

No. 63
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, June 24, 2008.

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—excused
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Minister Thomas Koning of Faith Chapel Ministries of Kalamazoo offered the following invocation:

Our gracious God, we thank You that we can come here today. We thank You for who You are and for all the things You do for us. We thank You for the freedom that we enjoy here today and for the opportunity to assemble and to carry on the work of government. I pray today, Lord, that You will bless each one who is assembled here. Be with everyone in their own personal lives and their particular needs and their families. We pray, Lord, that You will protect them and preserve them.

We also pray that this Senate session will be a meaningful one and productive one. Lord, give us wisdom, give us courage, give us guidance, and also a cooperative spirit, that we might be able to move forward in a way that will be effective for the entire state and for all of its citizens.

We ask now, Lord, that You would prosper us in the days ahead. Help us with the economic challenges that we face here in our state. We know that You are a God who can do all things and that You can supply us with Your gracious and bountiful hand.

So hear our prayer now, and we thank You for what we know You will do. We ask it in Your name. Amen

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

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess until 11:00 a.m.

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

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senator Barcia entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess until 12:00 noon.

The motion prevailed, the time being 11:01 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Recess

Senator Cropsey moved that the Senate recess until 1:00 p.m.

The motion prevailed, the time being 12:01 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

Senator Cropsey moved that Senator Stamas be excused from today's session.

The motion prevailed.

The following communication was received and read:
Office of the Senate Majority Leader

June 19, 2008

Pursuant to Joint Rule 3, the House having non-concurred in the Senate amendment to the House substitute (H-9) to Senate Bill 511, the Senate appoints the following members to sit on the conference committee:

Senator Michelle McManus, Chair

Senator Ron Jelinek
 Senator Michael Switalski
 Thank you for your prompt consideration of this matter.

Sincerely,
 Michael D. Bishop, Majority Leader
 State Senate, 12th District

The communication was referred to the Secretary for record.

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

June 20, 2008

Enclosed is a copy of the following audit report:
 Financial audit, including the provisions of the Single Audit Act, of the Department of Corrections (DOC) 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 communications were received:
 Department of State

Administrative Rules
 Notices of Filing

June 20, 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:37 p.m. this date, administrative rule (08-06-07) for the Department of Environmental Quality "Part 2. Air Use Approval."

These rules take effect immediately after filing with the Secretary of State.

June 20, 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:39 p.m. this date, administrative rule (08-06-08) for the Department of Environmental Quality "Part 19. New Source Review for Major Sources Impacting Nonattainment Areas."

These rules take effect immediately after filing with the Secretary of State.

June 20, 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:41 p.m. this date, administrative rule (08-06-09) for the Department of Environmental Quality "Underground Storage Tank Regulations."

These rules take effect 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 communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 19:
House Bill Nos. 4210 4211 4480 5270 5294 5295 5296 5297 5299 5300 5301 5302 5303 5307
5308 5741 5838 6131

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

House Bill Nos. 6246 6247 6248 6249 6250 6251 6252 6253 6254 6255 6256

The Secretary announced that the following official bills were printed on Friday, June 20, and are available at the legislative website:

Senate Bill Nos. 1400 1401 1402

**House Bill Nos. 6257 6258 6259 6260 6261 6262 6263 6264 6265 6266 6267 6268 6269 6270
6271 6272 6273**

Senator Cropsey moved that the following bills, now on the order of the order of Third Reading of Bills, be referred to the Committee on Government Operations and Reform:

Senate Bill No. 124, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

House Bill No. 5779, entitled

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

House Bill No. 5859, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9b (MCL 117.9b), as added by 1982 PA 465.

The motion did not prevail.

Senator Whitmer requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 416

Yeas—19

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

Nays—15

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

Excused—1

Stamas

Not Voting—3

Kuipers	Schauer	Scott
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In The Chair: Richardville

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
Senate Bill No. 776

The motion prevailed.

The following messages from the Governor were received:

Date: June 19, 2008

Time: 10:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 752 (Public Act No. 163), being

An act to amend 1967 PA 150, entitled “An act to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts,” by amending section 237 (MCL 32.637).

(Filed with the Secretary of State on June 19, 2008, at 10:46 a.m.)

Date: June 19, 2008

Time: 10:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 296 (Public Act No. 164), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 81129 (MCL 324.81129), as amended by 2003 PA 111.

(Filed with the Secretary of State on June 19, 2008, at 10:48 a.m.)

Respectfully,
 Jennifer M. Granholm
 Governor

The following message from the Governor was received on June 19, 2008, and read:

EXECUTIVE ORDER

No. 2008-12

**Declaration of State of Emergency
 Osceola County**

WHEREAS, a series of severe storms moved through central and southern lower Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, spawning at least one tornado and causing significant damage to buildings, trees, electrical power lines, roads, culverts, public drains, and bridges;

WHEREAS, the county of Osceola suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to over 145 residences, 3 businesses, as well as to roads, culverts, and bridges;

WHEREAS, the damage to roads, culverts, and bridges impedes emergency service access and poses a significant threat to public health and safety;

WHEREAS, the county of Osceola has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Osceola has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Osceola County.
 2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Osceola County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
 3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.
- This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on June 19, 2008, and read:

EXECUTIVE ORDER
No. 2008-13

**Declaration of State of Emergency
Ottawa County**

WHEREAS, a series of severe storms moved across central Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, causing significant damage to buildings, trees, electrical power lines, roads, culverts, and public drains;

WHEREAS, the county of Ottawa suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to over 261 residences, 11 businesses, as well as to roads, culverts, and public drains;

WHEREAS, remaining storm debris within public drains poses a significant threat to public health and safety;

WHEREAS, the county of Ottawa has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Ottawa has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Ottawa County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Ottawa County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on June 19, 2008, and read:

EXECUTIVE ORDER
No. 2008-14

**Declaration of State of Emergency
Lake County**

WHEREAS, a series of severe storms moved across northwestern lower Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, causing significant damage to buildings, trees, electrical power lines, roads, and culverts;

WHEREAS, the county of Lake suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to roads and culverts;

WHEREAS, the damage to roads and culverts impedes emergency service access and poses a significant threat to public health and safety;

WHEREAS, the county of Lake has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Lake has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Lake County.

2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Lake County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.

3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on June 19, 2008, and read:

EXECUTIVE ORDER
No. 2008-15

**Declaration of State of Emergency
Wexford County**

WHEREAS, a series of severe storms moved across northwestern lower Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, causing significant damage to buildings, trees, electrical power lines, roads, culverts, and public drains;

WHEREAS, the county of Wexford suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to roads, culverts, and public drains;

WHEREAS, the damage to roads, culverts, and public drains impedes emergency service access and poses a significant threat to public health and safety;

WHEREAS, the county of Wexford has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Wexford has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Wexford County.

2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Wexford County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.

3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on June 20, 2008, and read:

EXECUTIVE ORDER
No. 2008-16

**Declaration of State of Emergency
Manistee County**

WHEREAS, a series of severe storms moved through central lower Michigan commencing on June 6 and continuing through June 13, 2008, spawning at least one tornado and causing significant damage to buildings, trees, electrical power lines, roads, culverts, and public drains;

WHEREAS, numerous sites within the city and county of Manistee, including streets, alleys, and sidewalks, have been blocked by as many as 1000 fallen trees and other storm debris resulting in greatly impeded emergency access;

WHEREAS, the county of Manistee suffered widespread and severe damage from the winds and heavy rains of this storm including damage to roads and a number of culverts and blockage to public drains;

WHEREAS, remaining storm debris within the county of Manistee poses a significant threat to public health and safety;

WHEREAS, the damage to roads and culverts impedes emergency access and poses a significant threat to public health and safety;

WHEREAS, the county of Manistee has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Manistee has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Manistee County.

2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Manistee County, and may call upon all state departments to utilize available resources to assist in the emergency area focusing on public health and safety concerns consistent with the Michigan Emergency Management Plan.

3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

June 19, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 16121 and 16521 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.16521:

Michigan Board of Acupuncture

Ms. Rhonda S. Sousley, Ph.D., of 1870 Ludgate Lane, Rochester Hills, Michigan 48309, county of Oakland, reappointed to represent acupuncturists, for a term commencing July 1, 2008 and expiring June 30, 2012.

June 19, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 3 of 1939 PA 176, MCL 423.3:

Employment Relations Commission

Mr. Eugene Lumberg, a Republican, of 4648 Maura Lane, West Bloomfield, Michigan 48323, county of Oakland, reappointed for a term commencing July 1, 2008 and expiring June 30, 2011.

June 19, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Executive Order 2002-6, MCL 256.571:

Governor's Traffic Safety Advisory Commission

Mr. David E. Stamm, II, of 7126 McCandlish Road, Grand Blanc, Michigan 48439, county of Genesee, reappointed to represent local units of government, for a term expiring May 27, 2011.

June 19, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 16121 and 17721 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17721:

Michigan Board of Pharmacy

Ms. Sara A. Fakhoury of 2114 Haverford Court, Troy, Michigan 48098, county of Oakland, reappointed to represent pharmacists, for a term commencing July 1, 2008 and expiring June 30, 2012.

June 20, 2008

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following reappointment to office under Section 11 of the Hospital Finance Authority Act, 1969 PA 38, MCL 331.41:

State Hospital Finance Authority

Ms. Susan W. Martin, Ph.D., of 313 East University Avenue, Royal Oak, Michigan 48067, county of Oakland, reappointed to represent public members, for a term expiring March 1, 2011.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

Senate Bill No. 572, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2004 PA 587.

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:

House Bill No. 6014

House Bill No. 6121

Senate Bill No. 1376

The motion prevailed.

The following bill was read a third time:

House Bill No. 6014, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80205 and 80215 (MCL 324.80205 and 324.80215), section 80205 as amended by 2007 PA 8 and section 80215 as added by 2000 PA 229; 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. 417

Yeas—23

Allen	Brater	Kahn	Sanborn
Anderson	Cherry	McManus	Schauer
Barcia	Clark-Coleman	Olshove	Scott
Basham	Clarke	Pappageorge	Thomas
Birkholz	Garcia	Patterson	Whitmer
Bishop	Hunter	Prusi	

Nays—14

Brown	Gilbert	Jansen	Richardville
Cassis	Gleason	Jelinek	Switalski
Cropsey	Hardiman	Kuipers	Van Woerkom
George	Jacobs		

Excused—1

Stamas

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 not concurred in, 2/3 of the members serving not voting therefor.

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

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6121, entitled

A bill to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 4a (MCL 124.284a), as added by 1985 PA 178.

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. 418

Yeas—37

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

Nays—0

Excused—1

Stamas

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.

The following bill was read a third time:

Senate Bill No. 1376, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2007 PA 146.

The question being on the passage of the bill,

Senator Thomas offered the following amendments:

1. Amend page 3, line 24, by striking out “**100,000**” and inserting “250,000”.
2. Amend page 3, line 24, after “size” by inserting “**OR, IF LOCATED IN A COUNTY WITH A POPULATION OF MORE THAN 750,000 AND LESS THAN 1,100,000, THEN 100,000 SQUARE FEET IN SIZE**”.

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. 419**Yeas—36**

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

Nays—1

Cassis

Excused—1

Stamas

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Allen as Chairperson.

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

House Bill No. 4840, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2007 PA 85.

Senate Bill No. 1367, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2008 PA 108 and section 8 as amended by 2008 PA 110.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1163, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 3 (MCL 400.703), as amended by 1998 PA 442.

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. 635, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending sections 1 and 126 (MCL 125.401 and 125.526), section 126 as amended by 2000 PA 479.

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.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 1403, entitled

A bill to authorize the department of management and budget to convey certain state owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget in implementing the conveyance; to provide for disposition of revenue derived from the conveyance; 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 Appropriations.

Senator Switalski introduced

Senate Bill No. 1404, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 301 and 305 (MCL 168.301 and 168.305), section 301 as amended by 2005 PA 71 and section 305 as amended by 2004 PA 287.

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

Senator Thomas introduced

Senate Bill No. 1405, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 49 (MCL 750.49), as amended by 2006 PA 129, and by adding section 49a.

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

Senator Thomas introduced

Senate Bill No. 1406, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2007 PA 151.

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

Senator Thomas introduced

Senate Bill No. 1407, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 527.

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

Senator Thomas introduced

Senate Bill No. 1408, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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

Senator Prusi introduced

Senate Bill No. 1409, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2008 PA 22.

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

Senator Prusi introduced

Senate Bill No. 1410, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2008 PA 96.

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

Senator Van Woerkom introduced

Senate Bill No. 1411, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 5 (MCL 552.505), as amended by 2002 PA 571.

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

Senators Switalski and Clarke introduced

Senate Bill No. 1412, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 317.

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

Senator Cropsey introduced

Senate Bill No. 1413, entitled

A bill to allow the state of Michigan to enter into a compact for organizing an electronic information sharing system among the federal government and the states that will exchange criminal history records for certain purposes.

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

House Bill No. 4210, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 166.

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 Natural Resources and Environmental Affairs.

House Bill No. 4211, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 229.

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 Natural Resources and Environmental Affairs.

House Bill No. 4480, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 264 (MCL 18.1264), as added by 1988 PA 504.

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 Appropriations.

House Bill No. 5270, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2506 (MCL 339.2506), as amended by 1988 PA 463.

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. 5294, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending the title and sections 1 and 2 (MCL 445.1631 and 445.1632).

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 Banking and Financial Institutions.

House Bill No. 5295, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending sections 3 and 4 (MCL 445.1633 and 445.1634).

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 Banking and Financial Institutions.

House Bill No. 5296, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending section 5 (MCL 445.1635).

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 Banking and Financial Institutions.

House Bill No. 5297, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending sections 6 and 7 (MCL 445.1636 and 445.1637).

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 Banking and Financial Institutions.

House Bill No. 5299, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," (MCL 445.1631 to 445.1645) by adding sections 7c and 7d.

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 Banking and Financial Institutions.

House Bill No. 5300, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending sections 8 and 9 (MCL 445.1638 and 445.1639).

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 Banking and Financial Institutions.

House Bill No. 5301, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending sections 10 and 11 (MCL 445.1640 and 445.1641).

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 Banking and Financial Institutions.

House Bill No. 5302, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending sections 12 and 13 (MCL 445.1642 and 445.1643).

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 Banking and Financial Institutions.

House Bill No. 5303, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending sections 14 and 15 (MCL 445.1644 and 445.1645).

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 Banking and Financial Institutions.

House Bill No. 5307, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 22 (MCL 445.1672), as amended by 2002 PA 391, and by adding section 24a.

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 Banking and Financial Institutions.

House Bill No. 5308, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 24 (MCL 493.74), as amended by 2002 PA 392, and by adding section 24a.

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 Banking and Financial Institutions.

House Bill No. 5741, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2004 PA 587, and by adding section 40115.

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 Natural Resources and Environmental Affairs.

House Bill No. 5838, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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. 6131, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

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 Families and Human Services.

Statements

Senator Hardiman stated that had he been present on June 19 when the votes were taken on placing the following bills at the head of the Third Reading of Bills calendar, he would have voted "nay":

Senate Bill No. 124

House Bill No. 5779

House Bill No. 5859

Senator Hardiman stated that had he been present on June 19 when the votes were taken on the motions that the Senate recess subject to the call of the Chair, he would have voted "yea."

Senator Hardiman stated that had he been present on June 19 when the votes were taken on the passage of the following bills, he would have voted “yea”:

Senate Bill No. 880
Senate Bill No. 881
Senate Bill No. 138
Senate Bill No. 1320

Senator Hardiman stated that had he been present on June 19 when the vote was taken on concurring in the House substitute, to the following bill, he would have voted “yea”:

Senate Bill No. 867

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:

For those of you who are unfamiliar with Mel Chapman, he is a nationally-known and highly-respected educator. He served the Detroit Public Schools for 38 years in many capacities, including teacher and executive deputy superintendent. And Mr. Mel Chapman said, “If you’re going to bring about change, do it and be done with it.”

If it were up to me, that’s exactly how we would resolve this endless debate over insurance rates in Michigan. We would make the change and be done with it. Unfortunately, it is not that easy—as I have learned over the previous several decades. It’s not easy to communicate the degree of unfairness and injustice that rules the insurance system in Michigan. It’s not easy to convey the hardship that these unfair rates place on hardworking Michigan residents.

But, you know, my friends, it could be that easy. As Mr. Chapman said, just do it and be done with it. I think he meant move my bills.

Committee Reports

The Committee on Agriculture reported

Senate Bill No. 1195, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 88o (MCL 125.2088o), as added by 2005 PA 215.

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 and Gleason

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, June 19, 2008, at 9:00 a.m., Room 110, Farnum Building

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

Excused: Senator Whitmer

The Committee on Finance reported

Senate Bill No. 1353, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 435 (MCL 206.435), as added by 2007 PA 133.

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

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

Nancy Cassis
 Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1374, entitled

A bill to amend 2001 PA 63, entitled "History, arts, and libraries act," by amending the title and section 2 (MCL 399.702), section 2 as amended by 2008 PA 85, and by adding section 9.

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

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

Nancy Cassis

Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, June 19, 2008, at 12:25 p.m., Room 110, Farnum Building

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

Scheduled Meetings**Appropriations -****Subcommittees -**

Capital Outlay - Thursday, June 26, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Higher Education - Wednesday, June 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

Commerce and Tourism - Wednesday, June 25, and Thursday, June 26, 8:00 a.m., Room 100, Farnum Building (373-2413)

Conference Committees -

Community Colleges (SB 1093) - Wednesday, June 25, 12:45 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health (SB 1094) - Wednesday, June 25, 12:00 noon, Room 405, Capitol Building (373-2768)

Corrections (SB 1095) - Wednesday, June 25, 12:30 p.m., Room 405, Capitol Building (373-2768)

Education (SB 1096) - Wednesday, June 25, 12:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Environmental Quality (SB 1097) - Wednesday, June 25, 1:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education (SB 1099) - Wednesday, June 25, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Military and Veterans Affairs (HB 5812) - Wednesday, June 25, 4:00 p.m., Room 424, Capitol Building (373-8080)

Natural Resources (SB 1106) - Wednesday, June 25, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

School Aid (SB 1107) - Wednesday, June 25, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police (HB 5811) - Wednesday, June 25, 4:00 p.m., Room 424, Capitol Building (373-8080)

Economic Development and Regulatory Reform - Wednesday, June 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Legislative Commission on Government Efficiency - Friday, June 27, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Wednesday, June 25, 2:00 p.m., Oakland County Executive Office Building, Conference Center/West Oakland Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:43 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, June 25, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

