

No. 62
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, June 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

Senator Michael A. Prusi of the 38th District offered the following invocation:

Good morning, friends. We begin our work here each day asking for God's blessing and for the gifts of wisdom, strength, compassion, and for the guidance to do the right thing. But I believe we have already been blessed with all of these virtues and more. They are placed in our spirits and our souls when we are born into innocence. All that is required of us is that we reach into ourselves and utilize these precious gifts.

Let us use our wisdom to measure the issues before us and bring sound judgment for the benefit of the people who have placed their trust in us. They deserve no less. Let us put our strength to work on the difficult and complex problems confronting this state. If we all put our shoulders to the wheel with a common purpose, good things must follow.

Let us bring compassion for the weak and downtrodden, whose voices are not heard in the lobby beyond those doors at the rear of this chamber. By lifting up those who are low, we raise ourselves in the eyes of God.

For those who believe, God's guidance is with us always. Let us go forward with these gifts that have been bestowed on us and truly do the work of the people. Amen.

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

Motions and Communications

Senators Bishop and Brown entered the Senate Chamber.

Senator Cropsey moved that Senator Kahn be temporarily excused from today's session.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 19:
House Bill Nos. 4650 4684

The Secretary announced that the following official bills were printed on Tuesday, June 19, and are available at the legislative website:

Senate Bill Nos. 591 592 593 594

By unanimous consent the Senate proceeded to the order of

Resolutions

House Concurrent Resolution No. 27.

A concurrent resolution to revise the total project cost of the Technical and Industrial Building Renovations project at Washtenaw Community College.

Whereas, The Washtenaw Community College Technical and Industrial Building Renovations project plans were approved by the Joint Capital Outlay Subcommittee on December 1, 2005; and

Whereas, The Washtenaw Community College Technical and Industrial Building Renovations project was authorized with a total project cost of \$7,185,000 in 2005 PA 297; and

Whereas, The Washtenaw Community College Technical and Industrial Building Renovations project was expanded in scope and increased in cost to a revised total cost of \$10,685,000 in Senate Concurrent Resolution No. 63 of 2006; and

Whereas, Washtenaw Community College has estimated that the total cost to construct the revised Technical and Industrial Building Renovations project has increased to \$13,985,000; and

Whereas, Washtenaw Community College has agreed to fund the increase in the project cost of \$3,300,000, with the state commitment remaining at \$3,000,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost to construct the Washtenaw Community College Technical and Industrial Building Renovations project to an amount not to exceed \$13,985,000 (State Building Authority share \$2,999,800 and the State General Fund/General Purpose share \$200; and the Washtenaw Community College share \$10,985,000) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, the State Building Authority, and the Washtenaw Community College Board of Trustees. The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Brater, Clarke and Gleason were named co-sponsors of the concurrent resolution.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:06 a.m.

11:12 a.m.

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

During the recess, Senators Brater and Kahn entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Barcia as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4261, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

The bill 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:

House Bill No. 4851, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 4 (MCL 390.1154), as amended by 1989 PA 127, and by adding section 4b.

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. 504, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101, 3109, 3112, 3115, 5303, 8201, 8202, 8203, 8206, 8801, 8802, and 8803 (MCL 324.3101, 324.3109, 324.3112, 324.3115, 324.5303, 324.8201, 324.8202, 324.8203, 324.8206, 324.8801, 324.8802, and 324.8803), section 3101 as amended by 2006 PA 97, section 3109 as amended by 2005 PA 241, section 3112 as amended by 2005 PA 33, section 3115 as amended by 2004 PA 143, section 5303 as amended by 2002 PA 398, sections 8201, 8202, 8203, and 8206 as added by 2001 PA 176, and sections 8801, 8802, and 8803 as added by 1998 PA 287, and by adding section 8209.

Substitute (S-4).

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

1. Amend page 20, line 12, by striking out all of subsection (2) and inserting:

“(2) IF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY DETERMINES THAT A LARGE CAFO HAS CAUSED A DISCHARGE OF POLLUTANTS IN VIOLATION OF PART 31, THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL NOTIFY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE. UPON RECEIPT OF NOTIFICATION FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNDER THIS SUBSECTION, THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE MAY ISSUE AN ORDER REQUIRING THE LARGE CAFO TO ABATE THE POLLUTION AND TO REMOVE ANIMALS FROM THE CAFO.”.

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. 448, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3101 and 3115 (MCL 324.3101 and 324.3115), section 3101 as amended by 2006 PA 97 and section 3115 as amended by 2004 PA 143.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 8, line 12, after “**PERMIT.**” by inserting “**IF A COURT REVOKES A PERMIT UNDER THIS SUBSECTION, THE COURT SHALL ORDER ALL OF THE FOLLOWING:**

(A) THAT ALL ANIMALS BE REMOVED FROM THE FACILITY.

(B) THAT THE FACILITY BE CLOSED IN AN ENVIRONMENTALLY ACCEPTABLE MANNER, IN COMPLIANCE WITH THIS ACT AND IN COMPLIANCE WITH CONSERVATION PRACTICE STANDARD CODE 360 (CLOSURE OF WASTE IMPOUNDMENTS), UNITED STATES DEPARTMENT OF AGRICULTURE-NATURAL RESOURCE CONSERVATION SERVICE, NRCS MICHIGAN FIELD OFFICE TECHNICAL GUIDE, APRIL 2005.

(C) THAT ALL BYPRODUCTS OR WASTE MATERIALS AT THE FACILITY BE UTILIZED OR DISPOSED OF IN AN ENVIRONMENTALLY ACCEPTABLE MANNER, IN COMPLIANCE WITH THIS ACT.

(D) THAT THE REQUIREMENTS OF SUBDIVISIONS (A) TO (C) BE PERFORMED IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE COURT.

(12) THE REVOCATION OF A PERMIT UNDER SUBSECTION (11) DOES NOT PREVENT A NEW OWNER OR OPERATOR WHO IS NOT AFFILIATED WITH THE OWNER OR OPERATOR WHO IS SUBJECT TO THE REVOCATION UNDER SUBSECTION (11) FROM REOPENING THE FACILITY IN COMPLIANCE WITH LAW.

(13)”.

2. Amend page 8, line 13, after “**UNDER**” by striking out “**THIS SUBSECTION**” and inserting “**SUBSECTION (11)**”.

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. 447, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3112 (MCL 324.3112), as amended by 2005 PA 33.

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.

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

Senate Bill No. 503, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 86.

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. 501, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 86.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 588, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 3, 5, 11, 17, and 18 (MCL 125.2873, 125.2875, 125.2881, 125.2887, and 125.2888) and by adding section 29.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 3, following line 6, by inserting:
 "(vii) IS LOCATED IN A DISTRESSED AREA."

2. Amend page 4, following line 20, by inserting:

"(H) "DISTRESSED AREA" MEANS A LOCAL GOVERNMENTAL UNIT THAT MEETS ALL OF THE FOLLOWING:

(i) HAS A POPULATION OF 700,000 OR MORE.

(ii) SHOWS A NEGATIVE POPULATION CHANGE FROM 1970 TO THE DATE OF THE MOST RECENT FEDERAL DECENNIAL CENSUS.

(iii) SHOWS AN OVERALL INCREASE IN THE STATE EQUALIZED VALUE OF REAL AND PERSONAL PROPERTY OF LESS THAN THE STATEWIDE AVERAGE INCREASE SINCE 1972.

(iv) HAS A POVERTY RATE, AS DEFINED BY THE MOST RECENT FEDERAL DECENNIAL CENSUS, GREATER THAN THE STATEWIDE AVERAGE.

(v) HAS HAD AN UNEMPLOYMENT RATE HIGHER THAN THE STATEWIDE AVERAGE."

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4261

Senate Bill No. 504

Senate Bill No. 448

Senate Bill No. 447

Senate Bill No. 503

Senate Bill No. 501

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

The following bill was read a third time:

House Bill No. 4177, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2118 and 2120 (MCL 500.2118 and 500.2120), section 2118 as amended by 2002 PA 492 and section 2120 as amended by 1984 PA 350, and by adding section 2116a.

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. 181

Yeas—38

Allen
Anderson

Clark-Coleman
Clarke

Jansen
Jelinek

Richardville
Sanborn

Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Hunter	Prusi	Whitmer
Cherry	Jacobs		

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4261, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention

marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

The question being on the passage of the bill,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

The following bill was read a third time:

Senate Bill No. 504, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3101, 3109, 5303, 8201, 8202, 8203, 8206, 8801, 8802, and 8803 (MCL 324.3101, 324.3109, 324.5303, 324.8201, 324.8202, 324.8203, 324.8206, 324.8801, 324.8802, and 324.8803), section 3101 as amended by 2006 PA 97, section 3109 as amended by 2005 PA 241, section 5303 as amended by 2002 PA 398, sections 8201, 8202, 8203, and 8206 as added by 2001 PA 176, and sections 8801, 8802, and 8803 as added by 1998 PA 287, and by adding sections 3113b, 3113c, and 8209.

The question being on the passage of the bill,

Senator Basham offered the following substitute:

Substitute (S-5).

The substitute was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 182

Yeas—16

Anderson	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Olshove	Switalski
Brater	Gleason	Prusi	Thomas
Cherry	Hunter	Schauer	Whitmer

Nays—22

Allen	Cropsey	Jelinek	Patterson
Barcia	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Jansen		

Excused—0

Not Voting—0

In The Chair: Sanborn

Protest

Senator Cropsey, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the substitute offered by Senator Basham to Senate Bill No. 504 and moved that the statement he made during the discussion of the substitute be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cropsey’s statement is as follows:

I would urge us not to ban farms for eternity or even for five years. I want to eat within the next few hours; actually, I would like to eat right about now. I think it is important for us to know that America has been a very productive country and it is, frankly, feeding the world. A lot of it is because farmers have had the freedom to grow what they need to grow to meet the market demands.

