

**No. 101**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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Senate Chamber, Lansing, Wednesday, October 3, 2007.

2:00 p.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 Wayne Kuipers of the 30th District offered the following invocation:

Father, we give You thanks for this day. We give You thanks for the beauty of this season. As we look outside, we see the trees begin to show their colors and are reminded of how great and glorious You are and how great and glorious this creation is that You have given us, so we give You thanks for that.

We ask for Your special blessing upon the deliberations today. We know that in the past few weeks we've been under intense scrutiny and much pressure. We give You thanks for clearing a way for us to come to some resolution and to begin to move forward. We know that we are human beings and that many of our decisions are fallible. We ask that You would grant wisdom; that You would give us discernment; that You would help us to honor You in how we think and how we act and how we talk; that the decisions we make would be in the best interest of those whom we represent.

We ask that You would guide and direct us now through this day. In all that we do, may we give You honor and glory. In the name of Christ we pray. Amen.

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

### Motions and Communications

Senators Bishop, Jelinek and Kahn entered the Senate Chamber.

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

September 28, 2007

Enclosed is a copy of the following audit report:

Performance audit of the 21st Century Jobs Trust Fund Programs administered by the Michigan Strategic Fund and the Strategic Economic Investment and Commercialization Board.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

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

The Secretary announced the enrollment printing and presentation to the Governor on Monday, October 1, for her approval the following bills:

**Enrolled Senate Bill No. 396 at 1:57 a.m.**  
**Enrolled Senate Bill No. 395 at 1:59 a.m.**  
**Enrolled Senate Bill No. 397 at 2:01 a.m.**  
**Enrolled Senate Bill No. 398 at 2:03 a.m.**  
**Enrolled Senate Bill No. 549 at 2:05 a.m.**  
**Enrolled Senate Bill No. 1 at 2:07 a.m.**  
**Enrolled Senate Bill No. 632 at 2:09 a.m.**  
**Enrolled Senate Bill No. 418 at 2:18 a.m.**  
**Enrolled Senate Bill No. 419 at 2:20 a.m.**  
**Enrolled Senate Bill No. 420 at 2:22 a.m.**  
**Enrolled Senate Bill No. 421 at 2:24 a.m.**  
**Enrolled Senate Bill No. 772 at 4:31 a.m.**  
**Enrolled Senate Bill No. 773 at 4:33 a.m.**  
**Enrolled Senate Bill No. 622 at 5:37 p.m.**  
**Enrolled Senate Bill No. 546 at 5:39 p.m.**  
**Enrolled Senate Bill No. 547 at 5:41 p.m.**

### Messages from the Governor

The following messages from the Governor were received:

Date: September 28, 2007  
Time: 9:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed  
**Enrolled Senate Bill No. 210 (Public Act No. 70), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or

generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 806 (MCL 257.806), as amended by 2006 PA 526.

(Filed with the Secretary of State on September 30, 2007, at 9:25 p.m.)

Date: September 28, 2007

Time: 9:37 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 211 (Public Act No. 71), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 809 (MCL 257.809), as amended by 2005 PA 141.

(Filed with the Secretary of State on September 30, 2007, at 9:27 p.m.)

Date: September 30, 2007

Time: 2:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 774 (Public Act No. 72), being**

An act to amend 1985 PA 106, entitled "An act to impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes," by amending sections 8, 9, and 10 (MCL 207.628, 207.629, and 207.630), section 8 as amended by 1993 PA 58 and section 9 as amended by 2005 PA 312.

(Filed with the Secretary of State on September 30, 2007, at 9:29 p.m.)

Date: September 30, 2007

Time: 2:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 204 (Public Act No. 73), being**

An act to amend 1998 PA 386, entitled "An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the

court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts," by amending section 3805 (MCL 700.3805), as amended by 2000 PA 177.

(Filed with the Secretary of State on September 30, 2007, at 9:31 p.m.)

Date: September 30, 2007

Time: 2:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 374 (Public Act No. 74), being**

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding sections 112g, 112h, 112i, 112j, and 112k.

(Filed with the Secretary of State on September 30, 2007, at 9:33 p.m.)

Date: September 30, 2007

Time: 7:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 796 (Public Act No. 88), being**

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

(Filed with the Secretary of State on September 30, 2007, at 10:01 p.m.)

Date: October 1, 2007  
Time: 5:08 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 773 (Public Act No. 92), being**

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.” by amending sections 8b, 11, 11j, 17b, 39a, and 147 (MCL 388.1608b, 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), section 8b as amended by 2003 PA 158, sections 11, 11j, 17b, and 147 as amended by 2007 PA 6, and section 39a as amended by 2006 PA 342; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 1, 2007, at 5:37 a.m.)

Date: October 1, 2007  
Time: 5:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 772 (Public Act No. 91), being**

An act to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to October 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

(Filed with the Secretary of State on October 1, 2007, at 5:35 a.m.)

Date: October 1, 2007  
Time: 5:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 396 (Public Act No. 96), being**

An act to amend 1986 PA 268, entitled “An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates,” (MCL 4.1101 to 4.1901) by adding chapter 7A; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 1, 2007, at 5:45 a.m.)

Date: October 1, 2007  
Time: 5:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 397 (Public Act No. 97), being**

An act to amend 1986 PA 268, entitled “An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates,” (MCL 4.1101 to 4.1901) by adding section 753.

(Filed with the Secretary of State on October 1, 2007, at 5:47 a.m.)

Date: October 1, 2007  
Time: 5:16 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 398 (Public Act No. 98), being**

An act to amend 1986 PA 268, entitled “An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates,” (MCL 4.1101 to 4.1901) by adding chapter 7B; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 1, 2007, at 5:49 a.m.)

Date: October 1, 2007  
Time: 5:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 395 (Public Act No. 99), being**

An act to amend 1986 PA 268, entitled “An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates,” (MCL 4.1101 to 4.1901) by adding section 783.

(Filed with the Secretary of State on October 1, 2007, at 5:51 a.m.)

Date: October 1, 2007  
Time: 5:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1 (Public Act No. 100), being**

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 105b.

(Filed with the Secretary of State on October 1, 2007, at 5:53 a.m.)

Date: October 1, 2007  
Time: 5:22 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 549 (Public Act No. 101), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the

organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1284a.

(Filed with the Secretary of State on October 1, 2007, at 5:55 a.m.)

Date: October 1, 2007

Time: 5:24 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 632 (Public Act No. 102), being**

An act to amend 1968 PA 15, entitled "An act to provide for the employment of inmate labor in the correctional institutions of this state; to provide for the employment of inmate labor in certain private enterprises under certain conditions; to provide for certain powers and duties of the department of corrections, the governor, and other officers and agencies in relation to correctional institutions; to provide for the requisitioning and disbursement of correctional industries products; to provide for the disposition of the proceeds of correctional industries and farms; to provide for purchasing and accounting procedures; to regulate the sale or disposition of inmate labor and products; to provide for the requisitioning, purchases, and supply of correctional industries products; to provide penalties for violations of this act; and to repeal acts and parts of acts," by amending section 6 (MCL 800.326), as amended by 1996 PA 537.

(Filed with the Secretary of State on October 1, 2007, at 5:57 a.m.)

Date: October 1, 2007

Time: 3:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 419 (Public Act No. 107), being**

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 632 (MCL 380.632) and by adding sections 506a, 527a, 633, 1255, and 1311m.

(Filed with the Secretary of State on October 1, 2007, at 4:16 p.m.)

Date: October 1, 2007

Time: 3:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 420 (Public Act No. 108), being**

An act to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 5 (MCL 124.5), as amended by 1999 PA 83.

(Filed with the Secretary of State on October 1, 2007, at 4:18 p.m.)

Date: October 1, 2007  
Time: 3:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 421 (Public Act No. 109), being**

An act to amend 1966 PA 331, entitled “An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 123 and 124 (MCL 389.123 and 389.124), section 123 as amended by 1980 PA 5 and section 124 as amended by 1997 PA 135.

(Filed with the Secretary of State on October 1, 2007, at 4:20 p.m.)

Date: October 1, 2007  
Time: 3:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 418 (Public Act No. 106), being**

An act to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

(Filed with the Secretary of State on October 1, 2007, at 4:14 p.m.)

Date: October 1, 2007  
Time: 9:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 546 (Public Act No. 110), being**

An act to amend 1980 PA 300, entitled “An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 91 (MCL 38.1391), as amended by 2006 PA 617.

(Filed with the Secretary of State on October 1, 2007, at 9:58 p.m.)

Date: October 1, 2007  
Time: 9:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 547 (Public Act No. 111), being**

An act to amend 1980 PA 300, entitled “An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 43a (MCL 38.1343a), as amended by 2002 PA 94, and by adding section 60.

(Filed with the Secretary of State on October 1, 2007, at 10:00 p.m.)

Date: October 1, 2007  
Time: 9:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 622 (Public Act No. 112), being**

An act to amend 1974 PA 258, entitled “An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies



and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending section 1003 (MCL 330.2003), as amended by 1993 PA 252.

(Filed with the Secretary of State on October 1, 2007, at 10:02 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

Senator Cropsy 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 and read:

October 2, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 3 of The Mobile Home Commission Act, 1987 PA 96, MCL 125.2303 and Executive Order 1997-13, MCL 445.2002:

**Manufactured Housing Commission**

Ms. Brenda K. Abbey of 250 Kenneth Street, Jackson, Michigan 49203, county of Jackson, succeeding Michael P. Shivok, who has resigned, representing organized labor, for a term commencing October 2, 2007 and expiring May 9, 2009.

Ms. Betty M. Blackburne of 9052 Water Ridge Drive, Newport, Michigan 48116, county of Monroe, succeeding Brenda K. Abbey, whose term has expired, representing residents of a manufactured housing community having 100 or more sites, for a term commencing October 2, 2007 and expiring May 9, 2010.

Mr. Jerome A. Ruggirello of 47800 Bellagio Drive, Northville, Michigan 48167, county of Oakland, succeeding Brian W. Fannon, whose term has expired, representing owners of communities with over 100 residents, for a term commencing October 2, 2007 and expiring May 9, 2010.

Ms. Lisa Szymanski of 33151 Fort Road, Lot #61, Rockwood, Michigan 48173, county of Wayne, succeeding Mary Becker, whose term has expired, representing a resident of a licensed mobile home park having less than 100 sites, for a term commencing October 2, 2007 and expiring May 9, 2008.

Ms. Kathy M. Edwards-Johnson of 13116 Seven Mile Road, Belding, Michigan 48809, county of Kent, reappointed to represent operators of a licensed mobile home park having 100 or more sites, for a term expiring May 9, 2010.

Mr. David P. Hagey of 109 North Detroit Street, Buchanan, Michigan 49107, county of Berrien, reappointed to represent manufacturers of mobile homes, for a term expiring May 9, 2010.

Mr. Mark M. Raukar of 2506 Garland, Sylvan Lake, Michigan 48320, county of Oakland, reappointed to represent operators of a licensed mobile home park having less than 100 sites, for a term expiring May 9, 2010.

October 2, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 25 of 1951 PA 51, MCL 247.675:

**Michigan Truck Safety Commission**

Ms. Jacqueline A. El-Sayed, PhD, of 1730 Golf Ridge Drive South, Bloomfield Hills, Michigan 48302, county of Oakland, reappointed to represent 4-year colleges or universities, for a term expiring August 4, 2009.

Mr. Timothy R. Kaltenbach of 512 Bartlett Street, Lansing, Michigan 48915, county of Ingham, reappointed to represent the general public, for a term expiring August 4, 2009.

Mr. Robert E. McFarland of 5821 Old Orchard Trail, Orchard Lake, Michigan 48324, county of Oakland, reappointed to represent private motor carriers, for a term expiring August 4, 2009.

Mr. James C. Parrinello of 20702 Paige Boulevard, Macomb Township, Michigan 48044, county of Macomb, reappointed to represent organized labor, for a term expiring August 4, 2009.

Mr. James A. Van Zoeren of 5750 Stoneybrook, Kalamazoo, Michigan 49009, county of Kalamazoo, reappointed to represent the Michigan Trucking Association, for a term expiring August 4, 2009.

Mr. David G. Zick of 851 Adams Court, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent the general public, for a term expiring August 4, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

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

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. 672**

**Senate Bill No. 668**

**Senate Bill No. 669**

**Senate Bill No. 670**

**Senate Bill No. 671**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 672, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIII (MCL 712A.19c), as amended by 2004 PA 476.

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. 401**

**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: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Jansen's statement is as follows:

Senate Bill Nos. 668 through 672 are the culmination of a year's worth of workgroups and solicitation of input from many interested parties. In recent years, the number of terminations of parental rights has outpaced the number of adoptions, and the goal of this package is to increase permanency and stability for these children in foster care.

Two bills in this package provide the courts with an alternative placement option called permanent guardian, someone who loves the child and who is able to provide a permanent, stable home but who does not wish to adopt the child or

be a foster parent. The package also provides concurrent planning, where efforts can be made towards family reunification, while at the same time planning for a backup permanency plan in case the child cannot be returned home safely. This will reduce the time that the child is in limbo and, we believe, opportunity for potentially a permanent home.

Another bill requires that notice be given to the court and the child’s attorney if the child is moved. And, finally, the package will allow a judge to make the decision whether or not to suspend visitation by a parent when a petition to terminate parental rights is pending. The judge must consider the child’s best interests.

Each foster child is special and each case unique. Justice Corrigan and the workgroup, my colleagues, the department, and private child-placing agencies all have the same goal in mind: to provide stable homes for as many children as possible.

I am pleased to have had the opportunity to work with this fine set of groups and members of different organizations and departments. Senate colleagues, I believe this is a very important matter, and I ask that my colleagues vote in the affirmative for these bills.

The following bill was read a third time:

**Senate Bill No. 668, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2000 PA 232.

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. 402**

**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: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

I’m excited about this package and also about this bill. As the chairman mentioned earlier, it is a very important package and makes some very important changes. It makes important changes in how we deal with difficult decisions to terminate the parental rights for a child. Senate Bill No. 668 makes those changes.

Present law says that a parent objecting to termination of parental rights must show that termination is not in the best interest of a child. Senate Bill No. 668 would change the law to say the court must find termination is in the best interest of the child. This change relieves the parents from having to overcome a difficult, if not impossible, hurdle to keep their parental rights. The state and courts should have the responsibility to show termination is better for the child.

I do want to thank the chairman of the committee and all the members of the committee and their staffs for the fine work on this, as well as Justice Corrigan and the committee that met to put this package together. I ask for the body's approval.

The following bill was read a third time:

**Senate Bill No. 669, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2004 PA 473.

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. 403**

**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: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 670, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 13b of chapter XIIA (MCL 712A.13b), as amended by 2004 PA 475.

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. 404**

**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: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Jacobs' statement is as follows:

This Senate bill, 670, requires DHS to notify both the court and the child's court-appointed guardian of any change of placement. The notification can be given by mail, e-mail, or by other means determined by the department and the court. The notice would include the reason for change in placement, the number of times the child's placement has been changed, whether or not the child will be required to change schools, and whether or not the changes will separate or reunite siblings or affect sibling visitation.

As you know, this is a bipartisan package and has the support of DHS and the State Court Administrator. I encourage my colleagues to support this bill as well as the package. I want to thank the chair of the committee for working so hard over the last few months towards its passage.

The following bill was read a third time:

**Senate Bill No. 671, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 2004 PA 477.

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. 405**

**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: Richardville

The Senate agreed to the title of the bill.

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:

This bill is a part of the package that we are currently discussing, and I certainly would like to thank Senator Jansen, the Senator from the 28th District, for his hard work on this bipartisan package. This particular bill is one that would authorize the Department of Human Services to implement concurrent planning. The idea in concurrent planning is to protect the child and allow for a backup permanency plan in the event that the child cannot be returned home safely. Of course, the goal of concurrent planning is to ensure that children in foster care are placed in a permanent home as quickly as possible, and this bill is part of guaranteeing that opportunity to children.

I ask for its passage.

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 pro tempore, Senator Richardville, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 278, entitled**

A bill to promote the availability and affordability of health coverage in this state and to facilitate the purchase of that coverage; to create the Michigan helping ensure affordable and reliable treatment exchange and board; to provide for a determination of eligible health coverage plans; to provide for a determination of eligibility for assistance of certain enrollees; to prescribe certain powers and duties of certain officials and departments of this state; to provide for certain funds; to provide for the collection and disbursement of certain payments and surcharges; and to provide for certain reports.

Substitute (S-2).

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 a substitute therefor, the following bill:

**Senate Bill No. 280, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding sections 409b and 419c.

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 a substitute therefor, the following bill:  
**Senate Bill No. 283, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3519 (MCL 500.3519), as amended by 2005 PA 306, and by adding sections 2264b and 3406s.

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.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator Cropsy moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee on Finance:

#### **Senate Bill No. 313, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 89c.

The motion prevailed.

Senator Cropsy moved that the following bills, now on the order of General Orders, be referred to the Committee on Finance:

#### **Senate Bill No. 306, entitled**

A bill to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.

#### **Senate Bill No. 308, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2006 PA 648.

#### **Senate Bill No. 309, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2002 PA 244.

#### **Senate Bill No. 310, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 14 and 14a (MCL 207.564 and 207.564a), section 14 as amended by 1996 PA 1 and section 14a as amended by 1994 PA 266.

#### **Senate Bill No. 311, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9k.

#### **Senate Bill No. 312, entitled**

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

**Senate Bill No. 314, entitled**

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, and 56 (MCL 205.232, 205.233, and 205.256), sections 32 and 33 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

**Senate Bill No. 315, entitled**

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

**Senate Bill No. 316, entitled**

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

**Senate Bill No. 317, entitled**

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

**Senate Bill No. 318, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2004 PA 173.

**Senate Bill No. 319, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2006 PA 18.

**Senate Bill No. 320, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 2004 PA 172.

**Senate Bill No. 321, entitled**

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

**Senate Bill No. 322, entitled**

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 10.

**Senate Bill No. 323, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2006 PA 550; and to repeal acts and parts of acts.

**Senate Bill No. 324, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax



liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 3, 4, 19, and 24 (MCL 205.3, 205.4, 205.19, and 205.24), section 3 as amended by 2006 PA 615, sections 4 and 19 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201.

**Senate Bill No. 325, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 30d.

**Senate Bill No. 326, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 36 (MCL 206.36).

**Senate Bill No. 327, 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.

**Senate Bill No. 328, entitled**

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2004 PA 164.

**Senate Bill No. 339, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 233 (MCL 436.1233).

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Statements**

**Protest**

Senator George, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion for immediate effect for House Bill No. 5198.

Senator George’s statement is as follows:

I rise to provide a “no” vote explanation regarding Monday morning’s immediate effect vote taken on House Bill No. 5198. Colleagues, we frequently hear calls for more bipartisanship in order to solve our state’s problems, especially regarding budget matters, which by their very nature, require the cooperation of both chambers and members from both sides of the aisle. Indeed, we all recently received a letter from some of our former legislator-colleagues exhorting us to work together to find a solution to our state’s fiscal crisis.

I believe you would all agree that trust is paramount if we are to forge such bipartisan solutions. If I say to you that I am willing to join with you in voting for a certain measure, provided that you will join me in addressing another matter, and this other matter is addressed, then I must keep my word and vote as I have indicated. If not, you will have no faith in me the next time we are engaged in resolving a matter before us.

Trust is gained through our interactions with each other. The level of this trust in part reflects our comportment and that of our staff in the Senate Chamber. The traditions of the Senate established by our legislative forbearers provide familiar guidelines for behavior which are designed to allow disagreement and yet foster compromise.

While I was considering my vote early Monday morning on an important matter related to our state's budget problem, I observed a blatant violation of the written policies of floor privilege and conduct of this chamber. It was a serious violation that can only be interpreted one way—as an attempt to collect information which, when taken out of context, could be used in a political attack on any member of this chamber. Material which, when taken out of context, could be used to mislead or confuse members of the public regarding our vote on the important matter in question.

As Senators, we have a responsibility not only for our actions, but also for the actions of those under our direction. The actions of our staff taken at our direction reflect on our own character. Any Senator who abuses their authority by instructing a loyal employee to violate the policies of this chamber is guilty of a breach of the trust between members and mars their ability to serve as a leader in this chamber. I hold this abuse of one's staff to be a greater wrong than the actual violation that I directly observed Monday morning. Furthermore, when confronted with this breach of decorum, the flippant response received further diminished the importance of maintaining the decorum and policies that have been designed to foster productive interactions between us.

As members, we have a duty to hold our colleagues accountable not only for their individual actions, but also for the actions that they direct the staff upon whom we all depend to take. No Senator, regardless of rank, can hold themselves up above the greater good of the institution. As Senators, we must demand that our leaders maintain and protect the traditions that allow us to work together and hold trust in each other. It is our job to ensure that our leaders follow the rules which govern us all and upon which we depend.

Mr. President, that is why I voted "no" on immediate effect for House Bill No. 5198.

Senators Scott, Sanborn, Patterson, Schauer, Switalski, Cropsey, Cherry, Pappageorge, Thomas, Basham, Gleason and Hunter 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:

That amazing and talented soul performer, Ray Charles, defined injustice as kicking the weak and protecting the strong. Isn't that exactly what the current insurance rating system is doing with our exorbitant insurance rates? The current system, on one hand, mandates insurance for every driver. Yet, on the other hand, prices are so that, for many, it is simply unaffordable. All the while, insurance companies continue to realize record profits. That's what Brother Charles would call kicking the weak and protecting the strong. That's what I'm working to eliminate with Senate Bill Nos. 37 and 38.

I'm calling on you to cease kicking the weak. I'm calling on you to consider my bills. But, you know, it just seems like everything else is important but these insurances. Now I think it's time for you to consider and take up my bills and take them up now.

Senator Sanborn's statement is as follows:

You know, less than a year ago, the current occupant of the Governor's office was telling people that this state and its economy was on the rebound and that she wouldn't raise taxes to balance the budget. Just months after making this promise, however, she began threatening the citizens of the state like a strengthening storm.

First, she scared the people by telling them that she would need to make devastating cuts to education, public safety, and health care. It was far from perfect, but this body balanced the budget and avoided making those cuts. For a time, the citizens of this state thought the storm had passed; that sunny days lie just ahead. All the while, however, the storm continued to build, threatening Michigan's citizens and their wallets.

I know that some people have left our state, but most stayed behind thinking and hoping that Hurricane Jenny wouldn't hit them. They had seen and heard about the devastation in other parts of this state, businesses leaving, people losing jobs, homes going into foreclosure, but they clung to the hope that the storm would pass them by. Of course, Hurricane Jenny first hit Michigan years ago, coming from afar and wiping out jobs, cities, and hope in our state. Now our unemployment leads the nation while our housing market trails it—a circumstance more common in the Gulf states than in the Great Lakes states. Worst of all, the storm has chased away many of our talented young people to higher ground and opportunities in other states. And still, not all people of Michigan have directly felt the impact of Hurricane Jenny until this past weekend.

Now, with her tax increases in hand and her promise that our state would be blown away coming true, Hurricane Jenny has finally hit every township, city, and village in this state. We now have an even more difficult task facing this state because long after Hurricane Jenny moves on from Michigan, we will be repairing the damage that she has caused.

We need to roll up our sleeves today and start helping the residents of this state who have been impacted. We need to put our state back in order. We need to rebuild Michigan to a state that it once was before Hurricane Jenny blew into town.

Senator Patterson's statement is as follows:

I rise to express my disappointment. My disappointment today is in the way the professional media has covered the issue of sales and use tax imposition on select services. The professional media has perpetuated a falsehood. Yes, I know this is a harsh statement, even for me, but it's true. The trained media has reported and vouched for the accuracy of the perception that very few of Lansing's inner circle were privy to the list of services to be affected by the new tax. Poppycock, I say, poppycock.

Such an assertion defies logic and we all know that logic is always applicable to that which we do here in this body. In support of my bold assertion is the list itself of services affected. I ask you to look at the list. Right there below such things as lawn care and body wraps and luffa treatments and escort services—I know, Senator Pappageorge—are palm readings, psychic services, fortune tellers, seers, and everyday tarot card interpreters. They all saw that this was coming months ago. Hence, it wasn't a closely-held secret at all.

Senator Schauer's statement is as follows:

Colleagues, I rise, one, with some disappointment. Over the weekend, this Legislature came together in a bipartisan way to solve a very severe budget crisis facing our state; a budget crisis that put at risk funding for education, for health care, public safety, economic development, and, really, the future of our state. It was a very tense and difficult time; without a doubt, the most tense and difficult time in my eleven years in this chamber.

I also want to respond to the "no" vote explanation or statement of the Senator from the 20th District. While I have publicly acknowledged his courage in being one of the few Republicans to vote for revenues needed to protect those critical services, I disagree with his passionate statement about a rule violation in the wee hours on the Senate floor, or, in his words, "a blatant violation of written rules of this body."

You know, this caucus and I as leader feel strongly about public disclosure and access to information in open meetings. We have no right as Senators to cast votes in secret. It is true, due to the timing of the votes we took in the wee hours of Monday morning, that the Legislature took votes on House Bill Nos. 5194 and 5198 under cover of darkness when most of the public were asleep. Nevertheless, the Opening Meetings Act and Constitution of this state require that as a public body we conduct our business, cast our votes in the open. I will always stand on the side of openness in government.

Now as to a blatant violation of written rules, we're still trying to find those rules that were blatantly violated. Our photographer was here at my request taking pictures of votes so that we would have a record of information for purposes of recording history of our members. She consulted with our attorney who consulted the rules. There is no mention in Senate rules or in Senate policies that we've been able to find dictating that staff cannot take photographs of nonrecord roll call votes. A letter that I received from the Majority Leader cited a policy that we can't find. Our attorney will meet with their attorney to try to find that rule, but he also cites longstanding Senate customs and usage, meaning that we've always done it that way and you should know better.

Well, I learned something new that this leader doesn't want those photographs being taken, but to have my leadership questioned and to be accused of blatantly violating written rules is just plain inaccurate and wrong. We will continue to err on the side of openness in this chamber and I hope all will do that as well.

Senator Switalski's statement is as follows:

I want to thank everybody in the chamber for working together to avoid a shutdown. I know we had fits and starts and more than a modicum of unpleasantness on occasion, but we should not forget that in the end we did come together. We did cooperate, and we did do our duty to the people of Michigan.

I want to thank the majority and the minority leaders for their ability to reach a level of cooperation that enabled a resolution. Thank you to all members who cast courageous votes. You have my deepest admiration, and you are due the gratitude of all who care about Michigan.

Senator Cropsy's statement is as follows:

I would like to bring to the Senator from the 19th District, I'd like to bring to his attention one of the policies states: "Recording of the Senate voting board may only be done when a record roll call vote is being taken." Now I don't know what is so hard for that Senator to understand. Furthermore, if he is concerned about openness and accountability and all the other sanctimonious things that he was spouting, may I just suggest that he could have asked for a record roll call vote on every single one of them, but he chose not to. It looked to me like he had a staff member couching down on the other side of his desk trying to be out of the view of the media on this side and the Senators on this side to say, "Oh, we got you now."

The veracity of the statement, I think, that he made gives me great pause because I don't see anything truthful about it.

Senator Cherry's statement is as follows:

I rise very briefly to respond to some of the comments from the good Senator from the 11th District in his very cynical portrayal of what has occurred in Michigan. At this point, I just wish to point out that I am very glad that we

have a Governor who has a vision for the future; a vision that invests in Michigan and all of its citizen; a vision that includes good higher educational opportunities for every citizen, safe communities for every citizen, and police for all communities. Those, to me, are what's important, and I believe that the action that we took this past weekend helps put Michigan on good financial standing not just for all of those things I just said, but for a future of strength within the financial community. It makes us once again solvent. I'm glad that our Governor led us to this end and this solution. I thank members here who worked with her to do that.

So, while it's a solution that's not easy, it includes, as we all know, increased revenue. It includes some reforms that were very hard for some of us, and it also includes future cuts. Those things are all difficult, but I think that it's important to point out that it was a serious solution that we all worked hard to do it. I believe that it's important to recognize the strengths of all of us, including the Governor of this great state, who worked hard to make an investment in our future, and I thank her for that.

Senator Pappageorge's statement is as follows:

I want to talk a little bit about the future, and I hope we all will have learned something from what just transpired in this body and the body across the way. This crisis can be attributed to one day in May—last May—and we have another May coming up. You all know how this system works. In May of every year, after the first budgets are done and they're switched between houses, the Governor's recommendation is no longer the basis for a second look at the budgets. Instead, there is a targeting conference and five people get in a room. The Governor, the Speaker of the House, the Majority Leader, and the two Appropriations chairs get in a room; they figure out how much money is available. Through a rather painful process, that money is distributed among 19 budgets. As a result, there are targets, and 38 budget chairmen take their number and proceed to put a budget together.

This year, there was no target, there were no numbers, the budget committees could not meet, and the Governor accused us of sitting on our hands. If we had followed this process, we would have had budgets, the discussion in September would have been how big the supplemental ought to be, and there would have been no danger of a shutdown. So I ask you all to understand that.

This May, when those five people get in a room, we ought to insist that they do a job and come out with some targets. That is the purpose of that meeting, and we are in danger of destroying a process that allowed us to get together in spite of our differences and put some budgets together. We have to make sure that process is reinstated.

Senator Thomas' statement is as follows:

Mr. President, as I've listened to the discussion over the past several minutes, I'm taken back to my childhood. I remember days when I couldn't get along with my friends, started fighting in the sandbox or something, and my mom would say, "Time-out," and then go make me sit on a step and think about the actions that were taken. I think now might be an appropriate time for a time-out in this chamber because, as the previous speaker did very ably say, we have a lot of very serious decisions that are going to be made ahead.

I appreciate the comments from the Senator from Kalamazoo. He spoke of the decorum of this chamber. While I may disagree with some of the conclusions that he reached, decorum is incredibly important, and so far throughout today, we've heard the Governor of the state of Michigan disparaged very, I thought, disrespectfully. I must admit, I did chuckle when the Senator from Plymouth/Canton did say "poppycock." That was cute, and I've actually heard members of the leadership team question the veracity of statements made by other leaders of this chamber on the floor. I'm deeply, deeply troubled.

Now, for the record, I do want to stress that as a legislative body, we vote on the adoption of our Senate rules at the beginning of each term. There is no rule in our adopted Senate rules that sets forth what my colleagues across the aisle keep saying as it relates to the photographer. There is a provision in our Senate policies and procedures regarding the media, which we did not vote on as a body and which I would have opposed if it did come forward for a vote as a body because I believe it is unconstitutional and violates the Open Meetings Act. Again, there are no specific rules here, and I hope that we will not continue to blow this out of proportion and question the motives. It is something we are challenged on on this side of the aisle quite frequently—not to challenge the motives of individuals. I sincerely hope that that's a two-way street and that we take that necessary time-out and come back tomorrow more prepared to work in a cooperative and professional manner.

Senator Basham's statement is as follows:

I would like to quote a potential Nobel Peace Prize winner except he was term-limited. His name was Rodney King. To quote him, he said, "Can't we all just get along."

Senator Gleason's statement is as follows:

I had the great honor of working in another state and working in both the peninsulas here in the United States. I am a skilled trade millwright and worked in the mines in the U.P., worked in the factories in Hamtramck, most industrial sites, worked on a nuclear power plant up in Midland when that was under construction, and worked in the Carnword plant

up in Essexville. We went to work every single day not asking for party affiliations. We didn't have political card checks at the gate when we went in to go to work on behalf of the industries and corporations in the state of Michigan that we were working for.

When I came to work this morning, I hoped that our hangover from the last few months had subsided. I'm one, I don't agree with some of the actions that occurred over the weekend. I am a Democrat and I think we could have done things better as a party, too, over the past few days. But I do think that it is time to get down to business. We have seen a lot of accusations cast about here today, and I know I am reaching across the aisle as many in my party would do today, that we still have an awful lot of business to do. We are right on the verge of hurting some constituencies and some agencies who have been accustomed to receiving funding over the last few years. That is what our discussions should be about today.

Now today we have passed enough blame here today that we can hopefully put that off to the side and get on with the folks' business here. I know I received e-mails, phone calls, and personal conversations; most of you did in this chamber here today.

What we did, I know because, even at the time we were doing it, I know we could have done better. I didn't support a lot of the revenue increases that we voted on last week. I think we would have had an awful hard time thinking that we were going to balance our budget on the backs of the nail lady and the lawn boy, but we did that. Now most of us in this room never had a chance of knowing what was going to be on that list, and we were somewhat neutered by not being able to put amendments on legislation as it came out of conference committees. But those are the rules that we came into office under and we have to respect and deal with them.

I know that I share the thoughts of many in this room. I am deeply honored with the people from Genesee County who would send me down here to do what I thought was right. As the great veteran and the great Senator stated earlier, there are better processes that we can use in the future, and I agree with him. I think we must get our work done in a more timely fashion. Most of us made the decision that we did because the clock was running out. I would hope that those who are in leadership positions didn't utilize the calendar to help us make decisions in crisis mode. I don't see things getting a whole lot better very fast in this state, and I think we must put our best foot forward.

I know that a lot of the actions that took place this past week were not of a personal nature, but I think every single person in this room could not deny that a lot of them were done for political reasons. I am one who don't like to do my work, thinking on behalf of the people in Michigan, in that fashion. We have people hurting every single day. You all have heard me talk before about the disabled and how we can do better there. We have folks who can't hear, those who can't see, and those who can't walk. I think they would be somewhat disappointed at how we fully healthy, fully capable of doing their work, and that is what I hope starting today that we can start doing once again today now. We all got to say what we wanted to say towards each other and about the photographer, but there is a heck of a lot more business in this state than photographers. I am not saying that it was right or wrong. I would hope that we can move forward and make it better in the future.

Senator Hunter's statement is as follows:

Not to belabor this discussion, but I didn't want to get out of here today without expressing a deep concern that I have about one of the comments made by a distinguished colleague on the other side of the aisle concerning the Governor of this great state. He referred to our Governor as "Hurricane Jenny." Now we have children in the Gallery, and we have children throughout the Capitol. What an example to show by disrespecting the Governor of this great state. Whether you agree with her or not, I think to stand up here in this great Senate, this great chamber, and talk in that language is totally inappropriate and it is childish even. So to that distinguished member, along with some of the other comments that I have heard on the other side of the aisle, I just have three words that I want to use to characterize those comments and just the general attitude: one, being "dastardly"; two, being just—I made a list here—being "disingenuous"; and thirdly, just downright "pathetic."

Why don't we get down to the business, people. You know, we had a couple of days off to rest, but I never expected to come back to this Senate hearing whining of grown men about what we did last week. We took care of business for the people of the state of Michigan. Do what you have to do. Spend it the way that you need to, but let's take care of business here, and let's stop crying about what we did as a Senate last week.

### **Committee Reports**

#### COMMITTEE ATTENDANCE REPORT

The Conference Committee on Income Tax (HB 5194) submitted the following:

Meeting held on Thursday, September 27, 2007, at 9:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek and Prusi

Absent: Senator George

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Income Tax (HB 5194) submitted the following:

Meeting held on Saturday, September 29, 2007, at 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Jelinek, George and Prusi

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Income Tax (HB 5194) submitted the following:

Meeting held on Sunday, September 30, 2007, at 1:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators George and Prusi  
Absent: Senator Jelinek

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Use Tax (HB 5198) submitted the following:

Meeting held on Sunday, September 30, 2007, at 1:45 a.m., Room 426, Capitol Building  
Present: Senators Garcia, Kuipers and Prusi

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Public Employees Health Benefits (SB 418) submitted the following:

Meeting held on Sunday, September 30, 2007, at 1:48 a.m., Room 405, Capitol Building  
Present: Senators Jansen (C), Kuipers and Gleason

**Scheduled Meetings****Appropriations -****Subcommittee -**

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

**Energy Policy and Public Utilities** - Thursday, October 4, 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)

**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)

**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 (373-1854)

Senator Cropsy moved that the Senate adjourn.  
The motion prevailed, the time being 3:06 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, October 4, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

