

**No. 81**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

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Senate Chamber, Lansing, Thursday, October 2, 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—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Senator Tony Stamas of the 36th District offered the following invocation:

Lord, we thank You for this beautiful fall day. We thank You for this wonderful opportunity to live in this great nation and for the ability You have given us to serve our state and our communities. We pray that You will help us to have a servant's heart each day, the ability to hear those who are hurting, and the wisdom in reaching out to help.

Lord, we thank You for all the blessings of serving in this great institution of family and friends You have given us, and we just pray that we be Your good and faithful servants.

I pray this in Your holy name. Amen.

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

### Motions and Communications

Senator Bishop entered the Senate Chamber.

### 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.

11:37 a.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

During the recess, Senators Thomas, Schauer, Garcia, George, Basham, Brater, Gilbert, Kahn, Hunter, Brown, Barcia and Clarke entered the Senate Chamber.

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

**Senate Bill No. 1342**

**Senate Bill No. 1343**

**Senate Bill No. 927**

**Senate Bill No. 1160**

**Senate Bill No. 1242**

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

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

#### **Oakland University Board of Control**

Mr. Richard A. Flynn of 43225 Chardonnay Drive, Sterling Heights, Michigan 48314, county of Macomb, succeeding Penny M. Crissman, whose term has expired, representing the general public, for a term commencing August 25, 2008 and expiring August 11, 2016.

Mr. Michael R. Kramer of 1600 Apple Lane, Bloomfield Hills, Michigan 48302, county of Oakland, succeeding David T. Fischer, Sr., whose term has expired, representing the general public, for a term commencing August 25, 2008 and expiring August 11, 2016.

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 Senate Majority Leader

September 30, 2008

Pursuant to the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1234, I am nominating the following person to serve on the Detroit Public Schools Financial Review Team:

Mr. Timotheus (Tim) Weeks, 60 Ottawa Drive, Pontiac, Michigan 48341, county of Oakland.

If you have any questions, please feel free to contact Bill Sullivan in my office at 3-2417.

Sincerely,  
Michael D. Bishop  
Senate Majority Leader

The communication was referred to the Secretary for record.

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

September 30, 2008

Enclosed is a copy of the following audit report:  
Performance audit of the Use of Transportation-Related Funding for the period October 1, 2005 through September 30, 2007, as required by Article 18, Section 306, Act 345, P.A. 2006.

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

September 22, 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 11:40 a.m. this date, administrative rule (08-09-04) for the Department of Education, Superintendent of Public Instruction "School District Pupil Accounting for Distribution of State Aid."

These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 25, 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 4:34 p.m. this date, administrative rule (08-09-05) for the Department of Community Health, Director's Office, entitled "Centralized Prescription Processing Pharmacies."

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.

September 25, 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 4:36 p.m. this date, administrative rule (08-09-06) for the Department of Community Health, Advisory Committee on Sanitarians, entitled "Advisory Committee on Sanitarians."

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.

September 25, 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 4:38 p.m. this date, administrative rule (08-09-07) for the Department of Labor and Economic Growth, Director's Office, entitled "Ski Area Safety."

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 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, September 25:  
**House Bill Nos. 4048 4175 5331 5342 5797 5932 6162 6163 6164 6165 6166 6167 6168 6169**  
**6170 6171 6247 6269 6282 6437 6438 6455**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 29, for her approval the following bills:

- Enrolled Senate Bill No. 338 at 10:17 a.m.**
- Enrolled Senate Bill No. 1304 at 10:19 a.m.**
- Enrolled Senate Bill No. 1464 at 10:21 a.m.**
- Enrolled Senate Bill No. 1465 at 10:23 a.m.**
- Enrolled Senate Bill No. 1418 at 10:25 a.m.**
- Enrolled Senate Bill No. 943 at 10:27 a.m.**
- Enrolled Senate Bill No. 1111 at 10:29 a.m.**
- Enrolled Senate Bill No. 511 at 10:31 a.m.**

The Secretary announced that the following official bills and joint resolution were printed on Thursday, September 25, and are available at the legislative website:

- Senate Bill Nos. 1537 1538 1540 1541**
- House Bill Nos. 6494 6495 6496 6497 6498 6499 6500 6501 6502 6503 6504 6505 6506 6507**
- 6508 6509 6510 6511 6512 6513 6514 6515 6516 6517 6518 6519 6520 6521**
- 6522 6523 6524 6525 6526**
- House Joint Resolution NNN**

The Secretary announced that the following official bills and joint resolution were printed on Friday, September 26, and are available at the legislative website:

- Senate Bill Nos. 1542 1543 1544 1545 1546 1547 1548 1549 1550**
- Senate Joint Resolution P**

Senator Brater moved that the Committee on Campaign and Election Oversight be discharged from further consideration of the following bill:

**Senate Bill No. 12, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

The question being on the motion to discharge,

Senator Cropsey moved that further consideration of the motion be postponed for today.

The motion prevailed.

Senator Thomas 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. 583**

**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  
Cherry

Gleason  
Hunter

Prusi  
Schauer

Thomas  
Whitmer

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

### **Protests**

Senators Brater, Jacobs and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Campaign and Election Oversight from further consideration of Senate Bill No. 12.

Senator Brater's statement, in which Senator Cherry concurred, is as follows:

Mr. President, I voted "no" on that postponement for the day motion because the motion that I made to discharge Senate Bill No. 12 from the campaign and elections committee is a very urgent motion. It is very time-sensitive, and we are not scheduled to be in session between now and Election Day.

Senate Bill No. 12 deals with the issue of allowing voters to vote by absentee ballot without stating a reason. Currently, in the state of Michigan, as you know, in order to vote by absentee ballot, you must state one of five reasons for your inability to be at the polls on Election Day. Twenty-eight states require no reason whatsoever for their voters to vote by absentee ballot. That means that Michigan voters for this coming Election Day, November 4, are at a disadvantage compared to voters in other states in having their voices heard.

We know in this presidential election year that there will be long lines at the polls. We know that this tends to discourage people from voting, and it is very urgent that Senate Bill No. 12 be given a hearing and be taken up on this floor.

I urge my colleagues to reverse this earlier decision and allow this bill to be taken up today.

Senator Jacobs' statement, in which Senator Cherry concurred, is as follows:

Today the people of Michigan were just outmaneuvered by this chamber, and it is a very sad day. Terry Lynn Land, our Secretary of State, endorses this. Hundreds of clerks, as we have heard from our election committee who went all over this state and talked to clerks, all of them want to have this. In fact, the now-defunct Reform Michigan Government Now initiative, and as much as I disliked it, there was polling done and no-reason absentee voting was actually in there because it polled so high with the voters in Michigan—people want this. They want Michigan to have this. Twenty-eight states have this.

We have lost a window of opportunity today to do something for thousands upon thousands of people—people in our districts who will have to stand in line for hours, or who because they have no transportation to get to the polls, or may get sick the day of the election, or may have a child who is ill and can't get to the polls.

We are, in effect, really disenfranchising folks from being able to take part in this great democracy that we have here. So it is with great sadness that I give this "no" vote explanation because we could have all gone home to our districts at the end of the day and been holding our heads up high to say we did something to help the electorate in Michigan.

Senator Cherry's statement is as follows:

I also would like a "no" vote explanation on this bill, that is, that the no-reason absentee voting is law in the state of Alaska, Sarah Palin's state, and in the state of Arizona, Senator McCain's state. So it seems to me we could at least do this for this state.

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**  
**Senate Bill No. 1097**  
**Senate Bill No. 1106**  
**Senate Bill No. 1095**  
The motion prevailed.

The following messages from the Governor were received:

Date: September 29, 2008  
Time: 1:24 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 511 (Public Act No. 278), being**

An act to make, supplement, and adjust appropriations for various state departments and agencies, capital outlay, the legislative branch, and the judicial branch for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State on September 29, 2008, at 3:26 p.m.)

Date: September 29, 2008  
Time: 1:26 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1111 (Public Act No. 279), being**

An act to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal years ending September 30, 2008 and September 30, 2009; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State on September 29, 2008, at 3:28 p.m.)

Date: September 29, 2008  
Time: 1:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1464 (Public Act No. 280), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 809 (MCL 257.809), as amended by 2007 PA 71.

(Filed with the Secretary of State on September 29, 2008, at 3:30 p.m.)

Date: September 29, 2008  
Time: 1:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1465 (Public Act No. 281), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination,

licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 806 (MCL 257.806), as amended by 2007 PA 70.

(Filed with the Secretary of State on September 29, 2008, at 3:32 p.m.)

Respectfully,  
John D. Cherry, Jr.  
Lieutenant Governor and Acting Governor

The following messages from the Governor were received:

September 29, 2008

Today I have signed Senate Bill 511 providing capital outlay appropriations for Fiscal Year 2008. My action today provides planning and construction authorization for eighteen higher education projects, as well as state facility and local recreation projects throughout Michigan. These projects are expected to generate over 11,000 jobs to help stimulate our economy.

I thank the Legislature for its important work on this budget bill.

September 29, 2008

Today I have signed Enrolled Senate Bill 1111. The bill makes supplemental appropriations for Fiscal Years 2008 and 2009 for community colleges, higher education, and the Departments of Agriculture, Community Health, Environmental Quality, Human Services, Management and Budget, Military and Veterans Affairs, State, State Police, and Treasury.

I thank the Legislature for its work on this legislation.

Sincerely,  
John D. Cherry, Jr.  
Lieutenant Governor and Acting Governor

The following messages from the Governor were received and read:

September 26, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Sections 302 and 721 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.721:

**State Board of Accountancy**

Ms. Carla E. Sledge of 24550 North Cromwell Drive, Franklin, Michigan 48025, county of Oakland, succeeding Alan C. Young, whose term has expired, representing certified public accountants, for a term commencing September 26, 2008 and expiring June 30, 2012.

Ms. Mary L. Miller of 23770 Overlook Circle, Franklin, Michigan 48025, county of Oakland, reappointed to represent the general public, for a term expiring June 30, 2012.

September 26, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2601 of the Occupational Code, 1980 PA 299, MCL 339.2601:

**Michigan Board of Auctioneers**

Mr. William L. Sheridan of 3175 Sitts Road, Mason, Michigan 48854, county of Ingham, appointed to represent registered auctioneers, for a term commencing October 2, 2008 and expiring October 1, 2012.

September 26, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 2 of 1978 PA 260, MCL 393.352:

**Commission for the Blind**

Ms. Velma P. Allen of 3810 Wroxton Drive, Flint, Michigan 48532, county of Genesee, reappointed to represent the general public, for a term commencing October 1, 2008 and expiring September 30, 2011.

Ms. Geraldine G. Taeckens of 1131 East Spruce, Sault Ste Marie, Michigan 49783, county of Chippewa, reappointed to represent blind persons, for a term commencing October 1, 2008 and expiring September 30, 2011.

September 26, 2008

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 3 of the Carnival-Amusement Safety Act of 1966, 1966 PA 225, MCL 408.653:

**Carnival-Amusement Safety Board**

Mr. Nicholas J. Infante of 206 University Drive, East Lansing, Michigan 48823, county of Ingham, succeeding the late Douglas P. Clark, representing the retail merchants association, for a term commencing September 26, 2008 and expiring July 10, 2010.

Mr. Jeffrey D. Ledy of 11593 Colby Lake Road, Laingsburg, Michigan 48848, county of Shiawassee, succeeding David W. O'Neill, whose term has expired, representing professional engineers, for a term commencing September 26, 2008 and expiring July 10, 2012.

Ms. Carrie E. Jones of 619 Charles Street, East Lansing, Michigan 48823, county of Ingham, reappointed to represent the general public, for a term expiring July 10, 2012.

Mr. Kurt G. Kipling of 654 Teal Lake Road, Ishpeming, Michigan 49849, county of Marquette, reappointed to represent the general public, for a term expiring July 10, 2010.

Mr. Douglas S. Schmidt of 8757 North Saunders Road, Apt. 10, Sterling, Michigan 48659, county of Bay, reappointed to represent amusement park operators, for a term expiring July 10, 2012.

Sincerely,  
Jennifer M. Granholm  
Governor

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

**Oakland University Board of Control**

Mr. Richard A. Flynn of 43225 Chardonnay Drive, Sterling Heights, Michigan 48314, county of Macomb, succeeding Penny M. Crissman, whose term has expired, representing the general public, for a term commencing August 25, 2008 and expiring August 11, 2016.

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. 584**

**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**



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:

I rise in support of the appointment of Rick Flynn. I know him personally. He has taught for 27 years in the Fraser Public Schools at all different levels, and he spent probably 11 years as an elementary teacher. He was eight years in junior high and then nine years as a high school teacher. So he knows the K-12 environment very well.

He has also served at the executive director of the MEA for eight years. He brings all this background to the Oakland University Board of Control. He has a great background in K-12 districts in getting students into college.

Now, I don’t know if you know, Mr. President, but at Oakland University, one out of three of their students actually come from Macomb, and Rick Flynn is from Macomb County. He would bring balance to that board and would be an excellent appointment. I hope the Senate would confirm.

**Oakland University Board of Control**

Mr. Michael R. Kramer of 1600 Apple Lane, Bloomfield Hills, Michigan 48302, county of Oakland, succeeding David T. Fischer, Sr., whose term has expired, representing the general public, for a term commencing August 25, 2008 and expiring August 11, 2016.

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. 585**

**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

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

The motion prevailed.

Senator Barcia’s statement, in which Senator Kahn concurred, is as follows:

I want to reiterate the support and confidence that the chair of the Higher Education Appropriations Subcommittee has in Mr. Kramer and just add a little bit about his biography. I ask for, hopefully, a unanimous vote of support for his appointment to the Oakland University Board of Control.

Michael Kramer has been a practicing attorney for over 40 years in the state of Michigan. He started out by creating his own law firm following his graduation from Wayne State University Law School. Currently, Mr. Kramer is a senior partner at Dickinson Wright.

In the past, Mr. Kramer has been a member of a variety of boards. He was appointed by the Supreme Court of Michigan to be a member of the Attorney Disciplinary Board. He was a special assistant attorney general from 1970 to 2005. He was also a board member of the Resolution Trust Corporation, which is appointed by the President of the United States. He is also currently vice president for Oakland Family Services.

Mr. Kramer wants to maintain and build on the quality, well-rounded education which Oakland University has become synonymous with.

So with those remarks and that background, I'd ask for a strong show of support for Mr. Kramer's appointment to the Oakland University Board of Control.

### Messages from the House

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

**Senate Bill No. 53**

**House Bill No. 4120**

**House Bill No. 4507**

**Senate Bill No. 868**

**Senate Bill No. 239**

**Senate Bill No. 834**

**Senate Bill No. 1398**

**Senate Bill No. 1461**

The motion prevailed.

#### **Senate Bill No. 511, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies, capital outlay, the legislative branch, and the judicial branch for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

(For Conference Report, see Senate Journal No. 80, p. 2050.)

