

**No. 98**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Saturday, September 29, 2007.

12:00 noon

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

**Recess**

Senator Cropsey moved that the Senate recess until 4:30 p.m.  
The motion prevailed, the time being 12:01 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator 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 Thomas M. George of the 20th District offered the following invocation:

Heavenly Father, as we reflect on our work here, let us be thankful. Let us be thankful for the bountiful land You have entrusted to us. Let us be thankful for the opportunity to participate in the governance of this state, and let us be grateful for the time You have given us together.

Now as we look ahead to the future with anticipation for the challenges it holds, we ask for Your continued guidance in our work and deliberations. We thank You for allowing us to serve here and ask for Your continued blessing on our work. Amen.

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

### Motions and Communications

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 4:34 p.m.

8:33 p.m.

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

During the recess, Senators Hardiman, Birkholz, Bishop, Barcia, Kuipers and Garcia entered the Senate Chamber.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, September 28, for her approval the following bills:

**Enrolled Senate Bill No. 774 at 1:52 p.m.**

**Enrolled Senate Bill No. 204 at 1:54 p.m.**

**Enrolled Senate Bill No. 374 at 1:56 p.m.**

The Secretary announced that the following official bills and joint resolution were printed on Friday, September 28, and are available at the legislative website:

**House Bill Nos. 5268 5269 5270**

**House Joint Resolution AA**

### Messages from the Governor

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

**Senate Bill No. 436**

The motion prevailed.

The following messages from the Governor were received:

Date: September 28, 2007

Time: 2:49 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 655 (Public Act No. 66), being**

An act to amend 1976 PA 388, entitled "An act to regulate political activity; to regulate campaign financing; to regulate campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance

of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,” by amending section 61 (MCL 169.261), as amended by 1993 PA 262.

(Filed with the Secretary of State on September 28, 2007, at 3:14 p.m.)

Date: September 28, 2007

Time: 2:51 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 657 (Public Act No. 67), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 21506a (MCL 324.21506a), as amended by 2006 PA 318.

(Filed with the Secretary of State on September 28, 2007, at 3:16 p.m.)

Date: September 28, 2007

Time: 2:53 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 676 (Public Act No. 68), being**

An act to amend 1976 PA 295, entitled “An act to improve and maintain transportation services in this state; to provide for the acquisition and use of funds; to provide for the acquisition of certain railroad facilities and certain property; to provide for the disposition and use of facilities and property acquired under this act; to provide for financial assistance to certain private transportation services; to prescribe the powers and duties of certain state departments and agencies; to provide for the transfer of certain funds; to provide for the creation of certain funds; and to provide for appropriations,” by amending section 17a (MCL 474.67a), as added by 2001 PA 126.

(Filed with the Secretary of State on September 28, 2007, at 3:18 p.m.)

Date: September 28, 2007

Time: 2:55 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 656 (Public Act No. 69), being**

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 25 (MCL 205.75), as amended by 2006 PA 69.

(Filed with the Secretary of State on September 28, 2007, at 3:20 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received on September 28, 2007, and read:

EXECUTIVE ORDER

No. 2007-41

**Amendment of Executive Order No. 2003-6**

WHEREAS, under Article V, Section 1 of the Michigan Constitution of 1963, the executive power is vested in the Governor;

WHEREAS, on April 15, 2003, the Homeland Protection Board was established within the Department of State Police by Executive Order 2003-6;

WHEREAS, at the time of the establishment of the Homeland Protection Board, the Department of State Police included a Fire Marshal Division;

WHEREAS, in 2006, the Bureau of Fire Services, headed by a State Fire Marshal appointed by the Governor, was established within the Department of Labor and Economic Growth and the functions previously performed by the Department of State Police relating to fire safety and the fire service in Michigan are now performed by the Bureau of Fire Services;

WHEREAS, because state government has a continuing obligation to reassure Michigan residents that state government is taking appropriate steps to address their safety and security, it is appropriate that the role of Michigan's fire service in the state's emergency management and homeland security efforts be enhanced;

WHEREAS, because Michigan's firefighters, fire chiefs, and other members of the fire service in this state play a vital role in protecting the health, safety, and welfare of the People of the State of Michigan, it is appropriate that Executive Order 2003-6 be amended to assure that the State Fire Marshal, or his or her designee, serves as a member of the Michigan Homeland Protection Board created by Executive Order 2003-6;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and the laws of the State of Michigan, order:

A. Section III.C of Executive Order 2003-6 is amended to read as follows:

"The members of the Michigan Homeland Protection Board shall include all of the following:

1. The Director of the Department of State Police, or his or her designee from within the Department of State Police.
2. The Adjutant General, or his or her designee from within the Department of Military and Veterans Affairs.
3. The State Fire Marshal, or his or her designee from within the Bureau of Fire Services of the Department of Labor and Economic Growth.
4. The Director of the Department of Agriculture, or his or her designee from within the Department of Agriculture.
5. The Director of the Department of Civil Rights, or his or her designee from within the Department of Civil Rights.
6. The Director of the Department of Community Health, or his or her designee from within the Department of Community Health.
7. The Director of the Department of Environmental Quality, or his or her designee from within the Department of Environmental Quality.
8. The Director of the Department of Information Technology, or his or her designee from within the Department of Information Technology.
9. The Director of the Department of Transportation, or his or her designee from within the Department of Transportation."

B. Section III.I of Executive Order 2003-6 is amended to read as follows:

"The Homeland Security Advisory Council is created to advise the Board and to provide input, advice, and recommendations to the Board on any issues deemed necessary by the Board. The Homeland Security Advisory Council shall consist of the Deputy State Director of Emergency Management and Homeland Security, the Assistant Adjutant General, the State Fire Marshal, and other members as directed by the Board. The Deputy State Director of Emergency Management and Homeland Security shall serve as the Chairperson of the Homeland Security Advisory Council."

This Order is effective upon filing.

[SEAL]

Given under my hand this 28th day of September in the year of our Lord, two thousand and seven.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

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

The following message from the Governor was received and read:

September 28, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Executive Order 2003-18, MCL 445.2011:

**Workers' Compensation Appellate Commission**

Ms. Donna J. Grit of 2706 Oakwood, S.E., East Grand Rapids, Michigan 49506, county of Kent, reappointed to represent the general public, for term commencing October 1, 2007 and expiring September 30, 2011.

Sincerely,  
Jennifer M. Granholm  
Governor

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

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

### 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**

**Senate Bill No. 276**

The motion prevailed.

### House Bill No. 5198, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172, and by adding section 4z.

The House of Representatives has nonconcurred in the Senate substitute (S-5) and appointed Reps. Bieda, Condino and Palsrok as conferees.

The message was referred to the Secretary for record.

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 28, 2007

Pursuant to Joint Rule 3(a), I am making the following conferee appointments to the Conference Committee on House Bill 5198:

Senator Valde Garcia

Senator Wayne Kuipers

Senator Michael Prusi

Respectfully yours,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

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 Richardville 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 bills:

### House Bill No. 5257, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2003 PA 107.

### House Bill No. 5258, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2003 PA 81.

The bills were placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 799**

The motion prevailed.

Senator Hunter entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 799, entitled**

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending the title and section 12a (MCL 409.312a), the title as amended by 1994 PA 394 and section 12a as amended by 2002 PA 57.

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. 372**

**Yeas—36**

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

**Nays—1**

Birkholz

**Excused—1**

Garcia

**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

**Introduction and Referral of Bills**

Senators Pappageorge, Kahn, Kuipers, Olshove, Allen, Garcia, Birkholz, Patterson and Jansen introduced **Senate Bill No. 818, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803f (MCL 257.803f), as amended by 1998 PA 68.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 8:44 p.m.

11:48 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 rule 2.106 be suspended to allow conference committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Sunday, September 30, at 12:01 a.m. The motion prevailed.

By unanimous consent the Senate proceeded to the order of

### Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

The late great leader Dr. Martin Luther King, Jr., in his letter from a Birmingham jail, observed, "Injustice anywhere is a threat to justice everywhere." What we have in our state today is an unjust insurance rating system, and that injustice is a threat to justice everywhere.

We are in a powerful position in this chamber. We have the ability to eliminate injustice, and we can start that process by acting on Senate Bill No. 37 and Senate Bill No. 38. These bills would establish the Make Insurance Affordable and Accessible (MIAA) Task Force and ban territorial rating in setting insurance premiums

Let us join together in this effort to eliminate injustice. You can start by considering my bills.

### Scheduled Meetings

#### Appropriations -

##### Subcommittee -

**Higher Education** - Thursday, October 18, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

#### Conference Committees -

**Income Tax (HB 5194)** - Sunday, September 30, 1:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-0015)

**Public Employees Health Benefits (SB 418)** - Sunday, September 30, Room 405, Capitol Building (373-0797)

**Use Tax (HB 5198)** - Sunday, September 30, 1:45 a.m., Room 426, Capitol Building (373-0070)

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

#### Legislative Retirement Board of Trustees -

##### Subcommittee -

**Investment** - Thursday, October 4, 2:00 p.m., Room 927, South Tower, Anderson House Office Building (373-0575)

**Local, Urban and State Affairs** - Tuesday, October 9, 3:00 p.m., Room 110, Farnum Building (373-1635) (CANCELED)

Senator Cropsy moved that the Senate adjourn.  
The motion prevailed, the time being 11:50 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Sunday, September 30, 2007, at 12:01 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate