

**No. 46**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

---

---

Senate Chamber, Lansing, Tuesday, May 13, 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 not 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 Switalski of the 10th District offered the following invocation:

Good morning, Lord. Thank You for a wonderful weekend, capped by Mother's Day on Sunday. I am sure I speak for all of the Senators when I thank You for all of our wonderful mothers, without whom none of us would be here today.

Thank you for allowing me to enjoy the day with my 82-year-old mother Nancy. Thank You for her renewed good health in 2008, after many struggles last year. Grant my wife Roma a safe flight to Scotland tonight, as she goes to celebrate her mother Jenny's 90th birthday.

There's nothing in life like a mother, Lord. Reflecting on our mothers makes us appreciate You. You created all, including the mothers who created us. We are bound forever to our mothers like all things are bound to You. No doubt we disappoint our mothers on occasion, just as we must disappoint You with our many follies, our pettiness, and our neglect to call home or pray. But You and our mothers seem to have an infinite capacity for forgiveness.

Senators, let's not impose upon our Lord and mother's generosity. By this prayer, Lord, we dedicate ourselves to do the people of Michigan's business today with patience, understanding, and with love. Let's make our mothers proud. Amen.

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

### Recess

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

The motion prevailed, the time being 10:04 a.m.

11:27 a.m.

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

During the recess, Senators Patterson, Gilbert, McManus, Sanborn, Hardiman, Hunter, Garcia, Brown, Kuipers, Bishop, Cassis, Stamas, Van Woerkom, Pappageorge, Jelinek, Kahn, Allen, Jansen, Birkholz and George entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointments:

#### Certificate of Need Commission

Ms. Vicky L. Schroeder, a Republican, of 1240 Mesa Junction Drive S.W., Byron Center, Michigan 49315, county of Kent, succeeding Kathie L. VanderPloeg-Hoekstra, whose term has expired, representing companies that are not self-insured for health coverage, for a term commencing March 28, 2008 and expiring December 31, 2010.

Mr. Peter B. Ajluni, D.O., a Republican, of 1080 Dowling Road, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent osteopathic physicians engaged in the practice of osteopathic medicine and surgery, for a term commencing April 10, 2008 and expiring April 9, 2011.

Mr. Michael W. Young, D.O., a Democrat, of 3051 Courtz Isle, #6, Flint, Michigan 48532, county of Genesee, reappointed to represent physicians licensed under part 170 or 175 representing a school of medicine or osteopathic medicine, for a term commencing April 10, 2008 and expiring April 9, 2011.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

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

May 6, 2008

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Justice Training Fund, Michigan Commission on Law Enforcement Standards, Michigan Department of State Police, for the period October 1, 2005 through September 30, 2007.

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

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

The following communication was received:  
Department of State

Administrative Rules  
Notice of Filing

May 8, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 11:46 a.m. this date, administrative rule (08-05-03) for the Department of Labor and Economic Growth, Director's Office, entitled "*Michigan Elevator Laws and Rules.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 8:  
**House Bill Nos. 4146 5792**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, May 9, for her approval the following bills:

**Enrolled Senate Bill No. 751 at 10:28 a.m.**  
**Enrolled Senate Bill No. 115 at 10:30 a.m.**

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, May 8, and are available at the legislative website:

|                                |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Senate Bill Nos.</b>        | <b>1287</b> | <b>1288</b> | <b>1289</b> | <b>1290</b> | <b>1291</b> | <b>1292</b> | <b>1293</b> | <b>1294</b> | <b>1295</b> | <b>1296</b> | <b>1297</b> | <b>1298</b> | <b>1300</b> | <b>1301</b> |
|                                | <b>1302</b> | <b>1303</b> | <b>1304</b> | <b>1305</b> | <b>1306</b> | <b>1307</b> |             |             |             |             |             |             |             |             |
| <b>Senate Joint Resolution</b> | <b>N</b>    |             |             |             |             |             |             |             |             |             |             |             |             |             |
| <b>House Bill Nos.</b>         | <b>6069</b> | <b>6070</b> | <b>6071</b> | <b>6072</b> | <b>6073</b> | <b>6074</b> | <b>6075</b> | <b>6076</b> | <b>6077</b> | <b>6078</b> | <b>6079</b> | <b>6080</b> | <b>6081</b> | <b>6082</b> |
|                                | <b>6083</b> | <b>6084</b> | <b>6085</b> | <b>6086</b> |             |             |             |             |             |             |             |             |             |             |
| <b>House Joint Resolution</b>  | <b>BBB</b>  |             |             |             |             |             |             |             |             |             |             |             |             |             |

The Secretary announced that the following official bills were printed on Friday, May 9, and are available at the legislative website:

|                         |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Senate Bill Nos.</b> | <b>1308</b> | <b>1309</b> | <b>1310</b> | <b>1311</b> |             |             |             |             |             |             |             |             |             |             |
| <b>House Bill Nos.</b>  | <b>6087</b> | <b>6088</b> | <b>6089</b> | <b>6090</b> | <b>6091</b> | <b>6092</b> | <b>6093</b> | <b>6094</b> | <b>6095</b> | <b>6096</b> | <b>6097</b> | <b>6098</b> | <b>6099</b> | <b>6100</b> |
|                         | <b>6101</b> | <b>6102</b> | <b>6103</b> | <b>6104</b> | <b>6105</b> | <b>6106</b> | <b>6107</b> |             |             |             |             |             |             |             |

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 messages from the Governor were received:

Date: May 8, 2008

Time: 2:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 415 (Public Act No. 120), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 9205b.

(Filed with the Secretary of State on May 9, 2008, at 9:24 a.m.)

Date: May 8, 2008

Time: 2:19 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 209 (Public Act No. 122), being**

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 53b (MCL 211.53b), as amended by 2006 PA 378.

(Filed with the Secretary of State on May 9, 2008, at 9:28 a.m.)

Date: May 8, 2008

Time: 2:21 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1161 (Public Act No. 123), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit

the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 20173a (MCL 333.20173a), as added by 2006 PA 28.

(Filed with the Secretary of State on May 9, 2008, at 9:30 a.m.)

Date: May 8, 2008  
Time: 2:23 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 716 (Public Act No. 124), being**

An act to amend 2004 PA 47, entitled “An act to provide for and to regulate access to and disclosure of medical records; to prescribe powers and duties of certain state agencies and departments; to establish fees; to prescribe administrative sanctions; and to provide remedies,” by amending section 3 (MCL 333.26263).

(Filed with the Secretary of State on May 9, 2008, at 9:32 a.m.)

Date: May 8, 2008  
Time: 2:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 108 (Public Act No. 130), being**

An act to amend 2002 PA 48, entitled “An act to create a telecommunication rights-of-way oversight authority; to provide for fees; to prescribe the powers and duties of municipalities and certain state agencies and officials; to provide for penalties; and to repeal acts and parts of acts,” by amending section 13 (MCL 484.3113).

(Filed with the Secretary of State on May 9, 2008, at 9:44 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

**Certificate of Need Commission**

Ms. Vicky L. Schroeder, a Republican, of 1240 Mesa Junction Drive S.W., Byron Center, Michigan 49315, county of Kent, succeeding Kathie L. VanderPloeg-Hoekstra, whose term has expired, representing companies that are not self-insured for health coverage, for a term commencing March 28, 2008 and expiring December 31, 2010.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

**Roll Call No. 299**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

**Certificate of Need Commission**

Mr. Peter B. Ajluni, D.O., a Republican, of 1080 Dowling Road, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent osteopathic physicians engaged in the practice of osteopathic medicine and surgery, for a term commencing April 10, 2008 and expiring April 9, 2011.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

**Roll Call No. 300**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

**Certificate of Need Commission**

Mr. Michael W. Young, D.O., a Democrat, of 3051 Courtz Isle, #6, Flint, Michigan 48532, county of Genesee, reappointed to represent physicians licensed under part 170 or 175 representing a school of medicine or osteopathic medicine, for a term commencing April 10, 2008 and expiring April 9, 2011.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

**Roll Call No. 301**

**Yeas—38**

|          |               |         |              |
|----------|---------------|---------|--------------|
| Allen    | Clark-Coleman | Jansen  | Richardville |
| Anderson | Clarke        | Jelinek | Sanborn      |

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

### **Messages from the House**

#### **Senate Bill No. 749, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 3185 and 3285.

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.

By unanimous consent the Senate proceeded to the order of

#### **Third Reading of Bills**

Senator Cropsey moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 834**

**Senate Bill No. 1243**

The motion prevailed.

The following bill was read a third time:

#### **Senate Bill No. 834, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278a (MCL 380.1278a), as added by 2006 PA 124.

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. 302**

**Yeas—38**

|          |               |         |              |
|----------|---------------|---------|--------------|
| Allen    | Clark-Coleman | Jansen  | Richardville |
| Anderson | Clarke        | Jelinek | Sanborn      |
| Barcia   | Cropsey       | Kahn    | Schauer      |

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Switalski's statement is as follows:

This bill promotes and permits, but does not mandate, that financial literacy be among the options of courses eligible to fulfill the math requirements under the revised curriculum standards. Financial literacy would be both a valuable and a popular course for students. And, Mr. President, just how many math courses can you say that about?

The current level of bankruptcies, foreclosures, and savings rates testify to just how valuable a course it would be. It's supported by the Department of Education, banks, credit unions, and people who hold the value of financial literacy and fiscal responsibly dear. I hope that all members will support the bill.

The following bill was read a third time:

**Senate Bill No. 1243, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending the title and sections 2, 11, 22, 58, 58a, 58b, and 58c (MCL 125.1402, 125.1411, 125.1422, 125.1458, 125.1458a, 125.1458b, and 125.1458c), the title as amended and sections 58, 58a, 58b, and 58c as added by 2004 PA 480, section 11 as amended by 2004 PA 549, and section 22 as amended by 2002 PA 385, and by adding sections 58e and 58f; and to repeal acts and parts of acts.

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. 303**

**Yeas—38**

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



**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**House Bill No. 5174, entitled**

A bill to allow certain active duty service members to terminate motor vehicle leases; to provide for the rights and responsibilities of the lessees and lessors to those terminated motor vehicle leases; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide penalties; and to provide for the disposition of civil fines.

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. 4557, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 435 and 438 (MCL 206.435 and 206.438), section 435 as added by 2007 PA 133 and section 438 as added by 2004 PA 364.

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.

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

The motion prevailed.

Senator Anderson's statement is as follows:

I would ask members to join me in recognizing someone who has been a part of my office since January of last year. I have a member who is my chief of staff who is taking a position with MDOT. We certainly hate to see him go, but I know that he is going to be doing very well in his new position and, certainly, for MDOT will be doing a great job for MDOT. He served not only in my office, but in a number of other legislative offices over the years. Other than myself, he was the other old guy in my office. I wanted to mention that I am forever indebted for everything he did to help get my office off the ground and running smoothly last year.

I wanted to ask members to join me in giving him a great send-off and thanking Mark Polsdofer for his time in my office and good luck to him with MDOT.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Allen, Kahn, Schauer and Pappageorge introduced

**Senate Bill No. 1312, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5404, 5405, 5406, 5407, and 5427 (MCL 700.5404, 700.5405, 700.5406, 700.5407, and 700.5427), section 5406 as amended by 2000 PA 464.

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

**House Bill No. 4146, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 134; 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 Economic Development and Regulatory Reform.

**House Bill No. 5792, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 496a.

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 Campaign and Election Oversight.

### Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

Frank Yerby is a well-known historical novelist. He was the first African American to write a best-selling novel and to have a book purchased by a Hollywood studio to adapt for a film. During his prolific career, Yerby wrote 33 novels and sold more than 55 million hardback and paperback books. He was born in Georgia but later migrated to Dearborn, Michigan, for a brief time to work as a technician for Ford Motor Company. He was smart, perceptive, and an eloquent writer. Frank Yerby’s philosophy was “to each day its own resources.” Yes, certainly I concur—to each day its own resources.

Now some of you might suggest that I ought to tap some different resources besides my daily Senate floor statements to gain passage of my bills, but others of you know that this statement is hardly my only effort. I am out amongst the people every day—the same people who can no longer afford insurance to cover their cars or homes; the same people who risk further financial risk by driving without insurance—that is, if they can afford the gas for their uninsured vehicles; the same people who, when fire or other disaster hits their homes, watch their worldly goods disappear because they could not afford insurance to protect them.

I talk to my colleagues on both sides of the aisle and in both chambers. I talk to outside experts. I talk to the business community. I talk to church groups. I talk to professional associations. I talk to my neighbors, and I listen to their complaints. I bring this issue to the forefront every chance I get. And I always promise them that I will use all my resources and return to Lansing and plead with my colleagues to move my bills.

Senator Hardiman’s statement is as follows:

I’d like to speak to the roll call votes from last Thursday, a date which I was absent. I was at a National Institute of Building Sciences board meeting, a board that I was appointed to by President Bush. We had a very important meeting. I want to give my thoughts on the roll calls. On Roll Call Nos. 294-297, I would have voted “yes.”

On Roll Call No. 298, that’s the smoking ban, I would have voted “no,” and let me just explain that I thought the amendments were appropriate. I would have voted “yes” for that and “yes” for the bill had they been placed on the bill. I have a problem voting to ban a legal activity from private property. While I hate smoking, I feel strongly about that principle. On Roll Call No. 298, as it stood, I would have voted “no.”