The House of Representatives has adopted the report of the Committee of Conference.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on September 25, 2008.

#### **Senate Bill No. 531, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111c.

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

Senator Cropsey requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

#### **Roll Call No. 586**

#### **Yeas—25**

Allen  
Barcia  
Basham  
Birkholz  
Bishop  
Brown  
Cassis

Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason

Hardiman  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus

Pappageorge  
Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Nays—13**

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

**Excused—0****Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.  
 The question being on the motion to give the bill immediate effect,  
 Senator Cropsey moved the further consideration of the bill be postponed temporarily.  
 The motion prevailed.

**Senate Bill No. 1003, entitled**

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2006 PA 508, and by adding section 3f.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 331, entitled “An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,” by amending section 3 (MCL 445.903), as amended by 2006 PA 508, and by adding section 3h.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

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

Senator Richardville offered the following substitute to the House substitute:

Substitute (S-1).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

**Roll Call No. 587****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 not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey requested the yeas and nays. The yeas and nays were ordered, 1/5 of the members present voting therefor. The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

**Roll Call No. 588**

**Yeas—23**

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

**Nays—12**

|               |         |         |           |
|---------------|---------|---------|-----------|
| Brater        | Gleason | Prusi   | Switalski |
| Cherry        | Hunter  | Schauer | Thomas    |
| Clark-Coleman | Jacobs  | Scott   | Whitmer   |

**Excused—0**

**Not Voting—3**

|        |        |         |
|--------|--------|---------|
| Basham | Clarke | Olshove |
|--------|--------|---------|

In The Chair: Richardville

Senator Richardville offered to amend the title to read as follows:

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2008 PA 211, and by adding section 3h.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

**Senate Bill No. 1038, entitled**

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

Substitute (H-11).

The question being on concurring in the substitute made to the bill by the House, Senator Cassis offered the following substitute to the House substitute:  
Substitute (S-5).

The question being on the adoption of the substitute, Senator Jansen offered the following amendment to the substitute:

1. Amend page 12, following line 5, by inserting:

**“(DD) PROCEEDS OR OTHER AMOUNTS RECEIVED FROM A TRANSACTION INVOLVING MEDIA PROPERTY IF THAT TRANSACTION IS TREATED FOR FEDERAL INCOME TAX PURPOSES AS A FINANCING, A SALE-LEASEBACK, A SALE OF ANY INTEREST IN MEDIA PROPERTY, OR A SALE OF A PARTICIPATION IN THE PROCEEDS FROM A TRANSACTION INVOLVING MEDIA PROPERTY AND THAT TRANSACTION IS INTENDED TO FINANCE OR SHARE THE RISK RELATING TO THE PRODUCTION OF THAT MEDIA PROPERTY. AS USED IN THIS SUBDIVISION, “MEDIA PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 305(20).”.**

The amendment to the substitute was adopted.

Senator Jansen offered the following amendment to the substitute:

1. Amend page 12, following line 5, by inserting:

**“(EE) FOR A PERSON OF THE FEDERALLY CHARTERED FARM CREDIT SYSTEM, ANY INTEREST INCOME RECEIVED FROM ITS CUSTOMERS THAT IS USED TO COVER EXPENSES INCURRED THAT ARE RELATED TO MAKING LOANS TO THAT PERSON’S CUSTOMERS.”.**

The question being on the adoption of the amendment to the substitute,

Senator Cropsey requested the yeas and nays.

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

The amendment to the substitute was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 589**

**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

Senator Cropsey moved to reconsider the vote by which the first amendment offered by Senator Jansen was adopted. The motion prevailed.

The question being on the adoption of the amendment,

Senator Cropsey requested the yeas and nays.

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

The amendment was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 590****Yeas—28**

|          |          |         |              |
|----------|----------|---------|--------------|
| Allen    | Clarke   | Jacobs  | Pappageorge  |
| Anderson | Cropsey  | Jansen  | Patterson    |
| Barcia   | Garcia   | Jelinek | Richardville |
| Birkholz | George   | Kahn    | Sanborn      |
| Bishop   | Gilbert  | Kuipers | Schauer      |
| Brown    | Gleason  | McManus | Stamas       |
| Cassis   | Hardiman | Olshove | Van Woerkom  |

**Nays—10**

|        |               |           |         |
|--------|---------------|-----------|---------|
| Basham | Clark-Coleman | Scott     | Thomas  |
| Brater | Hunter        | Switalski | Whitmer |
| Cherry | Prusi         |           |         |

**Excused—0****Not Voting—0**

In The Chair: Richardville

Senator Schauer offered the following amendment to the substitute:

1. Amend page 14, following line 9, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) House Bill No. 4301.

(b) House Bill No. 4628.”.

The question being on the adoption of the amendment to the substitute,

Senator Cropsey moved that the previous question be ordered.

The motion prevailed.

The amendment to the substitute was not adopted.

Senator Schauer requested the yeas and nays.

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

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

**Roll Call No. 591****Yeas—17**

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

**Nays—21**

|          |        |         |              |
|----------|--------|---------|--------------|
| Allen    | Garcia | Jelinek | Patterson    |
| Birkholz | George | Kahn    | Richardville |

Bishop  
Brown  
Cassis  
Cropsey

Gilbert  
Hardiman  
Jansen

Kuipers  
McManus  
Pappageorge

Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The question being on the adoption of the substitute to the House substitute, as amended,  
Senator Cropsey moved that the previous question be ordered on the adoption of the substitute and concurring in the House substitute.

The motion prevailed.

Senator Thomas 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. 592**

**Yeas—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Nays—17**

Anderson  
Barcia  
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 substitute to the House substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

**Roll Call No. 593****Yeas—27**

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

**Nays—11**

|        |               |           |         |
|--------|---------------|-----------|---------|
| Basham | Clark-Coleman | Prusi     | Thomas  |
| Brater | Hunter        | Scott     | Whitmer |
| Cherry | Olshove       | Switalski |         |

**Excused—0****Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Cropsey requested the yeas and nays.

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

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 594****Yeas—26**

|          |          |             |              |
|----------|----------|-------------|--------------|
| Allen    | Cropsey  | Jansen      | Patterson    |
| Anderson | Garcia   | Jelinek     | Richardville |
| Barcia   | George   | Kahn        | Sanborn      |
| Birkholz | Gilbert  | Kuipers     | Schauer      |
| Bishop   | Gleason  | McManus     | Stamas       |
| Brown    | Hardiman | Pappageorge | Van Woerkom  |
| Cassis   | Jacobs   |             |              |

**Nays—11**

|        |               |           |         |
|--------|---------------|-----------|---------|
| Basham | Clark-Coleman | Prusi     | Thomas  |
| Brater | Hunter        | Scott     | Whitmer |
| Cherry | Olshove       | Switalski |         |

**Excused—0**



**Not Voting—1**

Clarke

In The Chair: Richardville

The Senate agreed to the full title.

**Protests**

Senators Prusi, Cherry, Brater, Clark-Coleman, Scott, Whitmer and Basham, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute, as substituted, for Senate Bill No. 1038.

Senator Prusi moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Prusi’s statement, in which Senators Cherry, Brater, Clark-Coleman, Scott, Whitmer and Basham concurred, is as follows:

The reason I voted “no” and the reason I will vote “no” on an amended substitute is that still to my satisfaction has never been offered the total cost of what we are doing here. Certainly, I don’t want to stand in the way of Michigan businesses and job providers, but I certainly don’t want to disadvantage the people who have come to depend on the services that the state provides. I think until we have uncovered the great mystery of how much money we are actually talking about here today and where it is going to impact our budget deliberations as we go forward next year, I cannot in good conscience support legislation like this.

