

No. 10
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, February 5, 2008.

10:00 a.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—excused
Van Woerkom—present
Whitmer—present

Senator Michael Switalski of the 10th District offered the following invocation:

Good morning, Lord. Tomorrow we promise to do many good things. Collectively, we will take far better care of the bodies You have given us. We promise to exercise and lose a considerable amount of weight. We will eat more healthily and cut out sweets. There will be no snacks between meals, and we will reduce our alcohol consumption by at least one-half. We will brush after every meal and floss once a day.

Tomorrow we will treat each other with love and respect. We will not swear or fight. We will find ways to cooperate rather than bicker. We promise to concentrate on policy and not politics. We will be faithful stewards of the world You've made, and we will protect the environment and reduce waste. We will put ashes on our heads to remember our mortality. We will make the most of the limited time You have given us, which brings us to today.

You give us limited time, Lord, and we know that You want us to have fun too. That other stuff is for tomorrow. Today is Mardi Gras and that is Your day too. We will eat paczkis and enjoy the pleasures of rich confections. We will eat, drink, and be merry one last night before a long fast, so that Your abundance will carry us through the tough lean times.

We will engage in spirited contests and struggles because we strive to fulfill our potential. Forgive us when we err on the side of excess. We try to go beyond limits. What a poor imitation of You who are limitless. We try to be free, but our vision of liberty is flawed. We try to imitate You, but our imagination is an utter failure.

So judge us today with mercy. Grant us the humility to judge each other with that same mercy. We will make it up to You tomorrow. Amen.

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

Motions and Communications

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

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

The following communication was received:
Department of State Police

January 30, 2008

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2007 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Peter C. Munoz
Director

The communication was referred to the Secretary for record.

The following communications were received:
Public Service Commission

February 1, 2008

The enclosed annual report, *Status of Competition for Video Services in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 12(2) of the Uniform Video Services Local Franchise Act (2006 PA 480). This report will be made available on the Commission's website at www.michigan.gov/mpsc. The purpose of this report is to describe the status of competition in video services in Michigan. This report also includes information on the responsibilities and activities of the commission throughout 2007, responses from franchise entities and cable/video service providers, currently pending legislative amendments, as well as the Commission's recommendations.

While the responses from both the providers and franchise entities indicate that there is not an overwhelming amount of video service competition occurring throughout Michigan at this time, there are encouraging signs that competition is beginning to take hold. Of the new providers that entered the video services market in 2007, three of those providers did so as a result of 2006 PA 480. It is important to understand that competition and the entrance of new providers will not occur immediately. However, information that has been provided in this report presents some positive signs that competition is beginning to develop. It should be noted that the report does not include satellite, which may be viewed as another competitor in video service.

The Commission has provided recommendations for legislative revisions pursuant to Section 12(2) of 2006 PA 480. These recommendations not only provide for better clarification, but also improve the efficiency of implementing 2006 PA 480.

While there are signs of video service competition developing, the complete status of competition cannot be fully assessed. The Act only became effective on January 1, 2007, and at the earliest, providers began using the Agreement on January 31, 2007. Additional time and information are necessary to evaluate the status of video competition in Michigan as it progresses.

The Commission will continue to monitor the status of video services competition in Michigan, which includes receiving and analyzing information from both franchise entities and cable/video service providers throughout Michigan. The Commission will also continue to assist individual customers, franchise entities, and providers with their questions and/or complaints. Finally, the Commission will continue to inform the Governor and Legislature of these future developments and make the appropriate recommendations for needed legislation.

February 1, 2008

The enclosed annual report for 2007, *Status of Electric Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission (Commission) in accordance with Section 10u of 2000 PA 141, MCL 460.10u. The report is available on the Commission's Web site.

During 2007, competition in Michigan's electric market showed some stability and a slower decline following two years of significant change. The electric choice program in Consumers Energy Company's territory experienced a five percent annual increase in electric megawatt (MW) load. Conversely, the electric choice program in The Detroit Edison Company territory saw a 20 percent annual MW load decline. This decline in electric choice in Detroit Edison's service territory was attributed, in part, to higher wholesale electricity prices and some uncertainty of changes to PA 141.

To date, Michigan is one of about 20 States that has a competitive electric market. In comparison to other electric choice states, Michigan's average retail electricity price ranked sixth and seventh in 2007, based on customer class. If compared to the 10 largest U.S. states, Michigan was benchmarked as having the fourth lowest average retail electricity rates for residential and industrial customers and the third lowest commercial customers. The report shows that since 2000 the relative ranking of Michigan's utility rates for residential, commercial, and industrial customer classes, as compared to other states, has improved.

In 2007, the Commission issued 38 orders to further establish the framework for Michigan's electric customer choice programs and implement the provisions of PA 141.

Highlights of the report include:

- Approximately 4,800 commercial and industrial customers in the Detroit Edison and Consumers Energy service territories participated in Michigan's electric customer choice programs.
- About four percent of electricity sales in the Detroit Edison and Consumers Energy service areas were supplied by Alternative Electric Suppliers (AESs), down from about six percent in 2006.
- There were 28 licensed AESs in Michigan throughout 2007.
- Electric standards were developed for interconnections between independent power producers and public utilities.
- For the first time in 10 years, Consumer Standards and Billing Practices for electric and gas service were significantly revised.
- The Low-Income and Energy Efficiency Fund grants awarded \$72 million for low-income financial assistance and \$20 million for low-income energy efficiency.
- The Commission unveiled an improved "Be WinterWise" Web site, explaining energy assistance programs and energy efficiency tips.
- Almost 12,000 customers participate in Consumer Energy's Green Generation pricing program; and over 6,800 in Detroit Edison's GreenCurrents program. In addition, constellation NewEnergy, a licensed AES, continued to offer a "Green-e Renewable Energy" product; and Spartan Renewable Energy LLC, a licensed AES, allowed customers to pay a premium for power from renewable energy resources.
- The Commission supports legislation to promote effective energy efficiency programs for utility customers and to establish a renewable portfolio standard to increase the percentage of electricity in Michigan that is generated by renewable resources.

As this report goes to print, the Legislature is working on a comprehensive package of reforms and updates to existing acts governing the electric industry. Policy decisions in all of the areas under consideration can have complex ramifications for the citizens and economy of Michigan. Statutory changes resulting from the legislative deliberations in 2008 will affect the status of electric competition in Michigan for many years to come. The Commission remains committed to working with legislative members and staff to help ensure that the best possible public policy for Michigan is achieved.

Very truly yours,
Orjiakor N. Isiogu, Chairman
Monica Martinez, Commissioner
Steve Transeth, Commissioner

The communications were referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from July 1, 2007 through September 30, 2007, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture
 Appropriations
 Banking and Financial Institutions
 Campaign and Election Oversight
 Commerce and Tourism
 Economic Development and Regulatory Reform
 Education
 Energy Policy and Public Utilities
 Families and Human Services
 Finance
 Government Operations and Reform
 Health Policy
 Homeland Security and Emerging Technologies
 Judiciary
 Local, Urban and State Affairs
 Natural Resources and Environmental Affairs
 Senior Citizens and Veterans Affairs
 Transportation

Chairperson

Senator Gerald Van Woerkom
 Senator Ron Jelinek
 Senator Randy Richardville
 Senator Michelle McManus
 Senator Jason Allen
 Senator Alan Sanborn
 Senator Wayne Kuipers
 Senator Bruce Patterson
 Senator Mark Jansen
 Senator Nancy Cassis
 Senator Michael Bishop
 Senator Tom George
 Senator Cameron Brown
 Senator Wayne Kuipers
 Senator Gerald Van Woerkom
 Senator Patricia Birkholz
 Senator Jason Allen
 Senator Jud Gilbert

Senator Cropsey moved that the Committee on Transportation be discharged from further consideration of the following bill:

Senate Bill No. 1075, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 12d of chapter XVII (MCL 777.11b and 777.12d), section 11b as amended by 2005 PA 207 and section 12d as amended by 2002 PA 127.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 962**Senate Bill No. 963****Senate Bill No. 965****Senate Bill No. 966****Senate Bill No. 964**

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

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1075

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, January 31:

House Bill Nos. 4872 4873

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, January 31, for her approval the following bills:

Enrolled Senate Bill No. 111 at 12:16 p.m.**Enrolled Senate Bill No. 577 at 12:18 p.m.**

The Secretary announced that the following official bills were printed on Thursday, January 31, and are available at the legislative website:

Senate Bill Nos. 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076

House Bill Nos. 5670 5671 5672 5673 5674

The Secretary announced that the following official bills were printed on Friday, February 1, and are available at the legislative website:

House Bill Nos. 5675 5676 5677 5678 5679 5680 5681 5682

By unanimous consent the Senate proceeded to the order of

Messages from the Governor

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

Senate Bill No. 436

Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

The following message from the Governor was received and read:

January 30, 2008

Pursuant to Section 14 of Article V of the Michigan Constitution of 1963, I write to inform the Senate of the following commutations granted during 2007:

Jackie Roy Ellis—Sentenced on May 21, 1986 and June 5, 1989 to terms of one to five years imprisonment for the crime of prison escape, 25 to 60 years for the crime of kidnapping, 20 to 50 years for the crime of armed robbery and two years for the crime of felony firearm. The commutation was granted on February 23, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Ellis died on May 18, 2007.

Larry Tackett—Sentenced on January 10, 2005 to a term of three to 20 years imprisonment for the crime of possession with intent to deliver cocaine—50 to 224 grams. The commutation was granted on May 25, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Martinique Stoudemire—Sentenced on July 30, 2002 to a term of 11 to 30 years imprisonment for the crime of armed robbery (five counts). The commutation was granted on June 26, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Randy Stevens Rogers—Sentenced on May 9, 2003 to terms of seven years and four months to 30 years imprisonment for the crime of home invasion—second degree, and seven years and four months to 20 years imprisonment for the crime of breaking and entering. The commutation was granted on June 26, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Rogers died on September 9, 2007.

William C. Smith—Sentenced on September 2, 1999 to a term of nine to 18 years imprisonment for the crime of armed robbery. The commutation was granted on July 13, 2007 for medical reasons and based on the affirmative recommendation of the Michigan Parole Board. Mr. Smith died on October 26, 2007.

Tony R. Lawson—Sentenced on February 27, 2003 to a term of five years to 20 years imprisonment for the crime of home invasion—first degree. The commutation was granted on August 17, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Lawson died on August 26, 2007.

Willie Sledge—Sentenced on April 13, 1984 to terms of life imprisonment for the crime of first degree murder and 60 to 90 years imprisonment for the crime of second degree murder. The commutation was granted on September 6, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

James D. Lee—Sentenced on March 11, 1994 and August 23, 2001 to terms of two years imprisonment for the crime of felony firearm (two counts), four years to 20 years imprisonment for the crime of armed robbery (one count), and ten years to 20 years imprisonment for the crime of armed robbery (one count). The commutation was granted on September 17, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Robert Jones—Sentenced on January 21, 1959 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 11, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

No pardons or reprieves were granted.

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on February 1, 2008, and read:

EXECUTIVE ORDER
No. 2008-1

Interagency Task Force on Employee Misclassification

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, employers in Michigan and elsewhere too often misclassify individuals they hire as independent contractors, even when those individuals should legally be classified as employees;

WHEREAS, when an employee is misclassified as an independent contractor, the employer potentially violates a number of legal obligations under state and federal labor, employment, and tax laws;

WHEREAS, employee misclassification significantly harms Michigan workers who are deprived of their important legal rights and protections;

WHEREAS, employee misclassification is unfair to the overwhelming majority of Michigan job providers who play by the rules because law-abiding businesses are placed at a competitive disadvantage compared to those who avoid their legal obligations;

WHEREAS, employee misclassification significantly harms Michigan taxpayers because employers that misclassify employees illegally avoid financial obligations to the State of Michigan;

WHEREAS, the various Michigan laws relating to employee misclassification have historically been enforced by separate state departments and agencies;

WHEREAS, a number of enforcement agencies within the Department of Labor and Economic Growth have already begun to coordinate their employee misclassification enforcement activities, but a task force to share information and coordinate enforcement across different state departments would greatly enhance the state's law enforcement efforts;

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 of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order No. 2003-18, MCL 445.2011.

B. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

C. "Department of Treasury" means the principal department of state government created under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175.

D. "Task Force" means the Interagency Task Force on Employee Misclassification created under this Order.

II. CREATION OF THE INTERAGENCY TASK FORCE ON EMPLOYEE MISCLASSIFICATION

A. The Task Force on Employee Misclassification is created as an advisory body within the Department of Labor and Economic Growth.

B. The Task Force shall include the Director of the Department of Labor and Economic Growth or his or her designee and the following members appointed by the Governor:

1. An individual representing the Wage and Hour Division of the Department of Labor and Economic Growth.
2. An individual representing the Workers' Compensation Agency of the Department of Labor and Economic Growth.
3. An individual representing the Unemployment Insurance Agency of the Department of Labor and Economic Growth.
4. An individual representing the Discovery and Tax Enforcement Division of the Department of Treasury.
5. An individual representing the Business Services Administration of the Department of Management and Budget.

C. Of the members of the Task Force appointed under Section II.B., one member shall be appointed for a term expiring on December 31, 2008, one member shall be appointed for a term expiring on December 31, 2009, one member shall be appointed for a term expiring on December 31, 2010, and two members shall be appointed for terms expiring on December 31, 2011. After the initial appointments, members shall be appointed to serve terms of four years.

D. A vacancy on the Task Force shall be filled in the same manner as the original appointment.

E. The Director of the Department of Labor and Economic Growth or his or her designee shall serve as Chairperson of the Task Force.

III. CHARGE TO THE TASK FORCE

A. The Task Force shall do all of the following:

1. Examine and evaluate existing employee misclassification enforcement mechanisms in Michigan and other jurisdictions, and make recommendations for more effective enforcement mechanisms. In particular, the Task Force should examine and evaluate the existing employee misclassification enforcement mechanisms arising under the Minimum Wage Law of 1964,

1964 PA 154, MCL 408.381 to 408.398; 1978 PA 390, MCL 408.471 to 408.490; the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75; the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941; 1965 PA 166, MCL 408.551 to 408.558; and the Income Tax Act of 1967, 1967 PA 281, MCL 206.1 to 206.532.

2. Create a system for sharing information relating to suspected employee misclassification violations among Task Force member agencies, to the extent possible under existing Michigan law.

3. Establish a protocol through which individual Task Force member agencies investigating employee misclassification matters under their own statutory or administrative authority will refer a matter to other Task Force member agencies for assessment of potential liability under other relevant authority.

4. Explore information sharing possibilities with investigators in other jurisdictions.

5. Identify barriers to information sharing under current state law and recommend to the Governor proposed executive or legislative actions needed to overcome the barriers.

6. Facilitate the pooling, focusing, and targeting of investigative resources, to the extent possible under current Michigan law.

7. Develop strategies for systematically investigating employee misclassification within those industries in which misclassification is most common.

8. Identify significant cases of employee misclassification that should be jointly investigated and, to the extent possible under existing Michigan law, form joint enforcement teams to utilize the collective investigative and enforcement capabilities of Task Force member agencies.

9. Work cooperatively with local, state, and federal law enforcement agencies, including sharing information with the Internal Revenue Service and establishing a systematic procedure for referring cases to the Attorney General or local or federal prosecutors.

10. Work cooperatively with state, federal, and local social services agencies to provide assistance to workers that have been exploited by employee misclassification.

11. Work cooperatively with business, labor, and community groups interested in reducing employee misclassification, including but not limited to both of the following:

a. Seeking ways to prevent employee misclassification, such as through the dissemination of educational materials regarding the legal differences between independent contractors and employees.

b. Enhancing mechanisms for identifying and reporting instances of employee misclassification.

12. Consult with representatives of business, organized labor, and other entities, including the Michigan Economic Development Corporation, about the employee misclassification enforcement activities of the Task Force and its member agencies, and ways of improving operations.

13. Increase public awareness of the illegal nature of and harms inflicted by employee misclassification.

14. Establish procedures for soliciting referrals or information from the public, including through a telephone hotline.

B. The Task Force shall issue a report to the Governor on July 1 of each year, which shall detail the accomplishments of the Task Force, identify any administrative or legal barriers that might be impeding the more effective operation of the Task Force, and make recommendations for executive or legislative measures to improve employee misclassification enforcement.

IV. OPERATIONS OF THE TASK FORCE

A. The Task Force shall be staffed and assisted by personnel from the Department of Labor and Economic Growth as directed by the Governor, subject to available resources and funding.

B. The Task Force shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Department of Labor and Economic Growth shall assist the Task Force with recordkeeping responsibilities.

D. A majority of the members serving on the Task Force constitutes a quorum for the transaction of the Task Force's business. The Task Force shall act by a majority vote of its serving members.

E. The Task Force shall meet at the call of the Chairperson.

F. The Task Force may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Task Force may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the Director of the Department of Labor and Economic Growth deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

H. Members of the Task Force shall refer all legal, legislative, and media contacts to the Department of Labor and Economic Growth.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state shall give to the Task Force, or to any member or representative of the Task Force, any assistance required in the performance of the duties of the Task Force so far as is compatible with its, his, or her duties.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

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

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of February in the year of our Lord, two thousand and eight.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on February 1, 2008, and read:

EXECUTIVE ORDER

No. 2008-2

Executive Reorganization

**Department of Labor and Economic Growth
Office of Financial and Insurance Regulation**

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, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Office of Financial and Insurance Services was established by Executive Order 2000-4, MCL 445.2003;

WHEREAS, the Commissioner of Financial and Insurance Services regulates the provision of automobile and home insurance in Michigan under The Insurance Code of 1956, 1956 PA 218, MCL 500.100 to 500.8302;

WHEREAS, Chapter 31 of The Insurance Code of 1956, 1956 PA 218, MCL 500.3101 to MCL 500.3179, requires the owner or registrant of a motor vehicle required to be registered in this state to maintain security for payment of benefits under personal protection insurance, property protection insurance, and residual liability insurance;

WHEREAS, The Insurance Code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, also provides Michigan insurance consumers with important legal rights and protections;

WHEREAS, it is imperative that Michigan automobile and home insurance consumers have access to an effective regulatory system that strengthens insurance oversight, prevents abuse, and maintains representation of consumers' interests;

WHEREAS, ensuring that Michigan residents have access to affordable, reliable, and fair insurance no matter where they live is critical to growing our cities and growing Michigan's economy;

WHEREAS, the creation of an independent advocate within state government dedicated solely to representing and protecting the interests of automobile and home insurance consumers would greatly benefit Michigan residents;

WHEREAS, the creation of an independent advocate within state government dedicated solely to representing and protecting the interests of automobile and home insurance consumers would enhance efficiency and effectiveness within state government by consolidating and focusing consumer advocacy responsibilities in a single position while enabling the Commissioner of the Office of Financial and Insurance Regulation to focus activities on regulatory responsibilities;

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. "Automobile and Home Insurance Consumer Advocate" or "Advocate" means the position created under Section III of this Order.

B. "Automobile insurance" means that term as defined under Section 2102 of the Insurance Code of 1956, 1956 PA 218, MCL 500.2102.

C. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

D. "Commissioner of Financial and Insurance Regulation" or "Commissioner" means the head of the Office of Financial and Insurance Regulation, formerly known as the Commissioner of Financial and Insurance Services and renamed the Commissioner of Financial and Insurance Regulation under Section II.C. of this Order.

E. "Department of Labor and Economic Growth" or "Department" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

F. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

G. "Home insurance" means that term as defined under Section 2103 of the Insurance Code of 1956, 1956 PA 218, MCL 500.2103.

H. "Office of Financial and Insurance Regulation" means the office established by Executive Order 2000-4, MCL 445.2003, as the Office of Financial and Insurance Services, and renamed the Office of Financial and Insurance Regulation under Section II.A. of this Order.

I. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. RENAMING THE OFFICE OF FINANCIAL AND INSURANCE SERVICES

A. The Office of Financial and Insurance Services is renamed the Office of Financial and Insurance Regulation.

B. Any and all statutory or other references to the Office of Financial and Insurance Services not inconsistent with this Order shall be deemed references to the Office of Financial and Insurance Regulation.

C. The Commissioner of Financial and Insurance Services is renamed the Commissioner of Financial and Insurance Regulation.

D. Any and all statutory or other references to the Commissioner of Financial and Insurance Services not inconsistent with this Order shall be deemed references to the Commissioner of Financial and Insurance Regulation.

E. The Office of Financial and Insurance Regulation shall exercise its prescribed statutory powers, duties and functions of rule-making, licensing and registration including the prescription of rules, rates, regulations and standards, and adjudication independently of the Director of the Department of Labor and Economic Growth. All budgeting, procurement, and related management functions of the Office of Financial and Insurance Regulation shall be performed under the direction and supervision of the Director of the Department of Labor and Economic Growth.

III. CREATION OF THE POSITION OF AUTOMOBILE AND HOME INSURANCE CONSUMER ADVOCATE

A. The position of Automobile and Home Insurance Consumer Advocate is created within the Office of Financial and Insurance Regulation. The Advocate shall exercise his or her prescribed powers, duties, responsibilities, and functions independently of the Commissioner. The Advocate shall be a member of the classified state civil service. The appointing authority for the Advocate shall be the Governor.

B. All of the authority, powers, duties, or functions of the Office necessary for the Advocate to perform the powers, duties, and functions vested in the Advocate under this Order are transferred to the Advocate. Nothing in this paragraph shall be interpreted to diminish the ability of the Commissioner to independently exercise the powers, duties, responsibilities, and functions vested in the Commissioner prior to the effective date of this Order.

IV. POWERS AND DUTIES OF THE AUTOMOBILE AND HOME INSURANCE CONSUMER ADVOCATE

A. The Advocate shall do all of the following:

1. Advocate for affordable, reliable, and fair automobile insurance and home insurance.

2. Conduct hearings and receive testimony from consumers; examine and investigate laws, regulations, and practices; receive expert advice; and survey best practices from around the country to assess the impact of automobile insurance and home insurance rates, rules, and forms on consumers in Michigan.

3. Submit to the Governor an annual report on the Advocate's findings and recommendations for administrative, legislative, or other corrective actions that would positively affect the interests of automobile insurance and home insurance consumers.

4. Refer instances of potential criminal conduct of which the Advocate becomes aware in the course of his or her duties to the Commissioner, the Attorney General, or other appropriate law enforcement agencies. This paragraph shall not be interpreted to alter the duty of the Commissioner to report suspected criminal activity to the Attorney General under Section 228 of The Insurance Code of 1956, 1956 PA 218, MCL 500.228.

5. Perform other related duties as requested by the Governor, consistent with applicable law.

B. The Advocate may do all of the following:

1. Appear, intervene, and be heard before the Commissioner as a party or otherwise on behalf of insurance consumers in any matters affecting automobile insurance and home insurance.

2. Subject to available funding, utilize an internet website, a toll-free telephone number, or other mechanisms for receiving consumer input.

3. Educate consumers on how to protect themselves against predatory or illegal insurance practices.

4. Coordinate advocacy and educational efforts with non-governmental consumer advocacy entities and other organizations.

5. All other things necessary or convenient to achieve the objectives and purposes of this Order, consistent with applicable law.

C. The budgeting, procurement, and related management functions of the Advocate shall be performed under the direction and supervision of the Director of the Department of Labor and Economic Growth.

D. Subject to available funding, the Advocate may hire or retain such experts, contractors, subcontractors, advisors, consultants, and agents as he or she may deem advisable and necessary, in accordance with relevant law and the procedures, rules, and regulations of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of powers and performance of his or her duties.

E. All departments, committees, commissioners, or officers of this state shall give to the Advocate any necessary assistance required by the Advocate in the performance of the Advocate’s duties so far as is compatible with his or her duties, subject to applicable law. 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 authority, powers, duties, or functions of the Advocate, subject to applicable law.

F. The Advocate may accept donations of labor, services, or other things of value from a public or private agency or person to the extent these donations are used to perform his or her official duties. No insurance corporation or insurer or any officer, director, or agent thereof shall directly or indirectly, pay by way of gift, credit, loan, or any other pretense whatsoever, any sum of money or other valuable thing to the Advocate; and the Advocate shall not accept any such payment.

V. IMPLEMENTATION

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state’s financial management system necessary for the implementation of this Order.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective April 6, 2008 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of February, in the year of our Lord, two thousand eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following messages from the Governor were received and read:

January 31, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 22 and 22a of the Michigan Election Law, 1954 PA 116, MCL 168.22 and 168.22a:

Board of State Canvassers

Mr. Stephen J. Linder, a nominee of the Michigan Republican Party, of 2550 Dustin Road, Okemos, Michigan 48864, county of Ingham, succeeding Shelly J. Edgerton, who has resigned, appointed for a term commencing January 31, 2008 and expiring January 31, 2011. Under the Michigan Election Law, the Governor is obligated to appoint as a member of the Board of State Canvassers one of three individuals nominated by the State Central Committee of the Michigan Republican Party.

January 31, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 88l of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088l:

Strategic Economic Investment and Commercialization Board

Mr. David A. Baumgarten of 3416 Edgewood Park Drive, Apt. D, Commerce, Michigan 48382, county of Oakland, succeeding Blair M. Bowman, whose term has expired, nominated by the Speaker of the House of Representatives and representing qualified businesses or persons with business, technology, or financial experience related to competitive edge technology, for a term commencing January 30, 2008 and expiring December 31, 2011.

