

**No. 104**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Wednesday, October 10, 2007.

10:00 a.m.

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

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

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

Garcia—present  
George—present  
Gilbert—present  
Gleason—excused  
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—excused  
Van Woerkom—present  
Whitmer—present

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

Father, we come before You today not only as servants of the citizens of the state of Michigan, but also as servants of the God who created us. In Your word You say that we were created in Your image and likeness. It is also clear that we are also imperfect.

Please help us today as we go about our work to look to one another to find the image of You in each of us and not look for the imperfections, knowing that You care for each one of us as Your own. Amen.

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

### Motions and Communications

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

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

Senators Brown and Hunter entered the Senate Chamber.

The following communication was received and read:  
Office of the Auditor General

October 5, 2007

Enclosed is a copy of the following audit report:  
Performance audit of Lansing Community College.

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

October 8, 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 1:30 p.m. this date, administrative rule (07-10-03) for the Department of Environmental Quality, Water Bureau, entitled "*Part 17. Soil Erosion and Sedimentation Control.*" 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 Tuesday, October 9:  
**House Bill Nos. 5007 5101 5138 5139 5143**

The Secretary announced that the following official bill was printed on Tuesday, October 9, and is available at the legislative website:

**Senate Bill No. 820**

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

**Senate Bill No. 732**

**Senate Bill No. 733**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 732, entitled**

A bill to designate enterprises owned or controlled by qualified veterans as Michigan patriot businesses; and to provide for the powers and duties of certain state governmental officers and entities.

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. 410**

**Yeas—35**

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
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer
Cherry	Jacobs	Prusi	

**Nays—0**

**Excused—3**

Brater	Gleason	Thomas
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**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Brater entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 733, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

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. 411****Yeas—36**

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

**Nays—0****Excused—2**

Gleason	Thomas
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**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned 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**

The motion prevailed.

**Senate Bill No. 276, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2004 PA 79.

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. 412****Yeas—36**

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



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. 116**

The resolution consent calendar was adopted.

Senator Whitmer offered the following resolution:

**Senate Resolution No. 116.**

A resolution in recognition of the 2007 class of recreation and park professionals inducted into the Michigan Recreation and Park Association Hall of Fame.

Whereas, Recognizing recreation and park professionals and special individuals who have made outstanding, unique, lasting, and extraordinary contributions to recreation and park services for persons living in Michigan, it is most appropriate for the members of the Michigan Senate to pause in reflection on the positive influence these individuals have had on improving the quality of life in communities throughout the state of Michigan; and

Whereas, The inductees of the 2007 class of recreation and park professionals and special individuals include: Thomas Chappelle, Sterling Heights; David Ewalt, Pontiac; Kerry Kammer, former Michigan Senator, Pontiac; William Sherman, Huron-Clinton Metropolitan Authority; Kenneth Smithee, Genesee County; posthumously, Anthony Filippis, Sr., Wright and Filippis, Rochester; Charles Oxley, Ann Arbor; and Thomas Washington, Michigan United Conservation Clubs; and

Whereas, These early leaders were bold in their willingness to be change agents. Whether identifying leadership traits, reflecting on the mechanics of key accomplishments, or recognizing the significance of being visionaries, much has been learned from these trailblazers in the recreation and park profession. Their achievements have been many at the local, state, national, and international levels; and

Whereas, In addition, these recreation and park professionals have consistently demonstrated important differences they made in people's lives across their Michigan communities. These early professionals were an invaluable source for positioning the profession and providing direction for the future, an evolution that has enabled the Michigan recreation and park profession to be recognized as creating community through people, parks, and programs; now, therefore, be it

Resolved by the Senate, That we hereby offer a unanimous accolade of tribute for the 2007 class of recreation and park professionals inducted into the Michigan Recreation and Park Association Hall of Fame; and be it further

Resolved, That copies of this resolution be transmitted to each inductee as an enduring testimony to the high esteem in which their lives and memories are held by the people of Michigan.

Senators Anderson, Cherry, Clark-Coleman, Olshove, Richardville, Schauer and Switalski were named co-sponsors of the resolution.

### **Introduction and Referral of Bills**

Senators McManus, Brown and Pappageorge introduced

**Senate Joint Resolution I, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 11 of article I, sections 1 and 6 of article II, sections 2 and 3 of article IV, section 2 of article VIII, and section 6 of article IX and by repealing section 10 of article II, sections 4, 5, and 6 of article IV, and section 7 of article VII, to repeal constitutional provisions that have been declared unconstitutional.

The joint resolution was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senators Jelinek, Anderson, Richardville, Pappageorge, Thomas, Gilbert, Basham, Birkholz, Clarke, Barcia, Gleason, Stamas, Garcia, Cherry, Van Woerkom and Whitmer introduced

**Senate Bill No. 821, entitled**

A bill to require identifying marking of certain beverage containers; to prohibit the use of certain reverse vending machines; to prescribe penalties for violations of this act; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Senators Jelinek, Anderson, Richardville, Pappageorge, Thomas, Gilbert, Birkholz, Clarke, Barcia, Gleason, Stamas, Garcia, Cherry, Van Woerkom and Whitmer introduced

**Senate Bill No. 822, entitled**

A bill to provide standards for reverse vending machines; to prohibit the use, replacement, leasing, transfer, and sales of certain designs of reverse vending machines; to prescribe penalties for violations of this act; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Senator Jelinek introduced

**Senate Bill No. 823, entitled**

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 16, 17, 19, 20, 22, 24, 27, and 29 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.828, 338.830, 338.834, 338.836, 338.837, 338.839, 338.840, 338.842, 338.844, 338.847, and 338.849), sections 1, 2, 3, 4, 5, 6, 7, 10, 14, 16, 17, 20, 22, 24, and 27 as amended by 2002 PA 474.

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

Senator Brown introduced

**Senate Bill No. 824, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by repealing section 3d (MCL 205.93d).

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

**House Bill No. 5007, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1203a (MCL 339.1203a), as added by 1997 PA 97.

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 Economic Development and Regulatory Reform.

**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 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 Commerce and Tourism.

**House Bill No. 5138, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 3, 4, 5, 7, 9, 11, 12, and 15 (MCL 390.1472, 390.1473, 390.1474, 390.1475, 390.1477, 390.1479, 390.1481, 390.1482, and 390.1485), sections 2, 7, and 9 as amended by 2004 PA 387 and section 3 as amended by 2001 PA 215.

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 Finance.

**House Bill No. 5139, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

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 Finance.

**House Bill No. 5143, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 251 (MCL 32.651), as amended by 1988 PA 246.

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 Homeland Security and Emerging Technologies.

### Statements

Senator Garcia stated that had he been present on October 4 when the votes were taken on the passage of the following bills, he would have voted "yea":

**Senate Bill No. 278**

**Senate Bill No. 280**

**Senate Bill No. 283**

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:

Over a century ago, African-American author and activist Charles Chestnut said, "Let not the shining thread of hope become so enmeshed in the web of circumstance that we lose sight of it." To those who are supportive of my insurance reform efforts, I admonish you to take that advice to heart. My insurance rally remains a shining thread of hope that my colleagues will finally listen to the voices of the people and take up my legislation.

We cannot allow the web of circumstance to deter its progress or passage. My bills promise economic hope to thousands of Michigan drivers and homeowners across the state. They promise the hope of fair and equal treatment by insurance companies for all Michigan residents. My bills await your action.

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, October 4, 2007, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove and Prusi

Excused: Senator Thomas

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, October 9, 2007, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Jansen (C), Hardiman and Jacobs

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

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

**Human Services Department and Families and Human Services** - Tuesday, October 16, 2:30 p.m., Room 210, Farnum Building (373-2768)

**Education** - Thursday, October 11, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, October 11, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Families and Human Services and Human Services Department Appropriations Subcommittee** - Tuesday, October 16, 2:30 p.m., Room 210, Farnum Building (373-0797)



**Finance** - Thursday, October 11, 12:00 noon, Room 110, Farnum Building (373-1758)

**Local, Urban and State Affairs** - Tuesday, October 16, 3:00 p.m., Room 110, Farnum Building (373-1635)

**Natural Resources and Environmental Affairs and House Tourism, Outdoor Recreation and Natural Resources, Joint** - Thursday, October 11, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3447)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:24 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, October 11, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