Now for folks who think that this thing just goes to large CAFOs, I would suggest that you take a look at page 9, line 22 of the bill and it talks about a lagoon with more than a 500,000-gallon capacity. Well, with all the lagoon standards and requirements, such a lagoon would support an operation with 100 cows or 250 hogs.

Supporters of the moratorium will probably deny that they are trying to drive animal agriculture out of Michigan, but with provisions like this, it really makes you wonder. You know, I think this is a very flawed substitute. I think the people who want to drive animal operations out of Michigan ought to turn vegetarian. The fact is they probably don’t even like cash crop farmers either. Maybe they just ought to stop eating.

I would hope that the rest of those who do appreciate our food would turn down this amendment so that we could continue to eat and feed our children and grandchildren.

Senator Brater offered the following amendment:

1. Amend page 9, following line 22, by inserting:

“(E) THE PERMIT FOR A LARGE CAFO SHALL REQUIRE ANNUAL TESTING AT A MINIMUM SAMPLING UPSTREAM, DOWNSTREAM, AND OF THE TILE DISCHARGE ITSELF OF ANY SITE USED FOR THE LAND APPLICATION OF MANURE IF THAT FIELD THAT HAS DRAINAGE TILES THAT DISCHARGE DIRECTLY INTO THE SURFACE WATERS OF THE STATE. SUCH TESTING SHALL BE DESIGNED TO DETERMINE IF THE LAND APPLICATION OF MANURE TO TILED FIELD IS RESULTING IN VIOLATION OF WATER QUALITY STANDARDS IN ADJACENT SURFACE WATER BODIES. SUCH TESTING SHOULD BE CONDUCTED WITHIN 48 HOURS OF A LAND APPLICATION OF MANURE.

(F) IF THAT TEST SHOWS WATER IS NOT MEETING WATER QUALITY STANDARDS, THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL REQUIRE THE PERMIT HOLDER TO IMPLEMENT AN ENHANCED WATER QUALITY PROTECTION MONITORING PROGRAM.

(G) IF TESTS ARE CONDUCTED PURSUANT TO SUBSECTION (1), AND THE TESTING SHOWS ALL OF THE FOLLOWING, THERE IS A PRESUMPTION THAT THE CAFO IS RESPONSIBLE FOR THE WATER QUALITY VIOLATION:

(A) A VIOLATION OF WATER QUALITY STANDARDS.

(B) A SIGNIFICANT INCREASE IN POLLUTANTS DOWNSTREAM FROM A FACILITY VERSUS UPSTREAM.

(C) THE PRESENCE OF INDICATORS THAT SHOW A PORTION OF THE WASTE COMES FROM THE ANIMALS HOUSED AT THE CAFO.”

The question being on the adoption of the amendment,

Senator Brater requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 183

Yeas—17

Anderson	Clarke	Jacobs	Scott
Basham	Garcia	Olshove	Switalski
Brater	Gleason	Prusi	Thomas
Cherry	Hunter	Schauer	Whitmer
Clark-Coleman			

Nays—21

Allen	Cropsey	Jelinek	Patterson
Barcia	George	Kahn	Richardville
Birkholz	Gilbert	Kuipers	Sanborn
Bishop	Hardiman	McManus	Stamas
Brown	Jansen	Pappageorge	Van Woerkom
Cassis			

Excused—0

Not Voting—0

In The Chair: Sanborn

Senator Richardville offered the following amendment:

1. Amend page 5, line 6, after “**MEANS**” by striking out the balance of the subdivision and inserting “**THAT TERM AS IT IS DEFINED IN 40 CFR 122.42(E).**”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Kahn offered the following amendment:

1. Amend page 8, line 14, after “**CONSIDERED**” by striking out the balance of the subsection and inserting “**A POINT SOURCE DISCHARGE REQUIRING A PERMIT UNDER THIS PART.**”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Pappageorge offered the following amendments:

1. Amend page 9, line 3, after “**A**” by inserting “**POINT SOURCE**”.

2. Amend page 9, line 5, after the first “**STATE**” by striking out the balance of the line and inserting a period.

The amendments were adopted, a majority of the members serving voting therefor.

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. 184

Yeas—21

Allen	Cropsey	Jansen	Pappageorge
Barcia	Garcia	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Hardiman	McManus	Van Woerkom
Cassis			

Nays—17

Anderson	Clarke	Olshove	Scott
Basham	Gleason	Patterson	Switalski
Brater	Hunter	Prusi	Thomas
Cherry	Jacobs	Schauer	Whitmer
Clark-Coleman			

Excused—0

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protests

Senators Whitmer, Gleason, Basham and Brater, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 504 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement is as follows:

I rise in opposition to this entire package of bills and would like to speak to that entire package at this time. It is unfortunate that we have tie-barred all of these bills together because there are some good pieces of public policy here. But we have tie-barred them together, and I am going to vote against the whole package in its entirety.

Agriculture is the second-largest industry in our state, and livestock makes up a significant part of that industry. No one, no one in this chamber wants to harm this important industry, but at the same time, farms cannot be given a free pass to harm our environment. If farms are polluting, particularly CAFOs, they should be required to work within environmental regulations, as other industries in the state are required to do. Many of the provisions of this package are less restrictive than federal EPA CAFO regulations. Additionally, these bills could put in jeopardy Michigan’s authority over the federal Clean Water Act NPDES permit program.

The MAEAP is a useful tool to assist farmers in complying with regulations and reducing pollution. I had the opportunity to visit the Dick Cheney farm in Mason, Michigan, and it was eye-opening, but MAEAP is yet a voluntary program with no regulatory authority. The U.S. EPA reviewed MAEAP and concluded that the NPDES permit “protects Michigan’s water resources to a far greater degree than MAEAP.”

Yet, Senate Bill No. 504 would exempt a MAEAP-verified farm from needing an NPDES permit as long as it hasn’t had a discharge and has fewer than 5,000 head of cattle. This is a rather low standard given the fact that DEQ does not have the staff or resources to adequately monitor these CAFOs, and even 500 animals can cause significant environmental harm.

This package would significantly reduce regulatory control over large CAFOs and could result in increased pollution of our state waters and threats to public health.

Is agriculture important to everyone in our state? Without question. Are we going to have to reduce mass quantities of food going forward? Yes. Is it possible to do this in an environmentally-responsible way? Yes. Does this package do that? No. If you really want to help Michigan farmers, let’s not just listen to one group of stakeholders. Let’s vote on legislation that the Governor will sign. We’ve got two weeks, and it is sad to say that this isn’t really progress.

Senator Gleason’s statement is as follows:

I have had personal experience with the process that we have undertaken to develop a compromise on this legislation for the last four years. I particularly would like to thank the Senator from the 34th District for being humble and gracious in trying to make this legislation better. I am the grandson of a farmer—this is my cousin. I am a UAW worker. I know personally the compromise that is required to make sure that we have the jobs that our families need and the earth that we were given the responsibility to take care of.

We have come a long way in this discussion. I have always been somewhat unsettled when it comes to tie-barring legislation because I think that we as representatives of the people should have singular opportunities to decide what is good and responsible legislation, and that has to get its support because it doesn’t meet what we would all call good legislation and responsible legislation.

I would like to thank those who have offered, I think, meaningful and responsible amendments to this package as well. We know we have another chamber that could be addressing this, and I look forward to seeing how they may handle this—just as responsible a fashion as we have seen in the last month or so.

In regards to this legislation, Mr. President, I would say that we are not where we want to be, nor are we where we are going to be. But in regards to where we were a month ago, thank goodness, we are not there either. I am deeply concerned, as the grandson of a farmer, that we are compromising the ability of those in the agricultural community. I watch the plants that I worked at up in Flint leave for other lands because of restrictions and policies that impeded their opportunity to do business and provide paychecks and a living for those who worked in the factories.

I watched my grandfather. I watched my aunts and uncles, and my dad himself worked on the farm. I think too many times there is confusion between blue-collar workers and farm workers. I think they are both doing honorable work, and they are working just as equally hard to try to provide the resources that their families need.

I am going to vote “no” on this legislation today because I know that we can do better. I know we can do better, but I also know that we must not compromise the ability of the farmers to farm. We must not see the farming industry here in Michigan take the route that the automobile and the factories have gone.

Mr. President, I want to again thank the Senator from the 34th District. He has been very, very gracious and has responded to many, many concerns. I think it is much better today, and I believe it is going to be much better tomorrow.

Senator Basham's statement is as follows:

I, too, will be opposing this bill. I have tried to offer an amendment that was actually substituted language, and I explained why it was a voluntary program versus a program that will hold up in the court of law and that would be the MPDES language. Another reason for probably opposing these bills is pretty well summed up by the Michigan League of Conservation Voters. They want us to oppose these bills also. They say that the animal factory polluter bills allow polluting animal factories to use Michigan's rivers as sewers for animal waste; victimize the citizens who file complaints against these facilities by requiring names and addresses which could make citizens vulnerable to pay for resulting inspection costs; and raids important public programs such as the Clean Water Grant Program and the Pollution Prevention Revolving Loan Fund to subsidize these already highly-subsidized animal factory farms.

There are several other reasons why I think that, although there has been good discussion here and my colleague had mentioned what a tie-bar would do to these bills. There are some good suggestions and some good work, but when all these bills are tie-barred together, I don't see any way that this is the direction we want to take Michigan in.

So I would encourage my colleagues to vote against Senate Bill No. 504.

Senator Brater's statement is as follows:

I rise to oppose passage of this bill, and I think it's a grave error, instead of putting in place a regulatory scheme in Michigan to regulate these operations, to make a voluntary compliance program; the only thing that regulates these huge operations that spew untreated manure into the lakes, streams, and groundwater of the state of Michigan.

Not only did the state of North Carolina ban these operations some years ago, but also the country of The Netherlands. Many of the operations that are here now are farmers who are coming here from The Netherlands because the restrictions in The Netherlands are so comprehensive that the farmers chose to leave there and locate their farms here in Michigan, where they view us as lax and lenient toward their operations. Now I hope that you've had the opportunity to travel to The Netherlands and sample the food and observe the economic conditions of that country because they're eating very well there and their economy is booming.

I know a number of you saw the petition circulated by the Michigan State Medical Society, which attached to it is an article from the American Public Health Association. In it that study states and I quote, "Increased numbers of CAFOs in an area often are associated with declines in local and economic and social indicators. For example, business purchases, infrastructure, property values, population, and social cohesion which undermine the socioeconomic and social foundations of community health."

So it is really—I don't know what the evidence is to assert that passage of this legislation is going to help the economics of agriculture in this state. There are plenty of farmers in this state who would like to farm under more environmentally-sound and healthier conditions, both for the animals that they husband and for the humans they are marketing the food to.

So I think that we can safely say these bills are not moving us forward in terms of promoting the economic health of agriculture in this state. They are not doing what is necessary to protect human health and the environment. They are not doing what is necessary to comply with EPA rules that would require us to put in place a regulatory scheme for these operations. For all those reasons, I will vote "no" on these bills.

Senators Basham, Birkholz, Brown and Jelinek asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's statement is as follows:

I will not be saying things like, "Trying to add amendments to Senate Bill No. 504 is like putting perfume on a pig." I will be offering an amendment that is simple in its nature, but actually it is very important in its execution. This amendment replaces the original language of Senate Bill No. 504 with the language in my AFO moratorium bill, which is actually Senate Bill No. 444.

Unfortunately, Senate Bill No. 504 fails to move Michigan forward in protecting our waterways and the health of our citizens because it exempts the MAEAP-verified farms from the requirements of the NPDES permit system. Let me say at the onset that the MAEAP is a good program, and the programs that undertake it should be commended for their efforts to protect the environment. But MAEAP is not a substitute for the NPDES system. The MAEAP is a voluntary program. It does not carry the force of law. The NPDES permit system is established in law and may be upheld by the courts. In addition, the U.S. EPA reviewed the MAEAP documents and concluded that the NPDES system protects Michigan's water resources to a far greater degree than the MAEAP process.

Instead of implementing a flawed system, my amendment puts a moratorium on huge CAFOs and enforces existing NPDES permit requirements. This amendment would also allow the Legislature and the Department of Environmental Quality to establish an accurate picture of existing facilities. We need to address in a fair and meaningful way the unchecked damage done by existing corporate animal factories. These factory farms and the mass of waste and pollution they produce threaten the health of Michigan citizens and the financial well-being of family farms.

I grew up on a family farm, and Mr. President, these CAFOs are not family farms.

I urge your support on this amendment.

Senator Birkholz's statement is as follows:

You know, we in Michigan, I think, have seen the auto industry begin to learn a lesson, and that is that productivity counts and size matters. Productivity counts because it is the only thing that is going to make you successful in the global marketplace, and size matters because it is part of that whole scenario. Our farming communities have learned that issue.

You know, my grandfather had a family farm. I spent a lot of years of my childhood on that family farm. I loved that family farm. We had a few cows, we had pigs, sheep, some horses, and we had cash crops. But, ladies and gentlemen, the family farms as we once knew it—that dream of a family farm—really does not exist anymore unless you are a boutique farmer. We have a few of those. Unless you are vegan or a vegetarian, you probably enjoy a steak on the grill every once in a while.

Many of you in this room today, I can assure you probably stopped at one of those fast-food restaurants on the way in for something with eggs in it for your breakfast. Farmers are great folks. They are good people. They are the salt of the earth, and they care about our natural resources. They have invested highly in our natural resources, and if our natural resources don't stay clean and of good quality, they can't continue to operate.

Unfortunately, we have had some bad actors in this state—some very bad actors. They have used and abused this system that we have. They have given farmers a bad name. They have dirtied the faces of a lot of good farmers. So what we have done in this legislation is to strengthen the law, and believe me, we feel very strongly that with this law, we will be able to shut them down and shut them down much faster. We are not going to let them pollute. If they pollute, they are going to get the boot out of Michigan.

