Wonderful Counselor, Mighty God, Everlasting Father, Prince of Peace. Of the increase of his government and peace there will be no end. He will reign on David's throne and over his kingdom, establishing and upholding it with justice and righteousness from that time on and forever. The zeal of the LORD Almighty will accomplish this."

Amen.

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

Motions and Communications

The Secretary announced that the following official bills and joint resolution were printed on Thursday, November 29, and are available at the legislative website:

Senate Bill Nos.	922	923	924											
House Bill Nos.	5468	5469	5470	5471	5472	5473	5474	5475	5476	5477	5478	5479	5480	5481
	5482	5483	5484	5485	5486	5487	5488	5489	5490	5491	5492	5493	5494	5495
	5496	5497	5498											
House Joint Resolution	II													

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

Senator Stamas introduced

Senate Bill No. 943, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 88.

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

Senators Pappageorge, Richardville, Thomas, Kuipers and Basham introduced

Senate Bill No. 944, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 451. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Anderson entered the Senate Chamber.

Recess

Senator Cropsy moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:07 a.m.

10:50 a.m.

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

During the recess, Senators Kuipers, Brown and Gleason entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess until 1:00 p.m.
The motion prevailed, the time being 10:51 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

During the recess, Senators Sanborn, Whitmer, Scott, Hunter, Schauer and Clarke entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:01 p.m.

11:49 p.m.

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

During the recess, Senators Brater, Jacobs, Thomas, Switalski, Basham, Birkholz, Clark-Coleman and Garcia entered the Senate Chamber.

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

November 30, 2007

Speaker Andy Dillon
Michigan House of Representatives
166 Capitol Building
P.O. Box 30014
Lansing, MI 48909-7514

Dear Speaker Dillon:

Pursuant to Joint Rule 15, I agree with you to convene an emergency session of the House of Representatives on Saturday, December 1, 2007 for the purpose of addressing HB 5408 in which the Senate has non-concurred and SB 838 at a time determined consistent with applicable Constitutional, statutory and Legislative rules.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Saturday, December 1, at 12:05 a.m.

The motion prevailed.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 925, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 395 (MCL 18.1395), as amended by 2007 PA 2.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 710, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 101 and sections 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10204, and 20165 (MCL 333.10101, 333.10102, 333.10103, 333.10104, 333.10105, 333.10106, 333.10107, 333.10108, 333.10109, 333.10204, and 333.20165), section 10102 as amended by 2003 PA 62, section 10104 as amended by 2005 PA 140, section 10108 as amended by 2006 PA 301, section 10204 as amended by 1999 PA 60, and section 20165 as amended by 1998 PA 108, and by adding sections 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, and 10123; and to repeal acts and parts of acts.

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.

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 711, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

With the recommendation that the bill pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 712, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

With the recommendation that the bill pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 713, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

With the recommendation that the bill pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 714, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

With the recommendation that the bill pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 715, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206, 5506, 5507, 5508, and 5510 (MCL 700.3206, 700.5506, 700.5507, 700.5508, and 700.5510), section 3206 as added by 2006 PA 299 and sections 5506, 5507, 5508, and 5510 as amended by 2004 PA 532.

With the recommendation that the bill pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, November 28, 2007, at 3:07 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Scheduled Meetings**Appropriations -****Subcommittees -**

Capital Outlay - Wednesday, December 5, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Natural Resources Department - Tuesday, December 4, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Homeland Security and Emerging Technologies - Tuesday, December 4, 12:30 p.m., Room 100, Farnum Building (373-5932)

Legislative Retirement Board of Trustees - Wednesday, December 5, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Michigan Capitol Committee - Thursday, December 6, 9:00 a.m., Room 426, Capitol Building (373-5527)

Natural Resources and Environmental Affairs - Wednesday, December 5, 1:30 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:51 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Saturday, December 1, 2007, at 12:05 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate