

No. 13
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, February 20, 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—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Pastor George Brenley of St. John's Lutheran Church of St. Johns offered the following invocation:

“Shout happily to the Lord, all the earth; serve the Lord cheerfully. Come into his presence with joyful song. Realize that the Lord alone is God. He made us and we are his. We are his people and the sheep of his pasture. Enter his gates with the song of thanksgiving. Come into his courts with the song of praise. Give thanks to him. Praise his name. The Lord is good. His mercy endures forever. His faithfulness endures throughout all generations.”

Precious Father in Heaven, we thank You this morning. We thank You for the men and women who lead us in our state. We thank You, O Lord, for all those who serve—these wonderful representatives of ours from our different districts. We thank You for the staffs and all of their families. We pray, God, that You will bless them richly as they deliberate upon all that is necessary to make Michigan a truly beautiful peninsula. We thank You, Lord, for this wonderful gift of Your grace, this great land, and these great people. Bless Michigan and may we always be not only a Great Lakes State, but a great state also.

We ask this, O Lord, in the name of Jesus our Savior. Bless us this day and always, and bless especially those who represent us in this wonderful Capitol. In 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

The Secretary announced that the following official bills were printed on Thursday, February 15, and are available at the legislative website:

| | | | | | | | | |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Senate Bill Nos. | 196 | 197 | 198 | 199 | 200 | 201 | 202 | |
| House Bill Nos. | 4268 | 4269 | 4270 | 4271 | 4272 | 4273 | 4274 | 4275 |

The Secretary announced that the following official bills were printed on Friday, February 16, and are available at the legislative website:

| | | | | | |
|-------------------------|-------------|-------------|-------------|-------------|-------------|
| Senate Bill Nos. | 203 | 204 | 205 | 206 | |
| House Bill Nos. | 4276 | 4277 | 4278 | 4279 | 4280 |

Messages from the Governor

The following message from the Governor was received on February 16, 2007, and read:

EXECUTIVE ORDER No. 2007-2

Department of Corrections Executive Clemency Advisory Council

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 the Governor is responsible for the faithful execution of the laws;

WHEREAS, Section 14 of Article V of the Michigan Constitution of 1963 vests the Governor with the authority to grant executive clemency in the form of reprieves, commutations, and pardons;

WHEREAS, Section 24 of Article I of the Michigan Constitution of 1963 declares that crime victims have the right to information about the conviction, sentence, imprisonment, and release of the accused;

WHEREAS, executive clemency in the form of a reprieve, commutation, or a pardon constitutes extra-judicial relief and should be granted sparingly, only after careful review and a thorough investigation;

WHEREAS, Chapter III of the Corrections Code of 1953, 1953 PA 232, MCL 791.231 to 791.246, creates a Parole Board within the Department of Corrections to, among other things, assist the Governor in considering applications for executive clemency;

WHEREAS, under Section 43 of the Corrections Code of 1953, 1953 PA 232, MCL 791.243, all applications for reprieves, commutations, and pardons must be filed with the Parole Board upon forms provided by the Parole Board, and must contain the information, records, and documents the Parole Board requires by rule;

WHEREAS, under Section 6 of the Corrections Code of 1953, 1953 PA 232, MCL 791.206, the Director of the Department of Corrections is authorized to promulgate administrative rules to provide for the manner in which applications for a reprieve, medical commutation, commutation, or a pardon may be made to the Governor;

WHEREAS, Section 44 of the Corrections Code of 1953, 1953 PA 232, MCL 791.244, establishes a procedure for the Parole Board to follow regarding applications for reprieves, commutations, or pardons;

WHEREAS, Section 44 of the Corrections Code of 1953, 1953 PA 232, MCL 791.244, requires the Parole Board to determine within 60 days whether an application for a reprieve, commutation, or pardon has merit prior to initiating an investigation or conducting a hearing regarding the application, and this determination of merit by the Parole Board requires the dedication of significant resources within a limited time period;

WHEREAS, the establishment of the Executive Clemency Advisory Council can assist the Parole Board in the review of applications requesting a reprieve, commutation, or a pardon and help alleviate time constraints and other burdens imposed upon the Parole Board relating to the review of applications for executive clemency;

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

I. DEFINITIONS

As used in this Order:

A. "Department" means the Department of Corrections, a principal department of state government created by Executive Order 1991-12, MCL 791.302.

B. "Board" means the Parole Board established within the Department on October 1, 1992, by Section 31a of the Corrections Code of 1953, 1953 PA 232, MCL 791.231a.

C. "Council" means the Executive Clemency Advisory Council created within the Department by this Order.

II. CREATION OF THE EXECUTIVE CLEMENCY ADVISORY COUNCIL

A. The Executive Clemency Advisory Council is created as an advisory body within the Department. The Council shall exercise its prescribed powers, duties, and functions independently of the Director of the Department.

1. The Council shall consist of 7 members appointed by the Governor, and shall include individuals representing law enforcement, crime victims or their families, and the general public.

B. Members of the Council shall serve at the pleasure of the Governor.

C. A vacancy on the Council shall be filled in the same manner as the original appointment.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity to the Parole Board. Upon the request of the Governor or the Parole Board, the Council may advise and assist the Parole Board in conducting the review of an application for a reprieve, commutation, or pardon for the purpose of determining whether the application has merit, as provided under Section 44 of the Corrections Code of 1953, 1953 PA 232, MCL 791.244. The Council may accept and consider written information provided by the sentencing judge, the prosecuting attorney of the county having original jurisdiction over the case, or their respective successors in office, each crime victim, and any other interested member of the public.

B. The Council shall provide other information, recommendations, or advice relating to applications for reprieves, commutations, and pardons, as requested by the Governor or the Parole Board.

IV. OPERATION OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department as directed by the Governor. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations. The Council may adopt standards or procedures consistent with Michigan law to use in considering recommendations or other advice to the Parole Board regarding whether an application for a reprieve, commutation, or pardon has merit.

C. The Governor shall designate one of the members of the Council to serve as its Chairperson. The Council may select a Vice-Chairperson from among its members.

D. A majority of the members serving on the Council shall constitute a quorum for the transaction of the Council's business. The Council shall act and make recommendations to the Parole Board by a majority vote of its serving members.

E. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

F. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers or this state or of any political subdivision of this state shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 16th day of February, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 14, entitled

A bill to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending section 2e (MCL 21.142e), as amended by 2004 PA 342.

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. 11

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: President

The Senate agreed to the title of the bill.

Introduction and Referral of Bills

Senator Allen introduced

Senate Bill No. 207, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2006 PA 281 and section 8 as amended by 2006 PA 484.

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

Senator Allen introduced

Senate Bill No. 208, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2 and 16 (MCL 125.2652 and 125.2666), section 2 as amended by 2006 PA 32 and section 16 as amended by 2000 PA 145.

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

Senators Jelinek, Pappageorge, Hardiman, Gilbert and Birkholz introduced

Senate Bill No. 209, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2006 PA 378.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Switalski introduced

Senate Bill No. 210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2006 PA 526.

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

Senator Switalski introduced

Senate Bill No. 211, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 809 (MCL 257.809), as amended by 2005 PA 141.

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

Senators Birkholz, Hardiman, Prusi, Anderson, Van Woerkom, Allen, McManus, George, Garcia, Richardville, Brown, Pappageorge, Cassis, Stamas, Jelinek, Jansen, Switalski, Kuipers, Brater, Whitmer, Basham, Jacobs, Kahn, Schauer, Gilbert and Barcia introduced

Senate Bill No. 212, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 342.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Birkholz, Kahn, Hardiman, Jansen, Switalski and Barcia introduced

Senate Bill No. 213, entitled

A bill to require certain providers of electric service to comply with a portfolio standard for renewable energy; to create energy diversity for the long-term security of our economy and environment; to promote the health of our citizens; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Senators Birkholz, Barcia, Anderson and Allen introduced

Senate Bill No. 214, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 523.

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

Senators Clark-Coleman, Scott, Thomas, Hunter, Clarke, Schauer, Prusi, Gleason, Jacobs, Barcia and Switalski introduced

Senate Bill No. 215, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 1 (MCL 423.201), as amended by 1999 PA 204.

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

Senators Patterson, Richardville, Jelinek, Kahn, Pappageorge, Thomas, Hunter and Olshove introduced

Senate Bill No. 216, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 10dd; and to repeal acts and parts of acts.

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

Senators Jacobs, Hunter, Anderson and Schauer introduced

Senate Bill No. 217, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111a.

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

Senators Basham, Jacobs, Hunter, Clark-Coleman and Clarke introduced

Senate Bill No. 218, 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 section 9 (MCL 207.559), as amended by 2006 PA 436.

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

Senators Kahn, Jelinek, Switalski and Richardville introduced

Senate Bill No. 219, entitled

A bill to require certain providers of electric service to comply with a portfolio standard for renewable energy; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Well, again, I rise today to ask my colleagues to be very mindful because where those paczki came from today they're not enjoying good rates on their insurance. In fact, there are a number of cities in this state that are not.

We do have an opportunity to do something about this. I would ask my colleagues that we soon start debating this issue so that we can give everyone in the state of Michigan some affordable insurance rates not only for their car, but for their homes also because there are so many people who cannot afford those high rates that they are charging for the inner cities. As you know, we do so many things by zip codes and it is just not fair to a number of persons. They ought to be charged by the kind of car they drive, their driving records, and the distance that they drive. Their homes should be by the size of it or the conditions of their homes.

So I'm asking my colleagues to do what is right while you have an opportunity. You were elected to serve the people of this state and to serve them well. We need to do that soon. So I would ask my colleagues to let's start debating this soon. I would ask the chair of that committee to take up some of these bills that we have.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 1, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 105b.

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.

Thomas M. George
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, February 14, 2007, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, February 15, 2007, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, February 15, 2007, at 12:40 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, February 15, 2007, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on the Agriculture submitted the following:

Meeting held on Thursday, February 15, 2007, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, February 15, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, February 15, 2007, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Pappageorge (C), Garcia and Anderson

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Thursdays, February 22 (CANCELED), March 1, March 8 and March 15, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development - Wednesdays, February 21, February 28, March 7 and March 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursdays, February 22, March 1, March 8 and March 15, 3:00 p.m., Room 100, Farnum Building (373-2768)

Higher Education - Thursday, March 8, 8:30 a.m. and 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

History, Arts, and Libraries - Tuesdays, February 27 and March 6, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and Tuesday, March 13, 3:00 p.m., Room 405, Capitol Building (373-2768)

Human Services Department - Wednesdays, February 21, February 28, March 7 and March 14, 12:30 p.m., Room 100, Farnum Building (373-2768)

Judiciary and Corrections - Wednesdays, February 21, February 28 and March 14, 3:00 p.m., Room 402, Capitol Building; and Thursday, March 8, 1:30 p.m., Room 100, Farnum Building (373-2768)

Natural Resources Department - Tuesday, February 27, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, February 22, March 1 and March 8, 1:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Wednesdays, February 21, March 7, March 14 and March 21 and Thursday, March 1, 8:30 a.m., Room 405, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Wednesday, February 21, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, February 22, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy - Thursday, February 22, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Health Policy - Wednesday, February 21, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Homeland Security and Emerging Technologies - Tuesday, February 27, 1:00 p.m., Room 100, Farnum Building (373-5932)

Natural Resources and Environmental Affairs - Wednesday, February 21, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, February 21, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:17 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 21, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