I have offered up and I have talked about it and we have indicated that, certainly, when tax policy needs to be amended and changes need to be done, there are certain things that we would be willing to participate in and eventually hope to get behind and support. But in the rushed and shoot-from-the-hip manner that we continue to implement tax policy here in the Senate Chamber, I cannot in good conscience offer up any support for measures such as that.

My “no” vote on this prior vote and subsequent vote on this substitution are predicated on the lack of information detailing exactly what this is going to cost and where are we going to find the savings that have to be made as a result.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Cropsey moved that the following bills, now on the orders of Message from the House and General Orders, be referred to the Committee on Government Operations and Reform:

**Senate Bill No. 957, entitled**

A bill to establish the autism research fund in the department of community health; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

**Senate Bill No. 958, 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.

**Senate Bill No. 1300, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 44 (MCL 400.44), as amended by 1990 PA 270.

**Senate Bill No. 53, entitled**

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 36 to chapter 2.

**Senate Bill No. 7, entitled**

A bill to establish minimum efficiency standards for certain products sold or installed in the state; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

The question being on the motion to refer,

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

The motion prevailed.

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 Kuipers 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 bill:

**Senate Bill No. 1242, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 281 (MCL 208.1281), as added by 2007 PA 145.

The bill 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**Senate Bill No. 1242**

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

The following bill was read a third time:

**Senate Bill No. 1242, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 281 (MCL 208.1281), as added by 2007 PA 145.

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. 595****Yeas—26**

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

**Nays—12**

|        |               |         |           |
|--------|---------------|---------|-----------|
| Basham | Clark-Coleman | Olshove | Switalski |
| Brater | Hunter        | Prusi   | Thomas    |
| Cherry | Jacobs        | Scott   | Whitmer   |

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

**Protests**

Senators Brater and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1242 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 Brater’s statement is as follows:

Mr. President and colleagues, this vote that is about to go forth today is a reckless emotion. It is a reckless process. It absolutely mirrors the recklessness of the past eight years in Washington that has led us to this current national fiscal crisis. This is no way to run a Senate floor. This is no way to run a government in the state of Michigan.

The policy that we are seeing today is act first; think and analyze later. This bill will cost the Michigan Treasury hundreds of millions of dollars without identifying a source; without a comprehensive plan of how to move Michigan forward. Senate fiscal analysis reveals—if you will only look on your laptops—in 2008-2009, the cost of Senate Bill No. 1242 is \$119.5 million; in 2009-2010, the cost is \$333.3 million; in 2010-2011, the cost is \$555.8 million; in 2011-2012, the cost is \$660.2 million.

Colleagues, you will recall that this surcharge was added to a budget agreement that was dealing with a budget deficit last year of \$1.7 billion. We came to this agreement to include this surcharge as part of that overall budget fix on a bipartisan basis. Now, today, we are moving forward without deliberation, without adequate time to study and take into account the consequences of this action, which is exactly the way we got into this situation to begin with. It is highly an uneducated way to proceed. It is highly irresponsible.

Before the Senate Finance Committee, which I served on last session, we heard over and over testimony that said that businesses don’t choose to locate in a state solely because of taxes. In fact, taxes tend to come down fifth on the list. First, among the top five are always schools and education, roads, bridges, and other infrastructure, public safety, parks and recreation, and other quality-of-life issues. You can see that—if you want to come see that the results of paying taxes in action, come to my district. Come to Washtenaw County, come to the 18th Senate District, where although we are struggling, our economy is doing better on average than most of the areas around this state. We are not known for being the lowest tax area of the state.

So it is important to step back, take a deep breath, do the responsible things, study this situation, and not just jump before we think once again. I know that there are some unforeseen consequences of this surcharge that need to be addressed, but this is not the way to do it, colleagues. I ask for some slowing down of this process.

Senator Switalski’s statement is as follows:

I rise in opposition of Senate Bill No. 1242, and I have to ask, where have all my good fiscal conservative friends gone? Where have they gone? This bill is not fiscally responsible. It will return us to the bad old days of structural deficits. We were just there last year. We finally got that behind us. Let’s not go back there.

According to the Senate Fiscal Agency, this bill would cost \$120 million this first year—this year; \$333 million next year; \$556 million the year after that; and \$660 million in the year of 2012. Over the course of that, that is \$1.7 billion, a fifth of our General Fund. Now how would we pay for this? The bill is silent.

So let’s review the history of the business taxes because we have gone down this road before. After a long campaign against the SBT, the Legislature cut its rate from about 2.1 percent down to 1.8 percent—1.7 and then voted to eliminate it without defining its replacement. Midway through 2007, we had a great bipartisan agreement on what the replacement was and it was revenue-neutral. A year ago, we agreed on a sales tax on services to restore the business tax to the level it was at in 2000 and eliminated thereby half of our structural deficit problem.

Business did not like that service tax, and we agreed to this surcharge with business as preferable to that service tax, and the replacement was revenue-neutral. By passing this phase-out without defining its replacement, we are misleading business into thinking the tax will be gone, but it will have to be replaced. Some businesses may end up paying more than they did under the MBT and the surcharge and will be right back into this same problem.

We should agree on how we would deal with the \$1.7 billion shortfall before we eliminate the surcharge. Now I heard some suggestions about the film tax and I am sure we are going to have some productive discussions about that film credit, but \$150 million is not a replacement for \$722 million. So I think we need to either identify the cuts or the replacement revenue, and we should adopt the principle of that we have to pay as we go.

So I urge members to vote against this proposal.

Senators Pappageorge, Bishop, Olshove, Patterson 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 Pappageorge's statement is as follows:

Earlier, the speaker from the 19th District talked about recklessness. Let's remember how we got into this mess. A year ago today, we were facing close to a \$1.8 billion shortfall in the things we promised in our budget. Why? Because \$900 million was never there to begin with; \$150 million was pay raises which we should not have offered, and some \$700 million was new programs.

If we do not stop budgeting on money we want to have instead of money we do have, this will continue and it has to stop. We have to start being honest with the citizens of Michigan. Honestly, this is all the money we have and at the last minute, as we did a year ago today, we are not going to shut down the government if we don't get the money we want.

The idea that this is costing Michigan misses the point. The point is we are costing our citizens and our businesses too much and we have to stop.

Senator Bishop's statement is as follows:

Again, I don't want to belabor this point; once again, I think it is straightforward. I think those who are on the floor today know where they are going to fall on this vote, but I just want to make a record of the fact that we are in a very challenging time in our state's history. It is our responsibility to step up and make sure that we address the issues that we can. This is an opportunity for us to do exactly that.

We lead in all those statistics that we don't want to lead in. We are last in those statistics that we have always strived to be first in. I am not going to be the first to tell you that. I know that you know the challenges that face this state. But the point has got to be made that the present system is not working, and we cannot continue to go day after day doing the same thing over and over again and expecting a different outcome. The future of this state hangs in the balance, and our constituents are waiting for leaders.

Now our constituents are both Republicans and Democrats, and I can assure you that despite our obsession with the partisanship, they could really care less, especially on a subject like this on the future of our state.

Today really is our opportunity to come together and do something very positive to send a clear message—really, two messages: First and foremost is to the businesses that are in this state who have invested, who have been with us, who have stuck through the hard times, we want you to know that we appreciate you, and we want you to stay and prosper. To those businesses that are considering a new home, we understand the issues that you will consider in making the business decision as to where you will set up your shop and where you want to call home. We are determined to create that environment here in Michigan so that we can compete globally. Your vote today will send those messages.