We also have added pathogen testing. This is critical. We need to be able to test the waters of our state to make sure that we do not have pathogens in the water. The scientists will tell you it's not perfected enough, but they will also tell you that we are on the cusp of having some very good ways to test. They are perfecting it now, so that is why in this legislation we have a pathogen advisory council, and we have pathogen testing required for two watersheds; not just a stream, not just a river, but an entire watershed. So they can figure out not only the pathogens and the sources, but the source of the pathogen. Is it coming from somebody's septic field who hasn't taken proper care of their septic system, or is it coming from that CAFO? That is in this legislation.

Our Michigan citizens deserve to have good, sanitary, safe, well-grown food products. They want that and they deserve it, and clean water is essential. It is the gold of this century. We are going to move this further down the field. We are going to push that ball down the field. The legislation will drive that science forward. I am sure that our colleagues in the House will have some changes that they want to make to these bills. I am looking forward to working with them on some positive changes if they have some.

I would like to thank, particularly, my colleagues from the 34th and the 16th Districts who have let me add enormous pages and a lot of words to their bills, but I think it improves them and makes it better for the citizens of this state. I would like to thank the staff and the Legislative Service Bureau who worked really hard. In fact, as probably you know, that's why we were at recess. We were waiting for them to draft some of our final amendments.

We have some good bills here. We have a good product. We are going to improve the science. We are going to get rid of the bad actors. Michigan needs this legislation, our economy needs this legislation, and our farmers need this legislation.

I urge you to support it as-is, and I urge you to reject the substitute that is before us now.

Senator Brown's statement is as follows:

I will speak very briefly as one who lives in the family-farm house that my great-great-grandparents built. My mother grew up on that farm. These bills establish a measure of environmental stewardship while helping our economy. There has been so many things said that I would, on face value, absolutely disagree with. One point I do want to stress is that the comparison made between Michigan and North Carolina is absolutely apples and oranges. The North Carolina of 10 years ago, incidentally, their ban is lifted, I believe, at the end of this year. Ten years ago, North Carolina did not have a modus of any measure of environmental protection in place. Certainly, nothing like the MAEAP program under which we have been operating now—farmers have been operating under voluntarily for a number of years.

So we have put measures in place and we continue to do so by this legislation which, incidentally, does represent progress, and I think it is responsible. I think it can be helpful. The inclusion of the testing information, bringing the universities onboard, absolutely is extremely beneficial.

This is progress. I would urge members to support the bill.

Senator Jelinek's statement is as follows:

We have heard and it bears repeating, Michigan agriculture accounts for \$60.1 billion in state economic activity, over a million Michigan jobs. That is 1 in 4 workers and over \$8.6 billion in state investment in the last five years. In addition to this current activity, agriculture is positioned to grow with the additional stimulus from corn ethanol booms. However, this success will be dependent on a viable agriculture industry in Michigan.

MAEAP-verified farms follow a site-specific nutrient management plan. They monitor the weather, and they employ conservation practices that are verified by the state. Attaining MAEAP certification is not easy and it is not cheap. It is a responsible way for farmers to demonstrate that they are good stewards of the environment. These farmers are making

a commitment to all Michigan residents to follow a rigorous standard that they apply on themselves for the ability to carry on their livelihood activities.

Farms found in violation of environmental law are under the jurisdiction of the DEQ and timely enforcement action should be taken. It is time now. We must support these bills in order to maintain the valuable economic engine for Michigan that agriculture supplies. We need to support these bills.

Senator Patterson moved that he be removed as co-sponsor of the following bill:

Senate Bill No. 504

The motion prevailed.

The President pro tempore, Senator Richardville, resumed the Chair.

The following bill was read a third time:

Senate Bill No. 448, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3115 (MCL 324.3115), as amended by 2004 PA 143, and by adding section 3113a.

The question being on the passage of the bill,

Senator Kahn offered the following amendments:

1. Amend page 2, line 19, after "**SHALL**" by inserting "**NOTIFY EACH CITY, VILLAGE, OR TOWNSHIP, AND THE COUNTY IN WHICH THE LARGE CAFO IS LOCATED AND SHALL**".

2. Amend page 4, following line 10, by inserting:

"(9) THE DEPARTMENT OF AGRICULTURE SHALL POST ON ITS WEBSITE A LIST OF THE CERTIFICATES OF CONSTRUCTION THAT ARE APPROVED UNDER THIS SECTION, INCLUDING THE FARM NAME AND ADDRESS." and renumbering the remaining subsection.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Brater offered the following amendment:

1. Amend page 8, following line 14, by inserting:

"(14) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, A PERSON MAY BRING AN ACTION AGAINST THE OWNER OR OPERATOR OF A LARGE CAFO FOR DAMAGES DUE TO THE REDUCTION IN PROPERTY VALUE OF HIS OR HER PROPERTY CAUSED BY THE LARGE CAFO IF THE PERSON OWNED THE PROPERTY ADVERSELY AFFECTED BY THE LARGE CAFO PRIOR TO THE CONSTRUCTION OR OPERATION OF THE LARGE CAFO."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 185

Yeas—17

Anderson	Clarke	Olshove	Scott
Basham	Gleason	Patterson	Switalski
Brater	Hunter	Prusi	Thomas
Cherry	Jacobs	Schauer	Whitmer
Clark-Coleman			

Nays—21

Allen	Cropsey	Jansen	Pappageorge
Barcia	Garcia	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Hardiman	McManus	Van Woerkom
Cassis			

Excused—0

Not Voting—0

In The Chair: Richardville

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. 186

Yeas—21

Allen	Cropsey	Jansen	Pappageorge
Barcia	Garcia	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Hardiman	McManus	Van Woerkom
Cassis			

Nays—17

Anderson	Clarke	Olshove	Scott
Basham	Gleason	Patterson	Switalski
Brater	Hunter	Prusi	Thomas
Cherry	Jacobs	Schauer	Whitmer
Clark-Coleman			

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators Brater and Brown asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

Mr. President, what this amendment does is it gives recourse to neighbors of CAFOs. Usually, they are other farmers, as I stated earlier, who have significantly lost their property value and their ability to inhabit their homes due to their proximity to these operations.

The siting rules in these bills allow CAFOs to establish operations within just hundreds of feet from an existing home. Currently, the law prohibits the owner of property from recovering lost property value from the CAFO operation. This type of restriction has been found to be unconstitutional in a number of states, including Iowa. My amendment would assure that landowners in Michigan can recover at least the lost value of their property.

Mr. President, I hope that you and our other colleagues have had an opportunity to view the Sierra Club video interviewing farmers who live side-by-side in these operations. It is completely heartbreaking. It's enough to make you cry. In fact, there are farmers on that film weeping because of their inability to live in their homes anymore that their families have lived in and farmed in for generations.

What we are talking about here are fumes where you can't eat, you can't breathe, and you can't sleep, dealing with these noxious odors. You're dealing with pathogens in your close proximity: E-coli, cryptosporidium, and other pathogens that you and your children are being exposed to. There is no way that you can inhabit your own home, and there is no way that you can sell it to anybody else.

I hope that you will take mercy on these poor people. Through no fault of their own, they are being forced, because of the inaction of this Legislature, to live side-by-side with these operations. I ask you to support this amendment.

Senator Brown's statement is as follows:

I rise to oppose the amendment. There is nothing in this legislation that expressly prohibits a private right of action. This amendment will increase unnecessary litigation. It certainly singles out agriculture, and if it's good in this instance, what about other circumstances where individuals think their neighbor is diminishing their property values?

Mr. President, people are moving into prime agricultural areas in our state which, as we know, is leading to more conflict, but we should as a consequence look for more ways to reduce this conflict, not increase it.

The following bill was read a third time:

Senate Bill No. 447, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112 (MCL 324.3112), as amended by 2005 PA 33.

The question being on the passage of the bill,

Senator Pappageorge offered the following amendment:

1. Amend page 5, following line 21, by inserting:

"(11) AS USED IN THIS SECTION, "OWNER OR OPERATOR OF A LARGE CAFO" MEANS EITHER THE PERSON ACTUALLY OWNING OR OPERATING THE LARGE CAFO OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY OR A SHAREHOLDER IN THE SAME COMPANY IN WHICH THE OWNER OR OPERATOR HAS A MEMBERSHIP INTEREST IN OR ANY OTHER IMMEDIATE SUCCESSOR IN INTEREST."

The amendment was adopted, a majority of the members serving voting therefor.

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. 187

Yeas—22

Allen	Cropsey	Jelinek	Patterson
Barcia	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Jansen		

Nays—16

Anderson	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Olshove	Switalski
Brater	Gleason	Prusi	Thomas
Cherry	Hunter	Schauer	Whitmer

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 503, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 86.

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. 188**Yeas—23**

Allen	Clarke	Jansen	Patterson
Barcia	Cropsey	Jelinek	Richardville
Birkholz	Garcia	Kahn	Sanborn
Bishop	George	Kuipers	Stamas
Brown	Gilbert	McManus	Van Woerkom
Cassis	Hardiman	Pappageorge	

Nays—15

Anderson	Clark-Coleman	Olshove	Switalski
Basham	Gleason	Prusi	Thomas
Brater	Hunter	Schauer	Whitmer
Cherry	Jacobs	Scott	

Excused—0**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 501, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 8613.

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. 189**Yeas—22**

Allen	Cropsey	Jelinek	Patterson
Barcia	Garcia	Kahn	Richardville

Birkholz
Bishop
Brown
Cassis

George
Gilbert
Hardiman
Jansen

Kuipers
McManus
Pappageorge

Sanborn
Stamas
Van Woerkom

Nays—16

Anderson
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4261, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

(This bill was read a third time earlier today and consideration postponed. See p. 912.)

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. 190

Yeas—35

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Prusi

Richardville
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—3

Cassis

Patterson

Sanborn

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 588

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

The following bill was read a third time:

Senate Bill No. 588, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 3, 5, 11, 17, and 18 (MCL 125.2873, 125.2875, 125.2881, 125.2887, and 125.2888) and by adding section 29.

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. 191**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 354

The motion prevailed.

Senate Bill No. 266, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending section 1 of article I, sections 5, 6, 7, and 10 of article II, section 6 of article III, and section 2 of article V (MCL 475.1, 476.5, 476.6, 476.7, 476.10, 477.6, and 479.2), section 1 of article I, sections 5 and 7 of article II, and section 6 of article III as amended by 1993 PA 352, sections 6 and 10 of article II as amended by 1982 PA 399, and section 2 of article V as amended by 1996 PA 76, and by adding section 7 to article V.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 360, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11e (MCL 247.661e), as amended by 2006 PA 141.

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 192**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of
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:

There is an old African proverb that says, "Not through height does one see the moon." In other words, you don't have to be the tallest or the loudest or the most powerful to have vision and dreams and ideas.

I am certainly not the tallest nor am I the loudest. There's plenty of competition for that, and I am hardly the most powerful. But I am here to tell you that I can see the moon. I can see a day when the homeowners and drivers of the city of Detroit and the entire state are treated fairly and equitably when it comes to obtaining the insurance they need. I can also see a day when insurance is affordable and available to all individuals, regardless of where or how they live or what they do for a living.

I'll admit that some days that visibility of the moon can be pretty obscured by fog or clouds or storms, but I'm not going to give up. My goal of getting my legislation passed is still out there, and I only hope your forecast is clear and bright.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senator Van Woerkom introduced

Senate Bill No. 595, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105, 1107, 1109, 2111, 2113, 2119, 2123, 2125, 2129, 3103, 3119, 3121, 3123, 3125, 3127, 3135, 3137, 3139, 4101, 4103, 4105, 4107, 4111, 4113, 4116, 4117, 4125, 5101, 5105, 5107, 6101, 6115, 6129, 6137, 6147, 6149, 7105, 7113, 7115, 7119, 7125, 7137, 8105, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.2111, 289.2113, 289.2119, 289.2123, 289.2125, 289.2129, 289.3103, 289.3119, 289.3121, 289.3123, 289.3125, 289.3127, 289.3135, 289.3137, 289.3139, 289.4101, 289.4103, 289.4105, 289.4107, 289.4111, 289.4113, 289.4116, 289.4117, 289.4125, 289.5101, 289.5105, 289.5107, 289.6101, 289.6115, 289.6129, 289.6137, 289.6147, 289.6149, 289.7105, 289.7113, 289.7115, 289.7119, 289.7125, 289.7137, 289.8105, and 289.8107), sections 1109, 3119, 4111, 4117, 6101, and 6149 as amended by 2002 PA 487 and section 4116 as added by 2004 PA 267, and by adding sections 6140 and 7106; 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 Agriculture.

Senators Basham, Anderson, Gleason and Olshove introduced

Senate Bill No. 596, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21788. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Basham introduced

Senate Bill No. 597, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 2a and 4 (MCL 125.1502a and 125.1504), section 2a as added by 1999 PA 245 and section 4 as amended by 2004 PA 584.

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

Senators Cassis and Pappageorge introduced

Senate Bill No. 598, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2006 PA 664.

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

Senators Garcia, Anderson and Gleason introduced

Senate Bill No. 599, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2002 PA 120.

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

Senator Brown introduced

Senate Bill No. 600, entitled

A bill to amend 2006 PA 479, entitled "Michigan promise grant act," by amending sections 4 and 8 (MCL 390.1624 and 390.1628).

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

House Bill No. 4650, entitled

A bill to revise the standards under which courts of this state recognize foreign money judgments; to establish procedures for the recognition of foreign money judgments; to limit the time within which an action to enforce a foreign money judgment may be commenced; to make uniform the law relating to the enforcement of foreign money judgments; and to repeal acts and parts of acts.

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. 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.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 19, 2007, at 1:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, June 19, 2007, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Stamas and Clarke

Excused: Senators Gilbert and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:
Meeting held on Wednesday, June 20, 2007, at 9:00 a.m., Room 100, Farnum Building
Present: Senators Allen (C), Pappageorge, Olshove and Basham
Excused: Senator Garcia

Scheduled Meetings

Agriculture, Joint Senate/House - Thursday, June 21, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, June 21, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)
(CANCELED)

Higher Education - Thursday, June 28, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Education - Thursday, June 21, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, June 21, 1:00 p.m., Room 210, Farnum Building (373-7350)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:23 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, June 21, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate