

No. 84
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Wednesday, November 5, 2008.

12:00 noon.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

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

Good morning, Lord. Once again, Lord, You have made all things new. Since the sun set yesterday, the whole world has changed. Things that we thought we knew, we now know are not so. Excuse us, Lord, while we take a moment to stare in wonder at this new day that You have made.

We made a big decision last night. We chose new leaders. But I heard Your inspiration in the words of one of the people we did not choose. My friend, John McCain, who You know I have voted for twice, gave a magnificent concession speech last night, gracious in defeat, with an appreciation of the historic moment, and with a pledge to support our new President in finding ways to bridge our differences and find solutions to our problems.

Lord, many of us who voted for President Obama love John McCain. Let him know that we respect the work he has done. Just because we didn't vote for him is not a rejection. I think from his words last night, he already knows that. Lord, help him show us what it means to be the loyal opposition.

Today is a day of redemption. Americans have been prisoners for centuries of an evil legacy. Slavery made prisoners of both master and slave. Today that power seems irreversibly broken, and that sin has been washed away. Today all men and women are brothers and sisters. We have lived up to our ideals that we are all God's children, equal in Your eyes. We have chosen according to individual merits and not race or skin color. We have been liberated.

We still have great problems to solve, Lord. As President-elect Obama said, the decision we made last night is not in itself the change we seek, but it creates the opportunity, the possibility that we can fix our problems. We need Your help and inspiration, and we need to work together to do that. Lord, help us to do that. Amen.

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

Motions and Communications

The following communications were received and read:

Office of the Auditor General

October 28, 2008

Enclosed is a copy of the following audit report:

Performance audit of Selected Personnel and Other Administrative Costs, Department of Corrections.

October 31, 2008

Enclosed is a copy of the following audit report:

Financial audit, including provisions of the Single Audit Act, of the Department of Community Health (DCH) for the period October 1, 2005 through September 30, 2007.

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

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

The following communication was received:

Department of Management and Budget

October 3, 2008

Attached is a report on the purchase of recycled products by the Department of Management and Budget, Purchasing Operations, for the 2007 Fiscal Year. This report is submitted in accordance with Public Act 431 of 1984 (Section 261a(5)).

Any questions regarding this report may be directed to Elise Lancaster, Director of Purchasing Operations, at (517) 241-2715.

Sincerely,
Lisa Webb Sharpe
Director

The communication was referred to the Secretary for record.

The following communication was received:

Department of State Police

October 7, 2008

In accordance with Section 3(2) of Public Act 76 of 2007, the Michigan State Police (MSP) is notifying the Secretary of the Senate and the Clerk of the House of Representatives that the report regarding annual fingerprint fees is complete.

This report has been posted on the Web site below and is titled: "Fingerprint Cost Analysis, 10/1/08"
http://www.michigan.gov/documents/msp/Fingerprint_Cost_Analysis_Annual_Report-10-08_251631_7.doc.

The direct link to reports required by MSP's appropriation can be found at:
http://www.michigan.gov/msp/0,1607,7-123-1645_3501_49815---,00.html.

If you have questions about this report, please contact Mr. Shawn Sible at 517-333-2742 or SibleS@michigan.gov.

Thank you,
 Jodie Frese
 Budget and Financial Services Division

The communication was referred to the Secretary for record.

The following communication was received:
 Department of State

Administrative Rules
 Notice of Filing

October 10, 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 4:30 p.m. this date, administrative rule (08-10-01) for the Department of Environmental Quality, Land and Water Management Division "Water Resources Protection—Part 13. Floodplains and Floodways."

These rules become effective 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.

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

The communication was referred to the Secretary for record.

The following communications were received:
 Department of Treasury

October 15, 2008

Please find attached one copy of the Personal Property Audit Quarterly Report for the period July 1, 2008 - September 30, 2008. The report is required by Public Act 127 of 2007, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

- (1) Of the \$5,267,400.00 included in part 1 for the revenue enhancement program, \$4,767,400.00 shall be used for revenue collection enhancement activities including auditing functions.
- (2) The department of treasury shall submit quarterly progress reports to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies, regarding personal property tax audits funded under subsection (1). The report shall include the number of audits, revenue generated, and number of complaints received by the department related to the audits.

October 15, 2008

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period July 1, 2008 - September 30, 2008. The report is required by Public Act 127 of 2007, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

- (1) Of the \$5,267,400.00 included in part 1 for the revenue enhancement program, \$4,767,400.00 shall be used for revenue collection enhancement activities including auditing functions.
- (3) The \$500,000.00 balance of the \$5,267,400.00 shall be used for the principal residence exemption compliance program. Along with other program costs, expenditures shall include the development of a statewide web-based database created for the purpose of enforcing the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2008. Revenue generated to the state from the principal residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation. Additional funds from the revenue enhancement program and carry-forward appropriations may be used to support costs in excess of \$500,000.00

October 28, 2008

Please find attached for transmittal by your Office one copy of the Unit of Local Government Failure to File Financial Data Report. The report is required by Public Act 140 of 1971, the Glenn Steil State Revenue Sharing Act of 1971. Section 21 of the Act provides, in part, as follows:

(3) The department of treasury shall notify each house of the legislature of any local unit of government that fails to provide a financial report or an audit required by subsection (1) and of any local unit of government required to file a financial [deficit elimination] plan under subsection (2).

Frederick Headen, Director
Bureau of Local Government Services

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Chief Compliance Officer

October 30, 2008

Attached is the 2007-2008 Annual Report of the Office of the Chief Compliance Officer, which relates to the 21st Century Jobs Fund Programs. This report is submitted pursuant to MCL 125.2088i(6)(i), which requires the Chief Compliance Officer to prepare a written annual report that evaluates compliance with internal policies and procedures and with applicable state and federal law, explains any compliance matters that arose during the previous year, and suggests revisions to agency policies and procedures. While a great deal of activity took place during the year, I am pleased to report that diligent work by all involved ensured that all applicable laws, policies, and procedures were followed, as more completely described in the Annual Report.

John D. Walter
Chief Compliance Officer

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from April 1, 2008 through June 30, 2008, and are available in the Secretary's office during business hours for public inspection:

Committee

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

Chairperson

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

The Secretary announced that the following official bills were printed on Thursday, October 16, and are available at the legislative website:

House Bill Nos.	6527	6528	6529	6530	6531	6532	6533	6534	6535	6536	6537	6538	6539	6540
	6541	6542	6543	6544	6545	6546	6547	6548	6549	6550	6551	6552	6553	6554
	6555	6556	6557	6558	6559	6560	6561	6562	6563	6564	6565	6566	6567	6568
	6569	6570	6571	6572	6573	6574	6575							

The Secretary announced that the following official bills and joint resolution were printed on Thursday, October 30, and are available at the legislative website:

House Bill Nos. 6576 6577 6578 6579 6580 6581 6582 6583 6584 6585 6586 6587 6588 6589
6590 6591

House Joint Resolution 000

Senator Kuipers 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 12:07 p.m.

1:13 p.m.

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

During the recess, Senators Thomas, Hunter, Garcia, McManus, Barcia, Sanborn and Clarke entered the Senate Chamber.

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: October 6, 2008

Time: 11:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1048 (Public Act No. 287), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 253.

(Filed with the Secretary of State on October 6, 2008, at 4:22 p.m.)

Date: October 6, 2008

Time: 1:17 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1263 (Public Act No. 289), being

An act to amend 1978 PA 472, entitled “An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 4.414) and by adding section 19.

(Filed with the Secretary of State on October 6, 2008, at 4:26 p.m.)

Date: October 6, 2008
Time: 1:23 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 943 (Public Act No. 292), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.2080) by adding section 88.

(Filed with the Secretary of State on October 6, 2008, at 4:32 p.m.)

Date: October 6, 2008
Time: 1:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 338 (Public Act No. 293), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 513.

(Filed with the Secretary of State on October 6, 2008, at 4:34 p.m.)

Date: October 6, 2008
Time: 1:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1304 (Public Act No. 294), being

An act to amend 1969 PA 38, entitled “An act to create a state hospital finance authority to lend money to nonprofit hospitals and nonprofit health care providers for capital improvements or to refinance hospital, health care, and certain retirement housing indebtedness; to provide for the incorporation of local hospital authorities with power to lend money to nonprofit hospitals and nonprofit health care providers for hospital and health care indebtedness or to refinance hospital, health care, and certain retirement housing indebtedness; to construct, acquire, reconstruct, remodel, improve, add to, enlarge, repair, own, lease, and sell hospital and health care facilities; to finance outstanding hospital, health care, and certain retirement housing indebtedness; to authorize the authorities to borrow money and issue obligations to accomplish the purposes of this act, including the refunding or advance refunding of obligations issued by certain entities; to permit the authorities to enter into loans, contracts, leases, mortgages, and security agreements which may include provisions for the appointment of receivers; to exempt obligations and property of the authorities from taxation; and to provide other rights, powers, and duties of the authorities,” by amending section 3 (MCL 331.33), as amended by 1994 PA 428.

(Filed with the Secretary of State on October 6, 2008, at 4:36 p.m.)

Date: October 6, 2008
Time: 2:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 213 (Public Act No. 295), being

An act to require certain providers of electric service to establish renewable energy programs; to require certain providers of electric or natural gas service to establish energy optimization programs; to authorize the use of certain energy systems to meet the requirements of those programs; to provide for the approval of energy optimization service companies; to provide for certain charges on electric and natural gas bills; to promote energy conservation by state agencies and the public; to create a wind energy resource zone board and provide for its power and duties; to authorize the creation and implementation of wind energy resource zones; to provide for expedited transmission line siting certificates; to provide for a net metering program and the responsibilities of certain providers of electric service and customers with respect to net metering; to provide for fees; to prescribe the powers and duties of certain state agencies and officials; to require the promulgation of rules and the issuance of orders; and to provide for civil sanctions, remedies, and penalties.

(Filed with the Secretary of State on October 6, 2008, at 4:38 p.m.)

Date: October 8, 2008
Time: 10:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1418 (Public Act No. 300), being

An act to amend 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending sections 3, 7, and 8 (MCL 722.623, 722.627, and 722.628), section 3 as amended by 2006 PA 583, section 7 as amended by 2006 PA 621, and section 8 as amended by 2008 PA 46.

(Filed with the Secretary of State on October 8, 2008, at 2:52 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on October 15, 2008, and read:

EXECUTIVE ORDER
No. 2008-19

**Amendment of Executive Order 2001-5
Michigan Commission on Law Enforcement Standards
Department of State Police**

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

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

WHEREAS, the Michigan Commission on Law Enforcement Standards was created within the Department of State Police by Executive Order 2001-5;

WHEREAS, in the interests of efficient and effective administration of state government it is necessary to amend Executive Order 2001-5 to alter the composition of the Michigan Commission on Law Enforcement Standards;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

Section I.C of Executive Order 2001-5 is amended to read as follows:

“C. The Michigan Commission on Law Enforcement Standards shall consist of 17 members, including all of the following:

1. The Attorney General, or his or her designee from within the Department of Attorney General.
2. The Director of the Department of State Police, or his or her designee who is a police officer within the Department of State Police.
3. The chief of a police department located in a city with a population of more than 750,000, or his or her designee who is a command officer within that department.
4. Fourteen individuals appointed by the Governor, subject to disapproval by the Michigan Senate under Section 6 of Article V of the Michigan Constitution of 1963, including all of the following:
 - a. Three individuals selected from a list of not less than 9 active voting members of the Michigan Association of Chiefs of Police nominated by the Michigan Association of Chiefs of Police.
 - b. Three individuals selected from a list of not less than 9 elected county sheriffs nominated by the Michigan Sheriffs’ Association.
 - c. One individual selected from a list of not less than 3 prosecuting attorneys nominated by the Prosecuting Attorneys Association of Michigan.

d. One individual selected from a list of not less than 3 criminal defense attorneys nominated by the Criminal Defense Attorneys of Michigan.

e. One individual selected from a list of not less than 3 individuals nominated by the Michigan State Police Troopers Association.

f. One individual selected from a list of not less than 3 individuals nominated by the Michigan Chapter of the Fraternal Order of Police.

g. One individual selected from a list of not less than 3 individuals submitted by the Police Officers Association of Michigan.

h. One individual selected from a list of not less than 3 individuals nominated by a police association representing police officers employed by a police agency employing more than 15 percent of the police officers in this state.

i. One individual selected from a list of not less than 3 individuals nominated by the Police Officers Labor Council of Michigan.

j. One individual selected from a list of not less than 3 individuals nominated by the Michigan Association of Police.

5. The Governor may appoint any individual meeting the membership requirements of the groups or organizations listed under Section I.C.4.a through I.C.4.j if an organization required to submit a list fails to submit a complete list of qualified nominees at least 30 days prior to a vacancy created by the expiration of a term, or not less than 30 days after the effective date of any other vacancy.

6. An individual appointed under Section I.C.4.a to I.C.4.j shall serve as a Commission member only while serving as a member of the organization that nominated the individual.

7. Members of the Commission appointed or reappointed under Section I.C.4.a to I.C.4.h after December 31, 2008 shall be appointed for a term of four years.

8. Of the members of the Commission initially appointed by the Governor under Sections I.C.4.i and I.C.4.j, one member shall be appointed for a term expiring on November 1, 2009, and one member shall be appointed for a term expiring on November 1, 2010. After the initial appointments, members of the Commission appointed under Sections I.C.4.i and I.C.4.j shall be appointed for a term of four years.

9. A vacancy on the Commission occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.”

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective December 28, 2008 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of October in the year of our Lord, two thousand and eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on October 27, 2008, and read:

EXECUTIVE ORDER
No. 2008-20

**Creation of Department of Energy, Labor, and Economic Growth
Department of Agriculture
Department of Environmental Quality
Department of Information Technology
Department of Labor and Economic Growth**

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

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

WHEREAS, certain authority, powers, duties, functions, and responsibilities of the Department of Labor and Economic Growth were consolidated under Executive Order 2003-18, MCL 445.2011;

WHEREAS, the generation, transmission, distribution, and consumption of energy are critical state issues directly affecting the economy and our national security;

WHEREAS, the design, development, production, and deployment of renewable energy technologies attracts and secures new capital investment, creates jobs, and otherwise benefits Michigan's economy by fostering research and innovation and by accelerating diversification and revitalization of Michigan's industrial, commercial, and agricultural sectors;

WHEREAS, Michigan is uniquely positioned to advance the development and deployment of renewable energy technologies because of its many assets including, but not limited to, its skilled and available workforce; automotive research and development capabilities; tool and die, metal fabrication, and supply chain superiority; research universities and community colleges with advanced energy academic and technical curricula; and available natural resources in wind, water, and biomass;

WHEREAS, developing Michigan's energy economy by creating strategic alliances between business and labor will improve the lives of Michigan's working families and the vitality of Michigan's businesses, while providing an opportunity to transition to low carbon energy technologies;

WHEREAS, Michigan's economic development efforts can benefit from the rapidly evolving renewable energy and energy efficiency business sectors;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Biofuel" means any renewable liquid or gas fuel offered for sale as a fuel that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol, ethanol-blended fuel, biodiesel, and biodiesel blends.

B. "Biogas" means a biofuel that is a gas.

C. "Biomass" means a biofuel that is a solid.

D. "Department of Agriculture" means the principal department of state government created by Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

E. "Department of Environmental Quality" means the principal department of state government created by Executive Order 1995-18, MCL 324.99903.

F. "Department of Information Technology" means the principal department of state government created by Executive Order 2001-3, MCL 18.41.

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

H. "Michigan Broadband Development Authority" means the public body corporate and politic created within the Department of Treasury by Section 4 of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3204, and transferred to the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011.

I. "Michigan Public Service Commission" means the commission created by Section 1 of 1939 PA 3, MCL 460.1.

J. "Michigan State Housing Development Authority" means the public body corporate and politic created by Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421.

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

L. "Type II transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

M. "Type III transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFERS TO THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH

A. Department of Agriculture

1. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including, but not limited to, the functions of budgeting and procurement, of the Department of Agriculture relating to the development, production, delivery, promotion, and use of biofuels, biogas, and biomass, are transferred by Type II transfer from the Department of Agriculture to the Department of Labor and Economic Growth.

2. The Renewable Fuels Commission established within the Department of Agriculture by Section 3 of the Renewable Fuels Commission Act, 2006 PA 272, MCL 290.583, is transferred by Type II transfer from the Department of Agriculture to the Department of Labor and Economic Growth.

B. Department of Environmental Quality

1. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including, but not limited to, the functions of budgeting and procurement, of the Pollution Prevention Programs Unit and the Field Services Unit of the Environmental Science and Services Division related to energy policy, energy efficiency, alternative energy, green infrastructure, green programs and practices, low-impact design, sustainability, and recycling are transferred by Type II transfer from the Department of Environmental Quality to the Department of Labor and Economic Growth.

C. Energy Advisory Committee

1. The Energy Advisory Committee created by Section 2 of 1982 PA 191, MCL 10.82, is transferred by Type III transfer to the Department of Labor and Economic Growth.

2. The Energy Advisory Committee is abolished.

D. Michigan Broadband Development Authority

1. Except as provided in Section II.D.2 and Section IV, the authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including, but not limited to, the functions of budgeting and procurement, of the Michigan Broadband Development Authority and the Board of Directors of the Michigan Broadband Development Authority under the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3201 to 484.3225, are transferred to the Michigan State Housing Development Authority.

2. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including, but not limited to, the functions of budgeting and procurement, of the Michigan Broadband Development Authority under Section 7(1)(d) of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3207(1)(d), are transferred to the Michigan Public Service Commission. The Michigan Public Service Commission shall exercise the authority, powers, duties, functions, and responsibilities transferred under this paragraph independently of the Director of the Department of Labor and Economic Growth.

3. Except for the transfer under Section II.D.1, nothing in this Order shall alter the statutory authority, powers, duties, functions, and responsibilities of the Michigan State Housing Development Authority, which remain with the Authority. All records, property, personnel, monies, and funds of the Authority, including, but not limited to, bonds, notes, reserves, and trust funds, remain under the control of the Authority, subject to any agreements of the Authority with note and bond holders.

4. Upon the completion of the transfer to the Michigan State Housing Development Authority under Section II.D, the Authority shall continue to exercise its legal authority, powers, duties, functions, and responsibilities independently of the Director of the Department of Labor and Economic Growth. The budgeting, procurement, and related management functions of the Authority shall be performed under the direction and supervision of the Director of the Department. When directing and supervising the budgeting, procurement, and related management functions of the Authority, the Director of the Department shall remain cognizant of the rights of the holders of Authority bonds or notes. Certain Authority bond and note contracts may require the Authority to either maintain sufficient personnel or contract for services to plan Authority programs and to supervise enforcement and, where necessary, foreclosure of Authority mortgage agreements.

5. The transfers under Section II.D are subject to any agreement executed prior to the issuance of this Order with note holders, bond holders, or issuers of instruments that are guaranteed.

6. Nothing in this Order shall be construed to affect the status of moneys of the Michigan State Housing Development Authority. Moneys of the Authority are not moneys of this state. State funds appropriated to the Authority lose their identity as state funds upon payment to the Authority and become public funds of the Authority solely under the control of the Authority. Funds established by the Authority are public trust funds administered by the Authority.

7. Nothing in this Order shall be construed to impair the obligation of any bond or note issued by the Michigan State Housing Development Authority. Bonds and notes issued by the Authority are obligations of the Authority and not obligations of this state.

E. Michigan Superconducting Super Collider Commission

1. The Michigan Superconducting Super Collider Commission created under Section 4 of the Michigan Superconducting Super Collider Act, 1987 PA 26, MCL 3.814, is transferred by Type III transfer to the Department of Labor and Economic Growth. The transfer under this paragraph includes, but is not limited to, the transfer of all powers and duties of the Commission under Section 11 of the Michigan Superconducting Super Collider Act, 1987 PA 26, MCL 3.821, as amended by 2006 PA 226.

2. The Michigan Superconducting Super Collider Commission is abolished.

III. IMPLEMENTATION OF TRANSFERS TO DEPARTMENT OF LABOR AND ECONOMIC GROWTH

A. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of the transfers to the Department of Labor and Economic Growth under this Order and shall make internal organization changes as necessary to effectuate the transfers.

B. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with principal state departments affected by transfers to the Department of Labor and Economic Growth under this Order

to facilitate the transfers and develop a memorandum of record with each affected principal department identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved to implement the transfers to the Department under this Order.

C. The Director of the Department of Labor and Economic Growth and the director of each principal department affected by the transfers to the Department of Labor and Economic Growth under this Order shall jointly identify the program positions and administrative function positions that will be transferred to the Department under this Order. The Director of the Department and the director of each principal department affected by a transfer to the Department under this Order shall make every effort to develop an agreement specifying the positions to be transferred by the effective date of this Order. In the event of a failure to reach an agreement on positions to be transferred under this Order, the Director of the Department shall develop a written recommendation specifying the positions to be transferred and submit the recommendation to the Governor for consideration and approval. All transfers to the Department shall be consistent with this Order and documented by a memorandum of understanding between the director of each principal department affected by a transfer to the Department under this Order and the Director of the Department.

D. The authority, powers, duties, functions, and responsibilities transferred to the Department of Labor and Economic Growth under this Order shall be administered in such ways as to promote efficient administration.

E. The Director of the Department of Labor and Economic Growth may delegate within the Department a duty or power conferred on the Director of the Department by this Order or by other law and the individual to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the power is delegated by the Director.

F. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred to the Department of Labor and Economic Growth under this Order are transferred to the Department of Labor and Economic Growth.

G. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Michigan Broadband Development Authority for the activities, powers, duties, functions, and responsibilities transferred to the Michigan State Housing Development Authority under this Order are transferred to the Michigan State Housing Development Authority.

H. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Michigan Broadband Development Authority for the activities, powers, duties, functions, and responsibilities transferred to the Michigan Public Service Commission under this Order are transferred to the Michigan Public Service Commission.

IV. TRANSFER TO DEPARTMENT OF INFORMATION TECHNOLOGY

A. The authority, powers, duties, functions, and responsibilities of the Michigan Broadband Development Authority under Section 7(1)(p) of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3207(1)(p), are transferred by Type III transfer to the Department of Information Technology.

B. The Michigan Broadband Development Authority and the Board of Directors of the Michigan Broadband Development Authority are abolished.

C. The Director of the Department of Information Technology shall provide executive direction and supervision for the implementation of the transfer to the Department of Information Technology under this Order and shall make internal organization changes as necessary to effectuate the transfers.

D. The authority, powers, duties, functions, and responsibilities transferred to the Department of Information Technology under this Order shall be administered in such ways as to promote efficient administration.

E. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred to the Department of Information Technology under this Order are transferred to the Department of Information Technology.

V. RENAMING THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH

A. The Department of Labor and Economic Growth is renamed the Department of Energy, Labor, and Economic Growth.

B. Any statutory and other references to the Department of Labor and Economic Growth shall be deemed references to the Department of Energy, Labor, and Economic Growth.

VI. CHIEF ENERGY OFFICER FOR THE STATE OF MICHIGAN

A. The Director of the Department of Energy, Labor, and Economic Growth is designated as the Chief Energy Officer for the State of Michigan. As Chief Energy Officer, the Director shall promote the use of renewable energy, the development of advanced energy technologies, and the implementation of energy efficiency measures in this state.

B. The Chief Energy Officer also shall serve as an advisor to the Governor on matters relating to renewable energy, energy efficiency, and other energy matters as requested by the Governor.

VII. RESCISSIONS

A. Executive Order 2006-14 is rescinded in its entirety.

B. Executive Order 2003-8 is rescinded in its entirety.

VIII. MISCELLANEOUS

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

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective December 28, 2008 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of October 2008, in the year of our Lord, two thousand eight.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following messages from the Governor were received and read:

October 7, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 3 of the Boiler Act of 1965, 1965 PA 290, MCL 408.753:

Board of Boiler Rules

Mr. Eric E. Cameron of 408 North Fifth Street, St. Clair, Michigan 48079, county of St. Clair, succeeding Neil F. Vierson, whose term has expired, representing water tube boiler manufacturers, for a term commencing October 7, 2008 and expiring June 30, 2009.

Mr. Michael K. Muterspaugh of 6627 East Berrien Street, Eau Claire, Michigan 49111, county of Berrien, succeeding Lawrence R. Black, whose term has expired, representing boiler insurance companies, for a term commencing October 7, 2008 and expiring June 30, 2010.

October 7, 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 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523:

State Plumbing Board

Mr. Anthony M. Buday of 831 Fisher Road, Traverse City, Michigan 49684, county of Grand Traverse, succeeding the late Joseph C. Swindell, representing licensed plumbing contractors who hold a master's license, for a term commencing October 7, 2008 and expiring June 30, 2011.

October 14, 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 25 of 1951 PA 51, MCL 247.675:

Michigan Truck Safety Commission

Mr. Walter G. Heinritz of 1520 Lotipac Place, Lansing, Michigan 48917, county of Eaton, succeeding James A. Van Zoeren, who has resigned, for a term commencing October 14, 2008 and expiring August 4, 2009.

October 15, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Sections 16121 and 18103 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18103:

Michigan Board of Counseling

Ms. Martha D. Burkett of 412 Blossom Drive, Portland, Michigan 48875, county of Ionia, succeeding Suzanne M. Hobson, who has resigned, representing individuals engaged primarily in teaching, training, or research in counseling, for a term commencing October 15, 2008 and expiring June 30, 2012.

Reverend Meredith Hunt of 111 South Pleasant Street, Sturgis, Michigan 49091, county of St. Joseph, succeeding Abdul R. Effendi, whose term has expired, representing the general public, for a term commencing October 15, 2008 and expiring June 30, 2010.

Ms. Laura L. LeClear of 10132 East E.F. Avenue, Richland, Michigan 49083, county of Kalamazoo, succeeding Gloria J. Rouleau, whose term has expired, representing the general public, for a term commencing October 15, 2008 and expiring June 30, 2010.

Ms. Harriet A. Singleton of 5536 Stowehill Drive, SE, Kentwood, Michigan 49508, county of Kent, reappointed to represent individuals engaged primarily in providing counseling techniques, behavior modification techniques, or preventative techniques to clients, for a term expiring June 30, 2012.

October 15, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 23 of the Michigan Occupational Health Safety and Health Act, 1974 PA 154, MCL 408.1023:

Occupational Health Standards Commission

Mr. James B. Cianciolo of 22048 Crestwood Street, Woodhaven, Michigan 48183, county of Wayne, reappointed to represent labor, for a term expiring August 5, 2011.

Mr. Andrew J. Comai of 1570 Maywood Avenue, Ann Arbor, Michigan 48103, county of Washtenaw, reappointed to represent labor and general industry, for a term expiring August 5, 2011.

Mr. David L. Glynn of 40400 80th Avenue, Decatur, Michigan 49045, county of Van Buren, reappointed to represent the management of principal industries in the state with 200 or less employees, for a term expiring August 5, 2011.

Mr. Gary R. Novak of 9783 Viewcrest Court, Howell, Michigan 48843, county of Livingston, reappointed to represent the management of principal industries in the state, for a term expiring August 5, 2011.

Mr. Ronald J. Torbert of 5901 Saint James Drive, West Bloomfield, Michigan 48322, county of Oakland, reappointed to represent the management of principal industries in the state, for a term expiring August 5, 2011.

October 22, 2008

I respectfully submit to the Senate, pursuant to Section 3 of the Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.973, please be advised of the following appointment and reappointments to office:

Board of Mechanical Rules

Mr. Kevin P. Carden of 3300 Parker Street, Dearborn, Michigan 48124, county of Wayne, succeeding Charles M. Inman, whose term has expired, representing organized labor representing mechanical trades, for a term commencing October 22, 2008 and expiring October 1, 2012.

Mr. Henry E. Bartram of 29741 Linden Avenue, Farmington Hills, Michigan 48336, county of Oakland, reappointed to represent refrigeration service, for a term expiring October 1, 2012.

Mr. Robert K. Jagenberg of 33741 Bernadine Drive, Farmington Hills, Michigan 48335, county of Oakland, reappointed to represent fire suppression, for a term expiring October 1, 2012.

Mr. Gregory M. Parker of 1912 Lexington Drive, Troy, Michigan 48084, county of Oakland, reappointed to represent registered professional mechanical engineers, for a term expiring October 1, 2012.

Mr. William P. Steele of 62507 South Shore Drive, Vandalia, Michigan 49095, county of Cass, reappointed to represent limited service heating and refrigeration, for a term expiring October 1, 2012.

October 27, 2008

Pursuant to Section 3 of Article 5 of the Michigan Constitution of 1963, please be advised that Mr. Stanley F. Pruss of 8249 North Scott Road, St. Johns, Michigan 48879, county of Clinton, succeeding Keith W. Cooley, is appointed as **Director of the Department of Labor and Economic Growth**, for a term commencing November 3, 2008 and expiring at the pleasure of the Governor.

October 28, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Section 2 of 1960 PA 77, MCL 390.952:

Michigan Higher Education Assistance Authority

Mr. David Adams of 4441 Villa France Drive, Brighton, Michigan 48116, county of Livingston, succeeding James E. Barker IV, whose term has expired, representing an eligible lending institution, for a term commencing October 28, 2008 and expiring May 22, 2012.

Mr. Lester P. Monts, Ph.D., of 3930 Wynnstone Drive, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding Cynthia H. Wilbanks, whose term has expired, representing the University of Michigan, for a term commencing October 28, 2008 and expiring May 22, 2010.

October 29, 2008

I respectfully submit to the Senate, pursuant to Section 6 Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 78102 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.78102:

Michigan State Waterways Commission

The Honorable Robert E. Weiss of 11344 Brookshire Drive, Grand Blanc, Michigan 48439, county of Genesee, succeeding Bryan L. Amann, whose term has expired, representing the general public, for a term commencing October 29, 2008 and expiring September 18, 2011.

Mr. Robert B. Brown of 15 Prospect Street, St. Ignace, Michigan 49781, county of Mackinac, reappointed to represent a person who represents the marine-trades industry who does not own or operate a harbor or marina, for a term expiring September 18, 2011.

October 31, 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 5 of 1966 PA 1, MCL 125.1355:

Barrier Free Design Board

Mr. Roger L. Donaldson of 4787 Tartan Lane, Holt, Michigan 48842, county of Ingham, reappointed to represent architects, for a term commencing November 1, 2008 and expiring October 31, 2011.

Mr. Brett E. Holt of 598 Pilgrim Drive East, Saginaw, Michigan 48603, county of Saginaw, reappointed to represent hearing impaired persons, for a term commencing November 1, 2008 and expiring October 31, 2011.

Ms. Karla C. Hudson of 6009 Skyline Drive, East Lansing, Michigan 48823, county of Ingham, reappointed to represent visually impaired persons, for a term commencing November 1, 2008 and expiring October 31, 2011.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

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

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. 531, entitled

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 40111c.

(The recommendation for immediate effect was not concurred in on October 2 and the motion for immediate effect postponed. See Senate Journal No. 81, pp. 2088, 2107.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 2/3 of the members serving voting therefor.

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

By unanimous consent the Senate proceeded to the order of
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 Gleason 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. 1445, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 102 (MCL 450.4102), as amended by 2002 PA 686.

Senate Bill No. 1446, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 204, 206, 803, and 1004 (MCL 450.4204, 450.4206, 450.4803, and 450.5004), section 204 as amended by 2002 PA 686 and section 206 as amended by 1997 PA 52.

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.

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.

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. 1077, entitled

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

Substitute (S-4).

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. 1491, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 1998 PA 469.

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. 1536, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 1998 PA 235.

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. 1550, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44a (MCL 211.44a), as amended by 2004 PA 357.

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. 1508

Senate Bill No. 1515

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. 491

Senate Bill No. 1524

Senate Bill No. 1525

Senate Bill No. 1508

Senate Bill No. 1515

The motion prevailed.

The following bill was read a third time:

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.

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. 607

Yeas—31

Allen	Cropsey	Jansen	Richardville
Barcia	Garcia	Jelinek	Sanborn
Birkholz	George	Kahn	Schauer
Bishop	Gilbert	Kuipers	Stamas
Brater	Gleason	McManus	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer
Clarke	Jacobs	Prusi	

Nays—7

Anderson	Cherry	Patterson	Switalski
Basham	Clark-Coleman	Scott	

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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.

The question being on the passage of the bill,
 Senator Basham offered the following amendments:

1. Amend page 4, following line 25, by inserting:

“(iii) THE PUBLIC UTILITY ASSUMES JOINT LIABILITY FOR DAMAGE TO ANY ROADS OR BRIDGES CAUSED BY THE SUBCONTRACTOR WHILE IN THE EMPLOY OF THE PUBLIC UTILITY.”.

2. Amend page 5, following line 27, by inserting:

“(F) A REQUIREMENT THAT THE PUBLIC UTILITY ASSUME JOINT LIABILITY FOR DAMAGE TO ANY ROADS OR BRIDGES CAUSED BY THE SUBCONTRACTOR WHILE IN THE EMPLOY OF THE PUBLIC UTILITY.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 608

Yeas—27

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

Nays—11

Anderson	Cherry	Patterson	Switalski
Basham	Clark-Coleman	Prusi	Whitmer
Brater	Olshove	Scott	

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Basham’s statement is as follows:

My amendment would simply require public utilities to assume joint liability for the damage to any roads or bridges caused by a subcontractor under their employ when the frost laws are in effect.

Under current law, public utilities are held accountable for any damage they may do to roads during the frost laws. However, under Senate Bill No. 1524, which would extend these utility privileges to subcontractors, the public utility does not also extend the accountability or financial responsibility to their subcontractor. If they’re sure their subcontractor is not doing any illegal work with this permit or doing any damage to the roadway, then the utilities should share that liability with their subcontractors.

Why would the Legislature want to risk hundreds of thousands of dollars of a section of road for routine maintenance work that could be done at a later date—on average six weeks? And if this is such a good idea, why doesn’t it include MDOT’s restricted roads? We start down a very slippery slope when we talk about fairness for private for-profit companies versus utilities. Who’s next? Propane? Home fuel? Well drillers? Oil drillers? Septic haulers? Is it fair to have citizens of Michigan pay several times over and over again for the same section of road for damage done by private for-profits?

All that is being asked is that those who can—which is virtually everyone—reduce their loads by 25 percent or 35 percent for several weeks do so. Emergencies are just that and vehicles responding to emergencies will always be allowed in. Regardless of the industry, day or night, they just report the emergency as soon as possible afterwards.

However, these emergency vehicles don’t have to completely empty the septic tank. They don’t have to bring in a full load of home fuel or propane. These emergencies are a lack of personal home responsibility. It’s not that we don’t care, and, yes, we realized they will have to pay more for two trips, but why jeopardize the road for this lack of personal responsibility?

If a private for-profit damages the road so even the county road guys can’t get in to fix it until it dries out, and no one can get in or out of houses without parking hundreds of feet from their homes, how does this make it fair for the people living on that damaged road?

I urge your support for the amendment, and again, if this amendment passes, then I will support the bill. If it does not pass, then I would urge members not to support the main bill.

The following bill was read a third time:

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.

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. 609

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. 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.

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. 610

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. 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.

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. 611

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 proceeded to the order of

Introduction and Referral of Bills

Senators Thomas, Schauer, Jacobs, Brater, Barcia, Clarke, Switalski, Gleason, Basham, Scott, Clark-Coleman and Hunter introduced

Senate Joint Resolution Q, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 26 and 31 of article IV, to provide for a fiscal analysis of each bill introduced in the legislature and to require spending cuts or increased revenues for any bill determined to have a negative impact on state revenues.

The joint resolution was read a first and second time by title and referred to the Committee on Appropriations.

Senators Garcia, Anderson, Kuipers, Allen, Basham, Barcia, Cropsey, Hardiman, McManus, Pappageorge and Richardville introduced

Senate Bill No. 1551, entitled

A bill to authorize a service bonus for certain veterans; and to make appropriations.

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

Senators Brown, Richardville, Sanborn, Barcia, Birkholz, Pappageorge, Garcia and Basham introduced

Senate Bill No. 1552, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending the title and sections 1, 2, 6, 6a, 6b, 11, 13, 20, 22, and 27 (MCL 493.51, 493.52, 493.56, 493.56a, 493.56b, 493.61, 493.63, 493.70, 493.72, and 493.77), the title and sections 6, 11, 13, 20, 22, and 27 as amended and section 6a as added by 1997 PA 91, sections 1 and 6b as amended by 2002 PA 392, and section 2 as amended by 2007 PA 46, and by adding sections 2a, 2b, 2c, 2d, and 26a.

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

Senators Sanborn, Richardville, Barcia, Brown, Birkholz, Pappageorge, Garcia and Basham introduced

Senate Bill No. 1553, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 8 (MCL 445.1658), as amended by 2008 PA 72.

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

Senators Jansen, Richardville, Sanborn, Barcia, Brown, Birkholz, Pappageorge, Garcia and Basham introduced
Senate Bill No. 1554, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2a (MCL 445.1652a), as added by 2008 PA 60.

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

Senators Barcia, Richardville, Sanborn, Brown, Birkholz, Pappageorge, Garcia and Basham introduced
Senate Bill No. 1555, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2008 PA 59.

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

Senators Kahn, Pappageorge, Birkholz, Patterson, Olshove, Barcia and Allen introduced
Senate Bill No. 1556, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 2006 PA 177.

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

Senators Kahn, Garcia, Pappageorge, Birkholz, Brown, Patterson, Olshove, Barcia and Allen introduced
Senate Bill No. 1557, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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

Senators Allen, Kahn, Thomas, Gilbert, Jacobs, Garcia and Hunter introduced
Senate Bill No. 1558, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525 and 537 (MCL 436.1525 and 436.1537), as amended by 2008 PA 218, and by adding section 545.

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

Senators Barcia, Kahn, Kuipers and Allen introduced
Senate Bill No. 1559, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 37a of chapter VII (MCL 767.37a), as amended by 2006 PA 655.

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

Senators Kuipers and Allen introduced
Senate Bill No. 1560, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 67c. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Kahn, Pappageorge and Kuipers introduced
Senate Bill No. 1561, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 14a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators George, Kuipers and Allen introduced
Senate Bill No. 1562, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 67c. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Pappageorge, Kahn and Kuipers introduced

Senate Bill No. 1563, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2008 PA 133.

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

Senators Sanborn, Richardville, Kahn, Kuipers and Allen introduced

Senate Bill No. 1564, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 7b.

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

Senators Kuipers and Kahn introduced

Senate Bill No. 1565, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 35 (MCL 791.235), as amended by 1998 PA 315.

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

Senators Brown, Pappageorge and Jansen introduced

Senate Bill No. 1566, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24a and 307 (MCL 168.24a and 168.307), section 24a as amended by 1982 PA 154 and section 307 as added by 2003 PA 302.

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

Senator Pappageorge introduced

Senate Bill No. 1567, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 89.

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

Senator Hardiman introduced

Senate Bill No. 1568, entitled

A bill to permit the establishment and maintenance of long-term health care savings accounts; to provide for certain tax credits and deductions; to prescribe the requirements of and restrictions on long-term health care savings accounts; and to provide penalties and remedies.

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

Senator Hardiman introduced

Senate Bill No. 1569, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2007 PA 154.

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

Senator Prusi introduced

Senate Bill No. 1570, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2008 PA 7.

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

Senator Sanborn introduced

Senate Bill No. 1571, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 65.

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

Senators Basham, Whitmer, Prusi, Clark-Coleman, Thomas, Kuipers, Stamas, Garcia, Jelinek, Jansen, Birkholz, Hardiman, Brater, Scott, Gilbert, Schauer and Anderson introduced

Senate Bill No. 1572, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539l. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Jansen and Clarke introduced

Senate Bill No. 1573, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12d, 13, 19, 20d, 20j, and 20k (MCL 38.1132d, 38.1133, 38.1139, 38.1140d, 38.1140j, and 38.1140k), sections 12d, 13, 19, and 20d as amended by 2000 PA 307 and sections 20j and 20k as added by 1996 PA 485, and by adding section 19a; and to repeal acts and parts of acts.

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

Senators Cropsey and Allen introduced

Senate Bill No. 1574, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 2, 16, 31, 44, 61, and 76 (MCL 780.752, 780.766, 780.781, 780.794, 780.811, and 780.826), sections 2, 16, 44, and 76 as amended by 2005 PA 184 and sections 31 and 61 as amended by 2006 PA 461.

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

Senators Barcia, Cropsey and Allen introduced

Senate Bill No. 1575, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 1998 PA 231.

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

Senator Garcia introduced

Senate Bill No. 1576, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3341 (MCL 500.3341), as amended by 2002 PA 656.

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

Senator Garcia introduced

Senate Bill No. 1577, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12g and 16p of chapter XVII (MCL 777.12g and 777.16p), section 12g as added by 2002 PA 34 and section 16p as amended by 2005 PA 168.

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

Senator Garcia introduced

Senate Bill No. 1578, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34b (MCL 400.734b), as amended by 2008 PA 135.

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

Senators Switalski and Gleason introduced

Senate Bill No. 1579, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173a (MCL 333.20173a), as amended by 2008 PA 123.

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

Senators Switalski and Gleason introduced

Senate Bill No. 1580, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 134a (MCL 330.1134a), as added by 2006 PA 27.

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

Senator Allen introduced

Senate Bill No. 1581, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82147 (MCL 324.82147), as amended by 2001 PA 148.

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

Senator Cropsey introduced

Senate Bill No. 1582, entitled

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

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

Senators Cropsey, Gilbert, Jansen, Cassis, Jelinek, Allen, Birkholz, Switalski, Thomas and Jacobs introduced

Senate Bill No. 1583, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 455, 457, and 459 (MCL 208.1455, 208.1457, and 208.1459), section 455 as added by 2008 PA 77, section 457 as added by 2008 PA 86, and section 459 as added by 2008 PA 74.

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

Senator Allen introduced

Senate Bill No. 1584, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 7 (MCL 207.552 and 207.557), section 2 as amended by 2008 PA 170 and section 7 as amended by 2006 PA 483.

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

Senators Schauer, Switalski, Clarke, Hunter and Cherry introduced

Senate Bill No. 1585, entitled

A bill to create the renewable energy fund; to provide for a grant program for the promotion of renewable energy; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Senator Cropsey introduced

Senate Bill No. 1586, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8311 (MCL 600.8311).

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

Senator Cropsey introduced

Senate Bill No. 1587, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 17 of chapter VI (MCL 766.1, 766.4, 766.5, 766.6, 766.7, 766.8, 766.9, 766.10, 766.11, 766.13, 766.14, 766.15, 766.16, and 766.17), section 4 as amended by 1994 PA 167, section 9 as amended by 1988 PA 106, and section 14 as amended by 1998 PA 520, and by adding section 2.

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

Senator Gilbert introduced

Senate Bill No. 1588, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10c (MCL 247.660c), as amended by 2005 PA 45.

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

Senator Allen introduced

Senate Bill No. 1589, entitled

A bill to amend 1867 PA 35, entitled "An act to provide for the formation of street railway companies, defining their powers and duties and authorizing the construction, use, maintenance and ownership of street railways for the transportation of passengers, and for accumulating, storing, manufacturing, conducting, using, selling, furnishing and supplying electricity and electric power, by such companies," by amending the title and sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 23, and 27 (MCL 472.1, 472.3, 472.5, 472.7, 472.9, 472.11, 472.13, 472.15, 472.17, 472.19, 472.23, and 472.27) and by adding section 21; and to repeal acts and parts of acts.

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

Senator Hunter introduced

Senate Bill No. 1590, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports;

to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1998 PA 87.

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

Senator Barcia introduced

Senate Bill No. 1591, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 123 (MCL 450.2123), as amended by 1990 PA 39.

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

Senator Hardiman introduced

Senate Bill No. 1592, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending sections 1, 2, 5, 15, and 16 (MCL 474.51, 474.52, 474.55, 474.65, and 474.66), section 2 as amended by 1998 PA 235 and sections 5, 15, and 16 as amended by 1984 PA 210.

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

Senator Brown introduced

Senate Bill No. 1593, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 109 (MCL 462.109), as amended by 2002 PA 658, and by adding section 450.

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

Senator Van Woerkom introduced

Senate Bill No. 1594, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14m of chapter XVII (MCL 777.14m), as amended by 2002 PA 659.

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

House Bill No. 4048, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759a (MCL 168.758, 168.759, and 168.759a), section 758 as amended by 1996 PA 207, section 759 as amended by 1995 PA 261, and section 759a as amended by 2007 PA 52.

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

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

House Bill No. 4175, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 2006 PA 298.

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

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

House Bill No. 5025, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463.

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

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

House Bill No. 5026, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2007 PA 77.

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

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

House Bill No. 5331, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43523, 43528, and 43531 (MCL 324.43523, 324.43528, and 324.43531), section 43523 as amended by 2006 PA 280 and sections 43528 and 43531 as amended by 1996 PA 585.

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

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

House Bill No. 5342, entitled

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

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

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

House Bill No. 5797, 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.

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

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

House Bill No. 5932, entitled

A bill to allow certain active duty service members to terminate contracts with wireless telecommunications providers; to provide for the rights and responsibilities of the parties to those terminated contracts; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide remedies; and to provide for the disposition of civil fines.

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

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

House Bill No. 6010, 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.

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

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

House Bill No. 6162, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 2003 PA 140.

The House of Representatives has passed the bill.

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

House Bill No. 6163, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24c (MCL 211.24c), as amended by 2003 PA 247.

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

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

House Bill No. 6164, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78a (MCL 211.78a), as added by 1999 PA 123.

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

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

House Bill No. 6165, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78b (MCL 211.78b), as amended by 2003 PA 263.

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

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

House Bill No. 6166, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78c (MCL 211.78c), as amended by 2003 PA 263.

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

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

House Bill No. 6167, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78f (MCL 211.78f), as amended by 2003 PA 263.

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

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

House Bill No. 6168, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78g (MCL 211.78g), as amended by 2003 PA 263.

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

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

House Bill No. 6169, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78h (MCL 211.78h), as amended by 2001 PA 96.

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

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

House Bill No. 6170, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78i (MCL 211.78i), as amended by 2006 PA 611.

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

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

House Bill No. 6171, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78k (MCL 211.78k), as amended by 2006 PA 611.

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

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

House Bill No. 6247, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278b (MCL 380.1278b), as amended by 2007 PA 141.

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

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

House Bill No. 6269, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16205 (MCL 333.16205), as amended by 1986 PA 290.

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

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

House Bill No. 6282, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 461.

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

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

House Bill No. 6386, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22b (MCL 421.22b), as added by 2005 PA 18.

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

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

House Bill No. 6387, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

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

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

House Bill No. 6390, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2511 (MCL 339.2511), as amended by 1990 PA 164.

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

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

House Bill No. 6391, entitled

A bill to repeal 1972 PA 286, entitled "Land sales act," (MCL 565.801 to 565.835).

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

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

House Bill No. 6428, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 18a.

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

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

House Bill No. 6429, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 476a (MCL 500.476a), as amended by 2007 PA 187.

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

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

House Bill No. 6430, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 279. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 6431, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 465. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 6437, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7q (MCL 211.7q), as added by 1980 PA 142. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 6438, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2006 PA 446. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 6455, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Transportation.

House Bill No. 6477, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 727 (MCL 168.727), as amended by 2004 PA 92. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Are we ready for a change? If we are, let's get my bills going. It's time to move my bills. Can I get an amen? Yes we can because this is a great day, isn't it? You have another chance to change. It is still a great, wonderful day. I'm going to give you another chance tomorrow. You know what? I am just so happy that I am silly today. But anyway, thank you all so much, and I know that you want to be a part of this change too. So move my bills. Move my bills.

Senator Clarke's statement is as follows:

As you know, for the past few months, the Wall Street markets have been in turmoil. They have been up and down. Underlying that problem in the capital markets is our housing crisis. Specifically, so many homes were being lost as a result of foreclosure that investors and investment banks have been losing their investments in the home; losing the money and liquidity that they need by receiving those mortgage payments. They no longer receive that money because the homeowner was losing the home in foreclosure.

The proposed bailout would essentially require you and I as taxpayers to buy all of those troubled mortgages, and if the homeowner defaults on those mortgages, you know who is going to have to pay it off? You and I, our children and our grandchildren as taxpayers. I propose a way that is fairer and more effective to help stabilize the U.S. capital markets.

That is, by slowing down the rate of foreclosures, by doing that, the investors and the banks will be able to retain their asset, their investment in the home; also get the liquidity that they need because the homeowner will be able to pay some money as opposed to none whatsoever.

I hope that the new federal administration will take action by instituting a nationwide moratorium on foreclosures. But until that time, I ask again, as I have done repeatedly over this calendar year, for this body, the Michigan Senate, to lead the federal government and enact a moratorium on foreclosures. This is not a blanket stay on foreclosures.

Our proposal which is modeled on the law that was enacted by the Michigan Legislature during the 1930s as a remedy to the Great Depression, I believe, will help us to avoid economic depression in this country by allowing a circuit court judge to supervise the process between the homeowner and the borrower. I believe that will provide an incentive for an agreement to be worked out.

A moratorium on foreclosures will help those families who are struggling to stay in their homes to have a place to stay. It will also help the investors because they will receive money from the mortgage payments, and they will still have a viable asset that won't be abandoned, vacated, and vandalized. Most importantly, a moratorium on foreclosures will help everyone else in this state who right now are losing the values of their homes. The values of homes have dropped so far that there are very few, if any, homeowners in Michigan who could pay off their mortgage if they were forced to move today. That's as a result of foreclosures. It is a problem that is affecting everyone—the Wall Street investor, the homeowner, and the adjacent property owner.

Again, I ask us not to put trillions of tax dollars at risk to bail out corporations and billionaires. A more conservative, a fairer and more effective way of handling the problem in the capital markets is to give the homeowner a few more months to catch up on their mortgage payments because, with time, they could get another job. With time and the help of a judge, they could negotiate an agreement with a lender. With time, the real estate market in Michigan may stabilize, and that homeowner could find another buyer. When you are in foreclosure, time is running out.

Mr. Chair, I ask you and this body to consider this bill seriously. This can help address the gravest economic crisis that has affected us since the Great Depression. It is hurting every property owner in this state, and I don't believe that we should wait for more and more people to lose their homes, more and more families to lose their property values until this Senate takes action. The referendum yesterday indicates that people want us to act now and act in their benefit, not the benefit of the corporations alone.

Scheduled Meetings

Appropriations -

Subcommittee -

Environmental Quality Department - Thursday, November 13, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Thursday, November 6, 9:00 a.m., Room 100, Farnum Building (373-3543)

Families and Human Services - Thursday, November 6, 8:30 a.m., Room 210, Farnum Building (373-0797)

Finance - Thursday, November 6, 11:00 a.m., Room 110, Farnum Building (373-1758)

Senate Fiscal Agency Board of Governors - Thursday, November 13, 9:00 a.m., Senate Majority Leader's Conference Room, Room S-101, Capitol Building (373-5300)

State Drug Treatment Court Advisory Committee - Tuesday, November 25, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 2:21 p.m.

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