February 1, 2008

I respectfully submit to the Senate, pursuant to Section 9c of the State Trunk Line Highway System, 1951 PA 51, MCL 247.659c, please be advised of the following appointments to office:

Task Force to Review the Adequacy of Surface Transportation and Aeronautics Service Provision and Finance in Michigan

Ms. Cindy B. Elliott of 4800 Moorland Court, Midland, Michigan 48640, county of Midland, appointed to represent manufacturing, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Mr. Dennis H. Gillow of 3241 Houghton Lake Road, Lake City, Michigan 49651, county of Missaukee, appointed to represent labor, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Mr. John A. James of 27945 West 14 Mile Road, Farmington Hills, Michigan 48334, county of Oakland, appointed to represent transportation, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Ms. Ann M. Jousma-Miller of 19 Mulberry Circle, Gladstone, Michigan 49837, county of Delta, appointed to represent agriculture, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Mr. Michael A. Nystrom of 634 Applegate Lane, East Lansing, Michigan 48823, county of Ingham, appointed for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Mr. Roger F. Salo of 10972 Wellington Court, Plymouth, Michigan 48170, county of Wayne, appointed to represent aviation, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Mr. Richard K. Studley of 4089 Tall Oaks Drive, Grand Ledge, Michigan 48837, county of Eaton, appointed to represent commerce, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Mr. Peter J. Varga of 3627 Windshire Drive, S.E., Grand Rapids, Michigan 48946, county of Kent, appointed to represent public transit, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

Ms. L. Susan Zehnder of 9791 Van Cleve Road, Frankenmuth, Michigan 48734, county of Saginaw, appointed to represent tourism, for a term commencing February 1, 2008 and expiring at the pleasure of the Governor.

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 bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 1009

The motion prevailed.

Senator Hunter entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1009, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 207 (MCL 208.1207).

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. 26

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Brown 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 without amendment, the following bills:

Senate Bill No. 965, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2005 PA 207.

Senate Bill No. 966, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 1a and 8 (MCL 28.291a and 28.298), as added by 1997 PA 99, and by adding section 9a.

Senate Bill No. 1075, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 11b and 12d of chapter XVII (MCL 777.11b and 777.12d), section 11b as amended by 2005 PA 207 and section 12d as amended by 2002 PA 127.

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

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

Senate Bill No. 962, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 40b, 208c, 303, 307, 310, 314, 811, and 812 (MCL 257.40b, 257.208c, 257.303, 257.307, 257.310, 257.314, 257.811, and 257.812), section 40b as added by 1997 PA 100, section 208c as amended by 2004 PA 362, sections 303, 307, and 314 as amended by 2006 PA 298, section 310 as amended by 2005 PA 141, section 811 as amended by 2006 PA 589, and section 812 as amended by 2005 PA 142, and by adding sections 30c, 310f, and 310g.

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. 963, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers

and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 1, 1a, 2, and 8 (MCL 28.291, 28.291a, 28.292, and 28.298), sections 1 and 2 as amended by 2005 PA 143 and sections 1a and 8 as added by 1997 PA 99, and by adding sections 2a and 2b.

Substitute (S-1).

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

1. Amend page 3, line 20, after “**PERSON’S**” by striking out the balance of the subsection and inserting “**PERSONAL IDENTIFICATION CARD.**”.

The Senate agreed to the substitute, as amended, 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. 964, entitled

A bill to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties.

Substitute (S-3).

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.

Resolutions

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

Senate Concurrent Resolution No. 22

The motion prevailed.

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

Senate Resolution No. 144

The resolution consent calendar was adopted.

Senators Kuipers, George, Cropsey, McManus, Barcia, Van Woerkom, Pappageorge, Jansen, Thomas and Richardville offered the following resolution:

Senate Resolution No. 144.

A resolution recognizing January 27, 2008 - February 2, 2008, as Catholic Schools Week in the state of Michigan, with the theme “Catholic Schools Light the Way.”

Whereas, There are 79,484 students attending 280 Catholic elementary and high schools throughout our great state; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, The Catholic Church sees the parents as the primary educators and that parental supervision and involvement play a major role in the education of students; and

Whereas, Catholic schools believe that teaching morals and values is essential to the complete education of the student since every member of society continually makes moral decisions; and

Whereas, Catholic schools educate many students who are non-Catholic; and

Whereas, Based upon Michigan’s minimum public school foundation allowance of \$7,204, the Catholic schools of our state save taxpayers in excess of \$572,602,736 annually; and

Whereas, Catholic educators are dedicated to producing academically-strong students who also commit themselves to service; and

Whereas, January 27, 2008 - February 2, 2008, has been designated as Catholic Schools Week, with the theme “Catholic Schools Light the Way,” as denoted by the National Catholic Educational Association (NCEA) and the United States Conference of Catholic Bishops; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize January 27, 2008 - February 2, 2008, as Catholic Schools Week in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem.

Senators Clarke, Gilbert, Gleason and Kahn were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Prusi, Gleason, Jelinek, Patterson, Barcia, Switalski and Kuipers introduced

Senate Bill No. 1077, entitled

A bill to authorize the removal, capture, or lethal control of a gray wolf that is killing, wounding, or biting a dog under certain circumstances; and to promulgate rules.

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

Senators Patterson and Birkholz introduced

Senate Bill No. 1078, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 2003 PA 300.

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

Senators Birkholz and Patterson introduced

Senate Bill No. 1079, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 104a.

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

Senators Basham, Birkholz and Patterson introduced

Senate Bill No. 1080, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 9 and 9b (MCL 117.9 and 117.9b), section 9 as amended by 2004 PA 137 and section 9b as added by 1982 PA 465, and by adding sections 9c, 9d, and 9e.

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

Senators Prusi, Birkholz and Patterson introduced

Senate Bill No. 1081, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 6 of chapter XIV (MCL 74.6) and by adding sections 6b, 6c, and 6d to chapter XIV.

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

Senators Gilbert, Birkholz, Patterson and Basham introduced

Senate Bill No. 1082, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4 and 5 (MCL 78.4 and 78.5), section 4 as amended by 2003 PA 304, and by adding section 5b.

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

Senators Patterson, Birkholz and Basham introduced

Senate Bill No. 1083, entitled

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

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

House Bill No. 4872, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 135a. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 4873, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Statements

Senators Cropsey, Scott and Garcia asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's statement is as follows:

Last week, the Governor told the editorial board of the *Detroit News* that she will take another shot at scaling back Michigan's prison population this year. Are there people in the system who can be released in a cost-effective and safe way? Yes, there are. Last year, we were given a budget for the Department of Corrections that assumed \$93 million in savings based on proposed policy changes. Not only were those changes not enacted, but the bills for those changes were never even introduced. What I heard from House members and stakeholders was that the opposition to the bills was bipartisan and almost universal. The result of failing to work with stakeholders resulted in the Legislature being given a budget by the administration that had a \$93 million hole in it. Although a tough process, Representative Alma Wheeler Smith and I were able to work out the budget in a very cooperative fashion. Yes, there was bipartisanship last year.

Over the past two years, either I or my office have at least nine times strongly advised high level Michigan Department of Corrections executives, as well as members of the Governor's staff, to not base a budget on policies that aren't already law. A few weeks ago, Representative Smith and I held a joint oversight hearing on the department, and I very publicly asked the Governor to not base the new budget on policies not already in law. After reading the *Detroit News* article, today I rise to repeat that advice. If we are again given a budget with a built-in hole, we will have a long and difficult process ahead of us.

Last year, the Department of Corrections publicly told us that they made a conscious decision to not talk with stakeholders. That was an unwise decision. Again, both I and my office have strongly advised the department to talk with stakeholders right up front. Today, I am repeating that advice. Talk to the law enforcement officials; talk to the judges; talk to the Michigan Association of Counties and the Municipal League; talk to the service providers and the community mental health groups. Stop lecturing them; listen to them.

The *Detroit News* further states that she noted that this state has a larger per-capita inmate count than other Midwestern states and it hasn't brought down the crime rate. Our murder rate is the highest in the Midwest; our rape rate is 25 percent to 300 percent above every other Midwest state. We report more violent crime than any other Midwest state, and we're being told that the answer is to send fewer offenders to prison. What the Governor needs to realize is that the Michigan Department of Corrections is fundamentally failing in its mission of corrections. I trust the new budget will instead have significant crime reduction strategies, especially for those parolees and probationers who continue to re-victimize us due to flawed oversight structures.

Next month when the Corrections subcommittee votes out the budget, it will be a balanced budget. Reducing victimization will be the top priority. Stopping repeat offenders will be a main focus, and if given a budget not based on current law, I will have no rational choice but to bring the budget into conformity with existing law. Indeed, my constitutional oath demands so doing.

As an aside, I will be approaching the budget from a different perspective this year. All facts will be in the proper perspective; all statistics will be in context. No more nonsense of misrepresenting the facts when they compare us to other states. I think we'll all be surprised by what I'm finding as I dig into the reality of criminal justice in the state of Michigan.

Senator Scott's statement is as follows:

On this first session day of Black History Month, I would once again like to remind you of the reason and rationale behind my daily statements. I am fighting for equality for Michigan drivers and homeowners, and I do that not just through my words, but through the words of dozen of famous African-American authors, politicians, artists, performers, activists, and social reformers. In case you have not been paying attention, every statement I've given has introduced you to another

wise African-American thinker whose words inspire me. I made a promise nearly four years ago that I would continue this effort until my goals are reached, and today I again offer the words of Reverend Martin Luther King, Jr., who believed that, "Somehow we must harness man's genius for the purpose of making peace and prosperity a reality for all."

There is no shortage of genius in this room, some of it even self-professed, and that's why I become so frustrated with that. With all of the great minds full of creative, innovative, and practical ideas, we have yet to solve the insurance crisis in the state of Michigan. We talk, debate, discuss, and propose solutions, and here I am yet again asking for movement, asking for agreement, asking for a sign that you recognize the problem and are willing to address it. Prosperity as a reality seems pretty distant for Michigan residents today, but we can at least ease some of the financial burdens. We can alleviate a portion of the monetary pressures by making affordable and accessible insurance a reality for all of us.

Now I would like my colleagues to remember the life of William Fitzgerald, former Democratic Senate Majority Leader and gubernatorial candidate, who died of colon cancer Sunday at his home in Grosse Pointe. William Fitzgerald was elected to the House in 1970 and was elected to the Senate in 1974 at the age of 32. He was chosen Majority Leader by his Democratic Caucus.

Fitzgerald became a gubernatorial nominee in 1978 at the age of 35. He lost to incumbent Governor William Milliken. In 1982, he again ran for the gubernatorial nomination but lost to James Blanchard. He later returned to the practice of law.

I would just like to say that he was a real inspiration in my life when I first got involved in politics as a precinct delegate in 1972. He was a fine gentleman. So I would ask my colleagues to join me in a moment of silence to honor the life of William Fitzgerald.

A moment of silence was observed in memory of former Senate Majority Leader William Fitzgerald.

Senator Garcia's statement is as follows:

As you know, I was put on orders for military duty and was gone for the last two and a half weeks. Had I been here, on January 17, I would have voted "yes" on Roll Call vote Nos. 1-14; on January 22, "yes" on Roll Call vote Nos. 15-17; on January 23, "yes" on Roll Call vote No. 18; on January 24, "yes" on Roll Call vote Nos. 19-20; on January 20, "yes" on Roll Call vote Nos. 21-22 and "no" on Roll Call vote No. 23; and on January 30, "yes" on Roll Call vote Nos. 24-25.

Committee Reports

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 843, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen and Gilbert

Nays: Senators Thomas, Hunter and Jacobs

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4684, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 707, 801, 901, 906, 1015, and 1025 (MCL 436.1707, 436.1801, 436.1901, 436.1906, 436.2015, and 436.2025), section 906 as amended by 2000 PA 431 and section 1025 as amended by 2002 PA 725.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas 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 Economic Development and Regulatory Reform submitted the following:
Meeting held on Wednesday, January 30, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

The Committee on Finance reported

Senate Bill No. 1038, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2007 PA 207.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus and Jansen

Nays: Senators Prusi, Jacobs and Whitmer

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

The Committee on Finance reported

Senate Bill No. 1051, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 261 (MCL 208.1261).

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1052, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 109 (MCL 208.1109).

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1053, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 511 (MCL 208.1511).

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus and Jansen

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1054, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 105 (MCL 208.1105), as amended by 2007 PA 145.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Jacobs and Whitmer

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1056, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 115 (MCL 208.1115).

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1058, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 501 (MCL 208.1501).

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus and Jansen

Nays: Senators Prusi, Jacobs and Whitmer

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, January 31, 2008, at 11:25 a.m., Room 110, Farnum Building

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

The Committee on Transportation reported

Senate Bill No. 962, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 40b, 208c, 303, 307, 310, 314, 811, and 812 (MCL 257.40b, 257.208c, 257.303, 257.307, 257.310, 257.314, 257.811, and 257.812), section 40b as added by 1997 PA 100, section 208c as amended by 2004 PA 362, sections 303, 307, and 314 as amended by 2006 PA 298, section 310 as amended by 2005 PA 141, section 811 as amended by 2006 PA 589, and section 812 as amended by 2005 PA 142, and by adding sections 30c, 310f, and 310g.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn and Van Woerkom

Nays: Senators Basham and Gleason

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

The Committee on Transportation reported

Senate Bill No. 963, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 1a, 2, and 8 (MCL 28.291, 28.291a, 28.292, and 28.298), sections 1 and 2 as amended by 2005 PA 143 and sections 1a and 8 as added by 1997 PA 99, and by adding sections 2a and 2b.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn and Van Woerkom

Nays: Senators Basham and Gleason

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

The Committee on Transportation reported

Senate Bill No. 965, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2005 PA 207.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 966, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1a and 8 (MCL 28.291a and 28.298), as added by 1997 PA 99, and by adding section 9a.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 964, entitled

A bill to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kahn and Van Woerkom

Nays: Senators Basham and Gleason

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Thursday, January 31, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, January 31, 2008, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senators Brown and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Thursday, January 31, 2008, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hardiman (C) and Clark-Coleman

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Thursday, January 31, 2008, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), George, Hardiman, Anderson and Brater

Excused: Senators McManus and Barcia

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees Investment Subcommittee submitted the following:

Meeting held on Friday, February 1, 2008, at 2:00 p.m., Room S-927, House Office Building

Present: Senator Clarke

Scheduled Meetings

Agriculture - Thursday, February 7, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, February 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Community Health Department - Thursdays, February 14, February 21 and February 28, 1:00 p.m., and March 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Tuesday, February 12, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Tuesday, February 19, 1:00 p.m., Michigan State University, Radiology Building, 184 Service Road, East Lansing; Friday, February 22, 10:30 a.m., Alma College, Tyler-Van Dusen Campus Center, 614 W. Superior Street, Alma; Monday, February 25, 10:00 a.m., Grand Valley State University, Cook-DeVos Center for Health Sciences, 301 Michigan Street NE, Grand Rapids; and Monday, March 3, 10:00 a.m., University of Michigan-Dearborn, Institute for Advanced Vehicle Systems Building, Borg Warner Auditorium, 4901 Evergreen Road, Dearborn (373-2768)

Judiciary and Corrections - Wednesdays, February 13, 3:00 p.m. or later immediately following Senate Appropriations meeting, February 20, February 27, March 5, and March 12, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

K-12, School Aid, Education - Tuesdays, February 19, February 26, March 4 and March 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Wednesday, February 6, 2:00 p.m., Room 100, Farnum Building (CANCELED); and Thursday, February 14, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Appropriations, Senate/House - Thursday, February 7, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Banking and Financial Institutions - Wednesday, February 6, 1:00 p.m., Room 210, Farnum Building (373-3543)

Education - Thursday, February 7, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, February 7, 1:00 p.m., Room 210, Farnum Building (373-7350)

Health Policy - Wednesday, February 6, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Thursday, February 14, 11:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Wednesday, February 13, 2:00 p.m., Room 210, Farnum Building (373-0212)

Natural Resources and Environmental Affairs - Wednesday, February 6, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, February 6, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:05 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, February 6, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