### Committee Reports

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 674, entitled**

A bill to amend 1968 PA 251, entitled “Cemetery regulation act,” by amending the title and sections 2, 2a, 8, 9, 10, 12, 12a, 13, 15, 16, and 18 (MCL 456.522, 456.522a, 456.528, 456.529, 456.530, 456.532, 456.532a, 456.533, 456.535, 456.536, and 456.538), the title and sections 2, 8, 9, 10, 12, 12a, 13, 15, 16, and 18 as amended by 2004 PA 22 and section 2a as added by 1982 PA 132, and by adding sections 9a and 9b; and to repeal acts and parts of acts.

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.

Alan Sanborn  
Chairperson

## To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

**House Bill No. 5102, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 23 (MCL 432.23), as amended by 2004 PA 272.

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, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

**House Bill No. 5936, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 720, 723, 724, 728, and 734 (MCL 339.720, 339.723, 339.724, 339.728, and 339.734), sections 720 and 724 as added by 1997 PA 10, sections 723 and 734 as amended by 2005 PA 278, and section 728 as amended by 2000 PA 334, and by adding sections 727a and 734a.

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, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was 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, May 7, 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 Agriculture reported

**House Bill No. 5509, entitled**

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending sections 3, 13, and 15 (MCL 285.313, 285.323, and 285.325).

With the recommendation that the bill pass.

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

Gerald Van Woerkom  
Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:  
Meeting held on Thursday, May 8, 2008, at 9:00 a.m., Room 110, Farnum Building  
Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, May 7, 2008, at 3:02 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Thursday, May 8, 2008, at 1:00 p.m., Room 405, Capitol Building

Present: Senators George (C) and Clark-Coleman

Excused: Senator Brown

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 8, 2008, at 2:10 p.m., Room 210, Farnum Building

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

Excused: Senator Richardville

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Michigan Business Tax Impact Assessment submitted the following:

Meeting held on Thursday, May 8, 2008, at 3:00 p.m., Davenport University, Richard M. DeVos and Jay Van Andel Academic Building, Rooms A and B, 6191 Kraft Avenue, S.E., Grand Rapids

Present: Senators Jansen (C) and Gilbert

Excused: Senator Prusi

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 8, 2008, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C) and Barcia

Excused: Senator Cropsey

#### Scheduled Meetings

**Appropriations** - Wednesday, May 14, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

##### Subcommittees -

**Agriculture** - Wednesday, May 14, 3:00 p.m., Room 405, Capitol Building (373-2768) (CANCELED)

**Economic Development** - Wednesday, May 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

**General Government** - Tuesday, May 20, 3:00 p.m., Room 405, Capitol Building (373-2768)

**History, Arts, and Libraries** - Thursday, May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Human Services Department** - Thursday, May 15, 12:45 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Judiciary and Corrections** - Wednesdays, May 14 (CANCELED) and May 21, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursday, May 15, 3:00 p.m., Rooms 402 and 403, Capitol Building and Wednesday, May 21, 1:00 p.m., Room 210, Farnum Building (373-2768)

**Transportation Department** - Thursday, May 15, 12:30 p.m., Room 405, Capitol Building (373-2768)

**Campaign and Election Oversight** - Wednesday, May 14, 12:30 p.m., Room 405, Capitol Building (373-1725)

**Energy Policy and Public Utilities** - Thursday, May 15, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Finance** - Thursday, May 15, 11:00 a.m., Room 110, Farnum Building (373-1758)

**Subcommittee -**

**Michigan Business Tax Impact Assessment** - Thursday, May 15, 3:00 p.m., Oakland University, Elliott Hall, Room 242, 2200 N. Squirrel Road, Rochester; Friday, May 16, 1:30 p.m., Saginaw Valley State University, Wickes Hall, Marble Lecture Room-115, 7400 Bay Road, University Center; and Monday, May 19, 11:00 a.m., The University Center at Gaylord, Room U111-112, 80 Livingston Boulevard, Gaylord (373-1854)

**Health Policy** - Wednesday, May 14, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Legislative Commission on Government Efficiency** - Monday, May 19, 9:00 a.m., Michigan Economic Development Corporation, Conference Room, 20255 Victor Parkway, Suite 180, Livonia (373-0212)

**Legislative Commission on Statutory Mandates** - Tuesday, May 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Natural Resources and Environmental Affairs** - Wednesday, May 14, 1:30 p.m., Room 110, Farnum Building (373-3447) (CANCELED)

**Natural Resources and Environmental Affairs/House Great Lakes and Environment** - Wednesday, May 14, 12:30 p.m., Room 519, South Tower, House Office Building (373-3447)

**State Drug Treatment Court Advisory Committee** - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 12:06 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 14, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