Now I understand your reservations. No questions about it, we have budgetary issues going into the future. This is a bold move, but it is an opportunity for us to come together to address the issue. If you are not satisfied with tax policy across the board, I understand that. I think you won't get much of a rejection on this side of the aisle. If that is the case, let's use this as a catalyst to open tax policy as a whole and figure out where we need to be in the 21st century. We need some vision in this state. We need some vision in this chamber. We have to decide how we want to leave this state when our terms end. This is yet another day that we are discussing solutions, and I think this is a great time for us to show bipartisanship on behalf of our state, move in the right direction, and do the right thing. Your state needs your leadership today. We really can't afford to wait.

Senator Olshove's statement is as follows:

I would like to offer a Special Tribute today to Mr. Greg White. Greg White is the legislative liaison to the Public Service Commission. He's done that for four years, but probably more impressive is that he has been with the PSC for 21 years. I think that's almost before energy was discovered.

I would like to ask colleagues to give him a good round of applause saying goodbye. He's headed to the MSU Institute of Public Utilities, which is a research tank about utilities. We've had folks from the MSU school testify before, so perhaps we'll see Mr. White in the future.

I would note that he's survived several inquiries from the Technology and Energy Committee over the years, most notably, from the chairman. He did survive that.

Senator Patterson's statement is as follows:

Colleagues, I couldn't possibly follow the oratorical eloquence of my colleague. Why is that considered funny?

It's been a pleasure working with you, what's your name again? Mr. White. I know that you will go on to even more and greater success. Thank you and congratulations.

Senator Brown's statement is as follows:

It would be wrong to remain seated and quiet while this good man is being so properly recognized by the Senate. He's been a talent to work with; tremendous knowledge base that he has. His forward advancement is our loss. I certainly wish him well in all of his future endeavors, but for those of us who have worked closely with him on issues, certainly, before the previous speaker's committee, he has just been a delight—very helpful, very knowledgeable. I couldn't think of a better person to give advice and points of instruction to some novice Senators. I appreciated working with him.

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 pro tempore, Senator Richardville, designated Senator Kuipers as Chairperson.

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

#### **Senate Bill No. 1487, entitled**

A bill to amend 1905 PA 157, entitled "An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; to provide the powers and duties of certain local units of government and certain officials; and to prescribe penalties and provide remedies," (MCL 41.421 to 41.429) by amending the title, as amended by 1998 PA 160, and by adding sections 6g and 6h.

#### **Senate Bill No. 491, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2006 PA 658.

#### **Senate Bill No. 1524, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2006 PA 658.

#### **Senate Bill No. 1342, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by amending the title, as amended by 1998 PA 153, and by adding chapter 13 to part 2.

#### **Senate Bill No. 1343, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 351, 355, and 365 (MCL 206.351, 206.355, and 206.365), section 351 as amended by 2003 PA 22, section 355 as amended by 2003 PA 48, and section 365 as amended by 2003 PA 47, and by adding section 366.

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. 1525, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2006 PA 658.

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. 1517, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2006 PA 400.

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:  
**House Bill No. 6297, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), section 622 as amended by 2001 PA 127 and section 1223 as amended by 1997 PA 47.

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. 927, entitled**

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 24, 25, 27, 28, and 43 (MCL 565.24, 565.25, 565.27, 565.28, and 565.43), section 25 as amended by 1996 PA 526 and sections 28 and 43 as amended by 1992 PA 212, and by adding section 24a; and to repeal acts and parts of acts.

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. 1160, entitled**

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 27, 28, and 43 (MCL 565.27, 565.28, and 565.43), sections 28 and 43 as amended by 1992 PA 212; and to repeal acts and parts of acts.

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.

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:

**Senate Bill No. 1487**

**Senate Bill No. 1517**

**House Bill No. 6297**

**Senate Bill No. 1342**

**Senate Bill No. 1343**

**Senate Bill No. 927**

**Senate Bill No. 1160**

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

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

**Senate Bill No. 1227**

**Senate Bill No. 1466**

**Senate Bill No. 1487**

**Senate Bill No. 1517**

**House Bill No. 6297**  
**Senate Bill No. 1342**  
**Senate Bill No. 1343**  
**Senate Bill No. 927**  
**Senate Bill No. 1160**  
 The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1227, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11717b (MCL 324.11717b), as added by 2004 PA 381.

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. 596**

**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.

The following bill was read a third time:

**Senate Bill No. 1466, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as amended by 2005 PA 77.

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. 597**

**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.

The following bill was read a third time:

**Senate Bill No. 1487, entitled**

A bill to amend 1905 PA 157, entitled “An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; to provide the powers and duties of certain local units of government and certain officials; and to prescribe penalties and provide remedies,” (MCL 41.421 to 41.429) by amending the title, as amended by 1998 PA 160, and by adding sections 6g and 6h.

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. 598**

**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.

The following bill was read a third time:

**Senate Bill No. 1517, entitled**

A bill to amend 1943 PA 20, entitled “An act relative to the investment of funds of public corporations of the state; and to validate certain investments,” by amending section 1 (MCL 129.91), as amended by 2006 PA 400.

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. 599**

**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.

The following bill was read a third time:

**House Bill No. 6297, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 622 and 1223 (MCL 380.622 and 380.1223), section 622 as amended by 2001 PA 127 and section 1223 as amended by 1997 PA 47.

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. 600**

**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.

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1342, entitled**

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” (MCL 389.1 to 389.195) by amending the title, as amended by 1998 PA 153, and by adding chapter 13 to part 2.

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. 601**

**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     | Stamas       |
| Brater   | Gleason       | Olshove     | Thomas       |
| Brown    | Hardiman      | Pappageorge | Van Woerkom  |
| Cassis   | Hunter        | Patterson   | Whitmer      |

**Nays—2**

Cherry

Switalski

**Excused—0****Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

**Protests**

Senators Cherry and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1342.

Senator Cherry's statement is as follows:

I voted against Senate Bill No. 1342 not because I thought it was a bad idea. I think it is probably a very good idea, but as I said earlier, there are some issues which still need to be worked out between Treasury and the bill sponsors. I hope that it gets done.

As I said, I don't want to vote "yes" on a bill before all of those things are worked out. So since we moved it forward in such a fast way today, I reluctantly am voting "no."

Senator Switalski's statement is as follows:

This may, in fact, be a very good bill. I hope it is. I just have a number of questions about it, and I feel like I'm not clear on the effect. I have had a chance to talk to supporters of it. It seems well-intentioned, but I've got questions about the definition of what a new job is.

I would be reluctant to take on the repayment on behalf of the community colleges by the state if a job is, say, reclassified. You know, it's really kind of the same job, or if it's maybe an outsourced job that is replaced by a fewer number of employees. Are we kind of encouraging that? I would want to be very careful about that stuff.

I also understand that perhaps a company could train their own employees with their own supervisors as the teachers and then bill the state for this training. I'm worried about how much oversight we have over that or whether we're just going to provide free training to all businesses. There's got to be some kind of controls on that in some way to make sure that we are really getting what we pay for.

I know also that in Iowa they have a provision. Say you provide this training and it's supposed to be paid back out of the income tax of the employees. What if those employees get laid off? Is the state ultimately on the hook for that, or do they default on the bonds? In Iowa they have the ability to levy a property tax to pay those things off. I don't think we have that same provision in this bill. I want to know what would happen if those bonds are defaulted on. Is the state on the hook?

So it may be a good bill. I'm just unsure and, therefore, I'm just going to vote "no" and hope that these questions get answered as this thing moves through the legislative process.

The following bill was read a third time:

**Senate Bill No. 1343, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 351, 355, and 365 (MCL 206.351, 206.355, and 206.365), section 351 as amended by 2003 PA 22, section 355 as amended by 2003 PA 48, and section 365 as amended by 2003 PA 47, and by adding section 366.

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. 602****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     | Stamas       |
| Brater   | Gleason       | Olshove     | Thomas       |
| Brown    | Hardiman      | Pappageorge | Van Woerkom  |
| Cassis   | Hunter        | Patterson   | Whitmer      |

**Nays—2**

|        |           |
|--------|-----------|
| Cherry | Switalski |
|--------|-----------|

**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. 927, entitled**

A bill to amend 1846 RS 65, entitled “Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,” by amending sections 24 and 25 (MCL 565.24 and 565.25), section 25 as amended by 1996 PA 526, and by adding section 24a.

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. 603****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.

The following bill was read a third time:

**Senate Bill No. 1160, entitled**

A bill to amend 1846 RS 65, entitled “Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,” by amending sections 27, 28, and 43 (MCL 565.27, 565.28, and 565.43), sections 28 and 43 as amended by 1992 PA 212; 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. 604**

**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**

**Senate Bill No. 531, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 40111c.

(This bill was returned from the House without amendment earlier today, and the motion for immediate effect postponed. See p. 2088.)

The question being on the motion to give the bill immediate effect,  
The motion did not prevail, 2/3 of the members serving not voting therefor.  
The Senate agreed to the full title.  
Senator Cropsey moved that the bill be given immediate effect.  
The question being on the motion to give the bill immediate effect,  
Senator Cropsey moved the further consideration of the bill be postponed temporarily.  
The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Concurrent Resolution No. 22**

**Senate Resolution No. 181**

The motion prevailed.

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

**Senate Resolution No. 226**

The resolution consent calendar was adopted.

Senators Stamas and Hardiman offered the following resolution:

**Senate Resolution No. 226.**

A resolution to commemorate September 3, 2008, as the 225th Anniversary of the Treaty of Paris and the end of the American Revolutionary War.

Whereas, Benjamin Franklin, John Adams, William Temple Franklin, John Jay, and Henry Laurens signed the Treaty of Paris with David Hartley representing King George III on September 3, 1783, to bring a formal end to the American Revolutionary War; and

Whereas, The signatures of these commissioners to the treaty negotiations marked the end of thirteen colonies in rebellion against their mother country and the beginning of thirteen united states founded for the right to life, liberty, and the pursuit of happiness; and

Whereas, The treaty formalized the armistice announced by General George Washington's general orders in April 1783, which General Washington hailed by saying it "opens the prospect to a more splendid scene, and, like another morning star, promises the approach of a brighter day than hath hitherto illuminated the western hemisphere"; and

Whereas, The American Congress of the Confederation ratified the Treaty of Paris on January 14, 1784, and succeeding generations of Americans since then have rededicated themselves to its principles of liberty and independence for our country and her citizens; and

Whereas, General Washington reserved his highest praise for the citizen soldiers "on the dignified part they have been called to act...on the stage of human affairs; for happy, thrice happy, shall they be pronounced hereafter who have contributed anything, who have performed the meanest office in erecting this stupendous fabric of Freedom and Empire on the broad basis of Independency; who have assisted in protecting the rights of human nature and establish an asylum for the poor and oppressed of all nations and religions"; and

Whereas, It is altogether appropriate that we commemorate this noble anniversary and the heroic sacrifice of the citizens who brought our country to this happy day; now, therefore, be it

Resolved by the Senate, That September 3, 2008, be remembered as the 225th Anniversary of the signing of the Treaty of Paris, a signature moment in the advancement of freedom and liberty for mankind; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Society Sons of the American Revolution in recognition of their dedication to the memory and principles of our country's struggle for liberty.

Senators Van Woerkom, Birkholz, Barcia, Prusi, Stamas, Jelinek, Gilbert, Brown, Allen, Jansen, Whitmer and Gleason offered the following resolution:

**Senate Resolution No. 224.**

A resolution to urge the Great Lakes states, including the Great Lakes Legislative Caucus, to coordinate a regional response to chronic wasting disease and to urge the U.S. Department of Agriculture to increase its assistance to the states on this issue.

Whereas, Since its identification in Colorado in the late 1960s in captive mule deer as a fatal wasting syndrome and in the wild in elk in 1981, chronic wasting disease (CWD) has emerged as a significant threat to the health of deer, elk, and other cervids. While most frequently found in the tri-state area of Wyoming, Nebraska, and Colorado, this fatal condition

has extended far beyond that part of the country. It has been identified in the Canadian west and as far east as New York state. In the Great Lakes region, a large number of cases have been identified in Wisconsin; and

Whereas, The August 2008 announcement of the discovery of a case of CWD in a captive deer in Kent County has generated considerable discussion about deer herd management strategies in Michigan. In addition to the potential impact of this case on hunting with the imposition of an immediate ban on baiting, there is an increased awareness of the need to pursue the best policies and practices not only within Michigan, but across the region; and

Whereas, It is vital that the states coordinate their activities and findings to the greatest extent possible. Clearly, the most effective protections cannot be established without strong cooperation and collaboration; now, therefore, be it

Resolved by the Senate, That we urge the Great Lakes states, including the Great Lakes Legislative Caucus, to coordinate a regional response to chronic wasting disease and to urge the U.S. Department of Agriculture to increase its assistance to the states on this issue; and be it further

Resolved, That copies of this resolution be transmitted to the governors of the Great Lakes states, the Great Lakes Legislative Caucus, and the U.S. Department of Agriculture Animal and Plant Health Inspection Service.

Pending the order that, under rule 3.204, the 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 resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Hunting, Fishing and Outdoor Recreation.

The motion prevailed.

Senators Garcia and Richardville were named co-sponsors of the resolution.

Senators Cropsey and Kuipers offered the following resolution:

**Senate Resolution No. 225.**

A resolution to urge the Michigan Department of Corrections to implement nondenominational prison congregation programs within our prisons.

Whereas, Michigan citizens face a higher rate of victimization than the people of any of our neighboring Great Lake states. Many of these violent offenses are committed by individuals who have previously been convicted of a crime. The continual prison influx of previous offenders has resulted in almost 60 percent of the yearly prison intake constituting felons in the community who are sent to prison due to parole violations, probation violations, or committing a new offense; and

Whereas, Our responsibility for the public safety of Michigan's citizens requires us, as a state, to find ways to reduce the victimization of citizenry. Developing a successful prisoner reform program to help incarcerated individuals become less inclined to re-offend by giving former offenders a stake in our communities and making our communities part of the solution will bridge the wide gap between prison life and our society as a whole; and

Whereas, One model of reaching out to prisoners is the prison congregation concept. In these programs, community churches partner with prisoners to create joint prison/community congregations. Members of a church in the community worship with prisoners inside the institution and provide additional spiritual and practical assistance to the prisoners. Such programs give the prisoner a stake in the community to which they will be released and prepare the prisoner for life after serving their sentence. By integrating a prisoner into a church community, the prisoner takes a giant step toward becoming a member of the entire community and reducing recidivism; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Department of Corrections to implement nondenominational prison congregation programs within our prisons; and be it further

Resolved, That a copy of this resolution be transmitted to the Director of the Michigan Department of Corrections.

Pending the order that, under rule 3.204, the 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 resolution,

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

The motion prevailed.

Senators Birkholz, Garcia, Gleason, Jelinek and Richardville were named co-sponsors of the resolution.

**Senate Concurrent Resolution No. 32.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 80, p. 2048.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

By unanimous consent the Senate returned to consideration of the motion to refer the following bills to the Committee on Government Operations and Reform:

**Senate Bill No. 957, entitled**

A bill to establish the autism research fund in the department of community health; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

**Senate Bill No. 958, 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.

**Senate Bill No. 1300, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 44 (MCL 400.44), as amended by 1990 PA 270.

**Senate Bill No. 53, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 36 to chapter 2.

**Senate Bill No. 7, entitled**

A bill to establish minimum efficiency standards for certain products sold or installed in the state; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

The question being on the motion to refer,

The motion prevailed.

Senator Thomas 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. 605**

**Yeas—21**

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

**Nays—16**

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

**Excused—0**



**Not Voting—1**

Clark-Coleman

In The Chair: Richardville

**Protests**

Senators Brater, Thomas, Prusi, Whitmer, Cherry, Scott and Jacobs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to refer Senate Bill Nos. 957, 958, 1300, 53 and 7 to the Committee on Government Operations and Reform.

Senator Brater's statement, in which Senators Scott and Jacobs concurred, is as follows:

I voted "no" because, apparently, that motion sent a number of bills back to committee that have already been on the calendar and agreed upon by committee, based, apparently, solely on the sponsorship—being a Democratic member. Mr. President, I am growing increasingly concerned about the way this floor is being run. It seems that each of us was sent here to represent 270,000 constituents. We each have an obligation and a responsibility to represent those constituents by standing up and voicing our opinions, our views on public policy matters. I think that is what each and every one of us has been doing today and in the previous weeks and months as we serve in this distinguished Senate. If there is some sense that debate must be squashed by "punishing" minority members of the minority party by either removing them from committee, cutting off debate, and sending bills back to committee, it seems to me this is a very low level of procedure and not in keeping with the customs and the traditions of the Senate of the state of Michigan.

Mr. President, I would just strongly suggest that we return this floor to a time of more stability, of more bipartisan cooperation, of more reaching across the aisle in a civil manner, to an honest and sincere debate to reach public policy that is good for the citizens in the state of Michigan. We are in a time of crisis in this state and in this nation. This is not time for this type of petty squabbling. This is undistinguished behavior and I would ask that it cease.

Senator Thomas' statement is as follows:

Mr. President, I feel responsible for the actions that have taken place today because I believe that it is important that we restore civility and common respect to this legislative process. I have had the privilege of serving with a number of the members of this chamber for ten years. However, I will be entering my thirteenth year of service, and I remember a time when immediate effect votes were not automatic, guaranteed votes. You actually had lawmakers interacting with each other talking about the pros and cons of those bills. I am simply trying to restore that level of respect of the minority party. It is the one opportunity that we have, and unfortunately, with the way that this Legislature has developed through term limits, to have an open and upfront dialogue about the issues facing us.

I don't think that it is inappropriate. I don't think that it is, in any way, inappropriate for both sides of the aisle to have a discussion about whether a bill gets immediate effect or not. It is not that we don't support legislation. In fact, all of these bills have probably passed this chamber and both chambers with an overwhelming majority of votes. So we are not in any way saying that this is bad policy, but we are saying these members on this side of the aisle do need to be respected, do need to be consulted, and have their opinion asked as well. Unfortunately, we only have one opportunity to do that and that is with our vote.

Today, 26 of us did not stand up and give our votes on immediate effect. I think it's a shame that because of this procedural tactic that we are forced to take, innocent members of the Legislature and their constituents would now be, in effect, temporarily disenfranchised because their pieces of legislation important to them, bills that have passed out of committee unanimously, as well, those that are referred back are now sent back simply to punish the minority party because it dared, because it somehow dared to not grant immediate effect.

I think it's petty and I think it diminishes the institution of the Senate. I think the Senate is better than that. I think in our democracy, we—all of us, minority and majority—should have an opportunity to have a free flow of ideas and discussion. We simply exercised our opportunity to have that discussion. I hope going forward we will continue to have that discussion and find it regrettable that I must offer a "no" vote explanation on such a day.

I would hope that going forward we would continue to have discussion and allow members in the minority party the opportunity to have their say.

Senator Prusi's statement is as follows:

This is my second "no" vote explanation of the day and probably more than I have offered up in years. I am not typically one to complain or one to explain, but I do feel it is necessary to explain my "no" vote. There have been calls

on the floor here—calls in various committees—that we need to get together; we need to work in a bipartisan fashion. I think if you go back in the record, and I've got videotaped evidence of me mentioning those same words and offering that same cooperation in the past, but bipartisanship by definition involves two parties. It involves a two-way street. You cannot come up with some sort of a plan, throw it in front of us, say we've discussed it, ask us to bless it, and call it bipartisanship. There is a two-way street, and it has to be genuine. It cannot be something that is a façade. It cannot be something that can be put on simply for the sake of showing someone that you're bipartisan when there is no real meat behind it.

I've offered bipartisan cooperation in the past. I'll continue to hold out the hope that at some point in my legislative career I'll actually see it happen around here, but that hope is dimming by the day here because I don't see a two-way street. I see the one-way majority ramming things down our throats whenever you feel a political need. We are in a political season, but let's not pretend that all the politics comes from one side of the aisle.

Senator Whitmer's statement, in which Senator Jacobs concurred, is as follows:

Today alone, we have heard people give speeches about bipartisanship and then turn around and move to punish Democrats for having the audacity for disagreeing here on the floor by sending a bunch of Democratic bills to the Committee on Government Operations and Reform. Now does that make the talk of bipartisanship disingenuous? Well, to put it lightly, yes.

Now you want to talk about maintaining decorum? You cut off debate today by Democratic members citing the traditions of the Senate, but then turned around and made an exception for a Republican member on the next vote. And then you agreed that, okay, we'll let a Democrat speak, but first you exacted a promise out of that Democrat that they are going to be "nice." I was standing right there when it happened.

So you want to talk about the traditions of the Senate? You want to talk about decorum? You want to talk about bipartisanship? Well, here's the irony: One of the bills that you re-referred today has my name on the bill. Yes, it says "Whitmer." But, the truth be told, it is a bill drafted by one of your members for one of his constituents that he asked me to introduce, and I did so in the spirit of bipartisanship. I agreed to put my name on it to help him out. Now that's ironic, but it also underscores the very reason that I voted "no" on the motion to refer the bills.

Senator Cherry's statement is as follows:

We are about one month away from an election, a little bit more than one month. I know that today is a day of politics. I think we all know that we have all been through a number of bills which are there specifically for politics. And, yet, as was said earlier by the other Senators, when we rose to object, as we should in this political system, we got cut out. I can't go further to explain any more than what my colleagues have already explained. But I think it is also important that we all say what really happened here today—a day when we have a political day, getting ready for an election in which we fought for our side, and which we were again punished for that. This is not the first time, as you all know. It is at least the second and maybe even more than that.

I, again, urge my colleagues to have a bipartisan atmosphere in the chamber and to respect each other because as was said earlier, we all do represent 270,000 citizens. We all do have a right to our opinion, and we have a right to our say.

Senator Cropsey moved that the Committee on Banking and Financial Institutions be discharged from further consideration of the following bill:

**House Bill No. 5722, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1001, 1005, 1007, 1010, 1015, 1017, and 1125 (MCL 500.1001, 500.1005, 500.1007, 500.1010, 500.1015, 500.1017, and 500.1125), sections 1001, 1005, 1007, 1010, 1015, and 1017 as added by 1992 PA 182 and section 1125 as amended by 2000 PA 283, and by adding sections 1027, 1029, 1031, and 1033.

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

Senator Cropsey moved that the bill be referred to the Committee on Economic Development and Regulatory Reform. The motion prevailed.

Senator Cropsey moved that when the Senate adjourns today, it stands adjourned until Wednesday, October 15, at 10:00 a.m.; when it adjourns on Wednesday, October 15, it stands adjourned until Wednesday, October 29, at 10:00 a.m.; and when it adjourns on Wednesday, October 29, it stands adjourned until Wednesday, November 5, at 12:00 noon.

The motion prevailed.

### Committee Reports

The Committee on Campaign and Election Oversight reported

**Senate Bill No. 1299, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 15 (MCL 169.215), as amended by 2001 PA 250.

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.

Michelle McManus  
Chairperson

To Report Out:

Yeas: Senators McManus, Brown, Jansen and Jacobs

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Campaign and Election Oversight submitted the following:

Meeting held on Wednesday, September 24, 2008, at 12:30 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Brown, Jansen and Jacobs

The Committee on Appropriations reported

**Senate Bill No. 1526, entitled**

A bill to amend 1982 PA 204, entitled "Deaf persons' interpreters act," (MCL 393.501 to 393.509) by adding section 8f.

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.

Ron Jelinek  
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Kahn, Cropsy, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

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

The Committee on Commerce and Tourism reported

**Senate Bill No. 1342, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by amending the title, as amended by 1998 PA 153, and by adding chapter 13 to part 2.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**Senate Bill No. 1343, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 351, 355, and 365 (MCL 206.351, 206.355, and 206.365), section 351 as amended by 2003 PA 22, section 355 as amended by 2003 PA 48, and section 365 as amended by 2003 PA 47, and by adding section 366.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

**To Report Out:**

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Commerce and Tourism submitted the following:

Meeting held on Thursday, September 25, 2008, at 9:30 a.m., Room 210, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 1313, entitled**

A bill to create a lien against real property for unpaid commercial real estate broker's commissions and services; and to provide remedies.

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.

Alan Sanborn  
Chairperson

**To Report Out:**

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

Nays: Senator Jacobs

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

**Senate Bill No. 1475, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1204b and 1204c (MCL 500.1204b and 500.1204c), section 1204b as amended by 1992 PA 84 and section 1204c as amended by 2006 PA 442.

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

**Senate Bill No. 1476, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204a (MCL 500.1204a), as amended by 2006 PA 442.

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

**Senate Bill No. 1477, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204 (MCL 500.1204), as amended by 2001 PA 228.

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.

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

**Senate Bill No. 1478, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1206c.

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.

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

**Senate Bill No. 1508, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4424 (MCL 500.4424), as amended by 1998 PA 457.

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, Gilbert, Thomas and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 1515, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 601 (MCL 339.601), as amended by 2007 PA 157, and by adding section 2006.

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. 4938, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2005 PA 279.

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.

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. 5651, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16334 and part 179A.

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. 5995, entitled**

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending the title and sections 1, 1a, 2, 2a, 2b, and 3 (MCL 395.101, 395.101a, 395.102, 395.102a, 395.102b, and 395.103), the title and sections 1, 2, 2a, 2b, and 3 as amended and section 1a as added by 1983 PA 60, and by adding sections 2c and 2d.

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.

Alan Sanborn  
Chairperson

**To Report Out:**

Yeas: Senators Sanborn, 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 Hunting, Fishing and Outdoor Recreation reported

**Senate Bill No. 1489, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82103, 82105, and 82106 (MCL 324.82103, 324.82105, and 324.82106), section 82103 as added by 1995 PA 58, section 82105 as amended by 2008 PA 145, and section 82106 as amended by 2004 PA 587.

With the recommendation that the bill pass.

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

James A. Barcia  
Chairperson

**To Report Out:**

Yeas: Senators Barcia, McManus, Allen and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Hunting, Fishing and Outdoor Recreation reported

**Senate Bill No. 1490, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82118 (MCL 324.82118), as amended by 2004 PA 587, and by adding section 82110a.

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.

James A. Barcia  
Chairperson

## To Report Out:

Yeas: Senators Barcia, McManus, Allen and Prusi

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 Hunting, Fishing and Outdoor Recreation submitted the following:

Meeting held on Thursday, September 25, 2008, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Barcia (C), McManus, Allen and Prusi

Excused: Senator Cropsey

The Committee on Health Policy reported

**House Bill No. 4730, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 4d.

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.

Thomas M. George  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 5341, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 4e.

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

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

Thomas M. George  
Chairperson

## To Report Out:

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

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, September 24, 2008, at 3:08 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Patterson

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 927, entitled**

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 24, 25, 27, 28, and 43 (MCL 565.24, 565.25, 565.27, 565.28, and 565.43), section 25 as amended by 1996 PA 526 and sections 28 and 43 as amended by 1992 PA 212, and by adding section 24a; and to repeal acts and parts of acts.

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.

Gerald Van Woerkom  
Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 1160, entitled**

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 27, 28, and 43 (MCL 565.27, 565.28, and 565.43), sections 28 and 43 as amended by 1992 PA 212; 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.

Gerald Van Woerkom  
Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

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 Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, September 25, 2008, at 1:30 p.m., Room 100, Farnum Building

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

The Committee on Campaign and Election Oversight reported

**Senate Bill No. 1539, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 473a.

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.

Michelle McManus  
Chairperson

## To Report Out:

Yeas: Senators McManus, Brown and Jansen

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 Campaign and Election Oversight submitted the following:

Meeting held on Thursday, September 25, 2008, at 1:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Brown, Jansen and Jacobs

The Committee on Finance reported

**Senate Bill No. 1242, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 281 (MCL 208.1281), as added by 2007 PA 145.

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, McManus and Jansen

Nays: Senators Prusi and Jacobs

The bill was referred to the Committee of the Whole.



The Committee on Finance reported

**Senate Bill No. 1535, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as added by 2008 PA 77.

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

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus and Jansen

Nays: Senators Prusi, Jacobs and Whitmer

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, September 25, 2008, at 1:57 p.m., Room 110, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Legislative Council submitted the following:

Meeting held on Thursday, September 25, 2008, at 9:00 a.m., Room H-161, Capitol Building

Present: Senators Bishop (C), Allen, Cropsey, Schauer and Thomas

Excused: Senator Patterson

#### COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Thursday, September 25, 2008, at 2:30 p.m., Room H-252, Capitol Building

Present: Senator Clarke

Excused: Senator McManus

### Scheduled Meetings

#### Appropriations -

##### Subcommittee -

**State Police and Military Affairs** - Tuesday, October 7, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senator Jelinek moved that the Senate adjourn.

The motion prevailed.

Thomas 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, the time being 3:04 p.m.:

#### Roll Call No. 606

#### Yeas—19

Allen  
Birkholz

Cropsey  
Garcia

Jansen  
Jelinek

Pappageorge  
Richardville

Bishop  
Brown  
Cassis

George  
Gilbert  
Hardiman

Kahn  
Kuipers  
McManus

Stamas  
Van Woerkom

**Nays—17**

Anderson  
Barcia  
Basham  
Brater  
Cherry

Clark-Coleman  
Clarke  
Gleason  
Hunter

Jacobs  
Olshove  
Prusi  
Schauer

Scott  
Switalski  
Thomas  
Whitmer

**Excused—0**

**Not Voting—2**

Patterson

Sanborn

In The Chair: Richardville

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, October 15, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate