

**No. 110**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Wednesday, October 24, 2007.

10:00 a.m.

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

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

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

Garcia—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—excused  
Scott—excused  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Reverend Keith White of New Life Family Church of River Rouge offered the following invocation:

Father God, we come this morning thanking You for Your loving-kindness, Your tenderness, and Your mercy. God, You didn't have to wake us up this morning, give us a reasonable portion of our mind, our health, and our strength, but You did, God, and for this we say thank You. God, we thank You for our legs to walk, our voice to talk, our eyes to see, and our ears to hear. You didn't have to do that, God, but we thank You anyway.

God, now we thank You for this Senate and all whom You have sent to serve. God, we thank You for this state, and we thank You for the state of the state. God, we thank You for our Governor, the one whom You have set in place to lead us in such a time as this.

God, we pray now that You have Your Spirit come and cover this place. We pray that You saturate this place with Your power, Your peace, and Your presence. God, we know that nothing good and perfect can come out of this session unless You are in the building. So now, God, we say You're welcome in this place. God, we pray that You will keep these—Your servants. Lead them, guide them, protect them, secure them, and humble them. And, God, we pray that You allow them to remain spiritual and not spirited.

God, we pray now that each and every person under the sound of my voice, we pray that You allow them to have the courage of Daniel; we pray that You allow them to have the mind of Paul; have the strength of Samson; and have the wisdom of Moses. God, we pray that You allow them to have the character of Abraham; the spirit of Elijah; the heart of David; the integrity of the Hebrew boys; have the perseverance of Job; and, God, we pray that they have the servantry of Jesus. God, if You do that, we'll remember to give You all of the glory, all of the honor, and all of the praise. It is in Your Son Jesus' name we pray. Amen.

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

### Motions and Communications

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

#### House Concurrent Resolution No. 51.

A concurrent resolution to memorialize the United States Congress to override the President's veto of the State Children's Health Insurance Program (SCHIP).

(The motion was on made October 18 to discharge the Committee on Appropriations, yeas and nays ordered and consideration postponed. See Senate Journal No. 108, p. 1684.)

The question being on the motion to discharge the Committee on Appropriations from further consideration of the concurrent resolution,

Senator Hunter withdrew the motion.

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

#### Senate Resolution No. 117

The motion prevailed.

The following communication was received:  
Department of Treasury

October 23, 2007

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period July 1, 2007 through September 30, 2007. The report is required by Public Act 345 of 2006, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

- (1) Of the \$5,856,800.00 included in part 1 for the revenue enhancement program, \$5,356,000.00 shall be used for revenue collection enhancement activities including auditing functions.
- (3) The \$500,000.00 balance of the \$5,856,800.00 shall be used for the principal residence exemption compliance program. Along with other program costs, expenditures shall include the development of a statewide web-based database created for the purpose of enforcing the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2007. Revenue generated to the state from the principal

residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation. Additional funds from the revenue enhancement program and carry-forward appropriations may be used to support costs in excess of \$500,000.00.

Sincerely,  
Frederick Headen, Director  
Bureau of Local Government Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, October 23:  
**House Bill No. 5036**

The Secretary announced that the following official bill was printed on Tuesday, October 23, and is available at the legislative website:

**Senate Bill No. 841**

### 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 message from the Governor was received and read:

October 23, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to office under Section 5 of the Shared Credit Rating Act, 1985 PA 227, MCL 141.1055:

#### **Michigan Municipal Bond Authority Board of Trustees**

Mr. Richard A. Huebler of 15827 Englewood, Allen Park, Michigan 48101, county of Wayne, succeeding Gary D. Hawks, who has resigned, representing residents of the state, for a term commencing October 23, 2007 and expiring January 1, 2008.

The Honorable Nancy L. Quarles of 18131 Magnolia, Southfield, Michigan 48075, county of Oakland, reappointed to represent residents of this state, for a term expiring January 1, 2010.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations and Reform.

### 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. 79, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 223 (MCL 257.223).

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, after "(1)" by inserting "Upon receipt of a registration certificate, the owner **OF A COMMERCIAL VEHICLE** shall write his or her signature ~~thereon~~ **ON THE REGISTRATION CERTIFICATE** with pen and ink in the space provided."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

### 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. 754**

**Senate Bill No. 455**

**Senate Bill No. 577**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 754, entitled**

A bill to assure that returning veterans are informed of state-funded veterans service organizations; and to prescribe certain duties of certain state agencies.

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. 432

**Yeas—36**

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

**Nays—0**

**Excused—2**

Schauer

Scott

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 455, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2004 PA 17.

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. 433

**Yeas—36**

Allen	Cherry	Hunter	Patterson
Anderson	Clark-Coleman	Jacobs	Prusi

Barcia	Clarke	Jansen	Richardville
Basham	Cropsey	Jelinek	Sanborn
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Gleason	Olshove	Van Woerkom
Cassis	Hardiman	Pappageorge	Whitmer

**Nays—0**

**Excused—2**

Schauer	Scott
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 577, entitled**

A bill to regulate certain persons building certain residential structures; to provide for certain disclosures and prescribe certain limitations regarding the transfer of that residential structure; and to provide for remedies and penalties.

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. 434**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Schauer	Scott
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Hunter 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:

**Senate Bill No. 678, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 6 (MCL 129.96), as added by 1997 PA 196.

**Senate Bill No. 606, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 411 (MCL 339.411), as amended by 2004 PA 373.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 368, entitled**

A bill to amend 1846 RS 14, entitled "Of county officers," (MCL 48.35 to 48.48) by adding section 40a.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

**Senate Bill No. 658, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," (MCL 129.91 to 129.96) by adding section 7.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 1, line 3, after "**ROYALTIES**" by inserting "**OR MONEY**".

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

## Resolutions

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

**Senate Resolution No. 121**

The resolution consent calendar was adopted.

Senators Sanborn, Pappageorge and Birkholz offered the following resolution:

**Senate Resolution No. 121.**

A resolution declaring November 4-10, 2007, as Michigan Long-Term Care Awareness Week in the state of Michigan.

Whereas, The U.S. Department of Health and Human Services has reported that 60 percent of Michigan residents over the age of 65 will need long-term care services at some point, with more than 40 percent of this group requiring nursing home care and another 30 percent in-home assistance; and

Whereas, The U.S. Census Bureau has projected that the population of Michigan residents age 65 and older will increase by nearly 70 percent to more than 2 million by 2030; and

Whereas, In 2006, the average annual cost of care in Michigan for nursing home services was \$70,445, over \$32,500 for assisted living, and \$18 per hour for nonskilled, in-home aid, with all three continuing to increase at a rate outpacing the Consumer Price Index; and

Whereas, The American Association of Long-Term Care Insurance estimates that, by 2020, the cost for today's 60-year-old will be in the range of \$80,000-\$120,000 for a single year of care in a nursing home or assisted living facility, which would entirely or nearly deplete the financial assets of most in just a year or two; and

Whereas, A 2006 AARP study indicated that most Americans age 45 or over were less informed than they thought regarding long-term care, which was evidenced by the less than 8 percent of them who could estimate the cost for nursing home care to within +/- 20 percent of its national average and the nearly 60 percent who believed that Medicare would cover the costs for an extended nursing home stay when it usually doesn't; and

Whereas, The Governor's Office and the AARP have noted that low levels of consumer awareness and many common misperceptions regarding the most essential long-term care issues significantly contributed to the very apparent lack of planning and financial preparedness on the part of a significant majority of Michigan and U.S. residents aged 45 and over; and

Whereas, Almost all long-term care experts are predicting that the next 10-30 years will see even sharper increases in the demand for services and its associated costs. It has become contingent on Michigan citizens to recognize this critical situation, and with the assistance and cooperation of state and federal government and businesses of all sizes, they will begin to take the appropriate steps to ensure that their individual and family long-term care needs can be met, which will improve the odds that their latter years can be "golden years"; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare November 4-10, 2007, as Michigan Long-Term Care Awareness Week in the state of Michigan. We encourage every citizen to take the steps necessary to ensure a caring, worry-free future for themselves and their loved ones.

Senators Cherry, Clarke, Gleason, Jacobs and Richardville were named co-sponsors of the resolution.

#### **Senate Resolution No. 102.**

A resolution to memorialize the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula.

The question being on the adoption of the resolution,

The resolution was adopted.

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

#### **Senate Resolution No. 113**

The motion prevailed.

#### **House Concurrent Resolution No. 48.**

A concurrent resolution to urge regular funding for the United States Army Corps of Engineers to dredge recreational harbors on the Great Lakes.

Whereas, Recreational boating on the Great Lakes is a billion dollar industry. The Great Lakes states are home to 4.3 million registered recreational boats, one-third of all registered boats nationwide. More than 900,000 recreational boats in the region are estimated to operate primarily on the Great Lakes. These Great Lakes boaters pump nearly \$3.8 billion dollars per year into local economies, creating thousands of jobs and spurring waterfront redevelopment; and

Whereas, Boaters on the Great Lakes rely on the network of more than 80 recreational harbors to launch, operate, and dock their boats. These harbors are not only used by recreational boaters but may serve as the home for ferry operations and United States Coast Guard search and rescue stations. In addition, sixteen are designated harbors of refuge during storms and five are essential for isolated island communities to receive goods and services; and

Whereas, Recreational harbors require regular dredging so boaters can use them safely. Natural shoaling, exacerbated by current low lake levels, reduce access to recreational harbors and create dangerous boating conditions that jeopardize the economic benefits derived from recreational boating; and

Whereas, Current federal policies and funding limit dredging in recreational harbors traditionally maintained by the United States Army Corps of Engineers. The Army Corps would secure the billions in economic activity generated by recreational boating by regularly dredging recreational harbors on the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge regular funding for the United States Army Corps of Engineers to dredge recreational harbors on the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Gleason, Jacobs, Pappageorge and Richardville were named co-sponsors of the concurrent resolution.

### Introduction and Referral of Bills

Senator Kuipers introduced

**Senate Bill No. 842, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280b (MCL 380.1280b), as added by 2000 PA 230, and by adding section 1283.

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

Senator Sanborn introduced

**Senate Bill No. 843, entitled**

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 17.

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

Senators Pappageorge, Jansen, Garcia, Hardiman, Birkholz and Clarke introduced

**Senate Bill No. 844, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 422 (MCL 208.1422).

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

**House Bill No. 5036, entitled**

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 2c (MCL 29.2c), as amended by 2006 PA 189.

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.

### Statements

Senators Thomas 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 Thomas’ statement is as follows:

In the absence of our colleague from Detroit, Senator Scott, I did want to stand up and strongly, strongly encourage members of this Senate to take seriously the problems that Michigan citizens in Detroit, in Lansing, in Flint, in Grand Rapids, in Saginaw, and across the state are having with the high cost of insurance. Please allow us to have our day in court—so to speak—and to bring forward our belief and to make our case on why insurance reform is necessary for all Michigan drivers.

Senator Gleason’s statement is as follows:

I rise with a touch of sadness this morning. I know that your family and mine lost a good friend one week ago today, Don Papineau. Don’s death and loss was not in vain. He, like many of us, had an opportunity to help those after his passing.

He was a township supervisor and did a great deal of work across the state for the police departments, helping them with their software so their departments could run more efficiently. But Don Papineau on his passing was an organ donor. He donated every organ that was available. He died of a heart attack, but he still donated every organ available to other families across this state.

I’d like to thank the Papineau family. I know you know them well as I do, Lieutenant Governor. What a great effort and a great gesture he gave by being an organ donor.

### Committee Reports

The Committee on Transportation reported

**Senate Bill No. 104, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 319, 634, 649, and 650 (MCL 257.319, 257.634, 257.649, and 257.650), section 319 as amended by 2004 PA 362 and section 634 as amended by 1988 PA 346.



With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom, Basham and Gleason

Nays: None

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

The Committee on Transportation reported

**Senate Bill No. 630, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 93.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Van Woerkom and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**Senate Bill No. 640, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn, Van Woerkom and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, October 23, 2007, at 1:00 p.m., Room 110, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 23, 2007, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senator Patterson

#### Scheduled Meetings

**Agriculture** - Thursday, October 25, 9:00 a.m., Room 110, Farnum Building (373-1635)

#### Conference Committees -

**Agriculture (SB 222)** - Thursday, October 25, 3:00 p.m., Room 110, Farnum Building (373-2768)

**Corrections (HB 4348)** - Thursday, October 25, 11:30 a.m., Room 426, Capitol Building (373-8080)

**General Government (SB 229)** - Thursday, October 25, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**History, Arts, and Libraries (SB 231)** - Thursday, October 25, 9:30 a.m., Room 405, Capitol Building (373-2768)

**Human Services (SB 232)** - Thursday, October 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)  
(CANCELED)

**Judiciary (SB 233)** - Thursday, October 25, 9:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Labor and Economic Growth (SB 234)** - Thursday, October 25, 9:30 a.m., Room 100, Farnum Building (373-2768)

**Military and Veterans Affairs (SB 235)** - Thursday, October 25, 2:00 p.m., Room 405, Capitol Building (373-2768)

**Natural Resources (HB 4354)** - Thursday, October 25, 9:00 a.m., Room 424, Capitol Building (373-8080)

**State Police (SB 238)** - Thursday, October 25, 2:30 p.m., Room 405, Capitol Building (373-2768)

**Transportation (SB 240)** - Thursday, October 25, 12:00 noon, Room 405, Capitol Building (373-2768)

**Education** - Thursday, October 25, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, October 25, 1:00 p.m., Room 210, Farnum Building (373-7350)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:30 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, October 25, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate