

No. 92  
STATE OF MICHIGAN  
**Journal of the Senate**  
94th Legislature  
REGULAR SESSION OF 2008

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Senate Chamber, Lansing, Thursday, December 11, 2008.

12:10 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—excused  
Prusi—present  
Richardville—present  
Sanborn—present  
Schauer—present  
Scott—present  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Senator Cameron Brown of the 16th District offered the following invocation:

Thank You, Father, for the start of a new day in this season of lights. We thank You for the gift of life and for the blessings of liberty. We are especially thankful for the opportunity You have permitted us to experience working here together for the good of the people of this great state.

Forgive us of our sins and grant us through our obedience Your Holy Spirit. This we pray in the name of the Messiah. 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 communication was received and read:  
Office of the Senate Majority Leader

December 10, 2008

Pursuant to Senate Rule 1.105(c), the House having non-concurred in the Senate substitute (S-8) to House Bill 4163, appoints the following members to sit on the conference committee:

Senator Alan Cropsey  
Senator Alan Sanborn  
Senator Raymond Basham

Thank you for your prompt consideration of this matter.

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

The communication was referred to the Secretary for record.

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 10:

**House Bill Nos. 4179 5192 6420 6463**

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:15 a.m.

1:39 a.m.

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

During the recess, Senators Garcia, Jacobs, McManus, Kahn and Schauer entered the Senate Chamber.

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

**Senate Bill No. 1666**

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

By unanimous consent the Senate proceeded to the order of

### General Orders

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 6542, 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, 25, 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, 472.25, and 472.27) and by adding section 21; and to repeal acts and parts of acts.

Substitute (S-3).

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

1. Amend page 21, following line 14, by inserting:

"(a) Senate Bill No. 1104." and relettering the remaining subdivisions.

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

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

**Senate Bill No. 1666, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3101, 3208, and 3216 (MCL 600.3101, 600.3208, and 600.3216), section 3101 as amended by 1981 PA 172.

Substitute (S-2).

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

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

**House Bill No. 6543, 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.

Substitute (S-1).

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

1. Amend page 2, following line 21, by inserting:

"(a) Senate Bill No. 1104." and relettering the remaining subdivisions.

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

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

**House Bill No. 6546, 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.

Substitute (S-1).

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

1. Amend page 3, following line 9, by inserting:

"(a) Senate Bill No. 1104." and relettering the remaining subdivisions.

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

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

**House Bill No. 6625, 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 following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 5, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) Senate Bill No. 1104.

(b) Senate Bill No. 1589."

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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 at the head of the Third Reading of Bills calendar:

**House Bill No. 6542**

**House Bill No. 6543**

**House Bill No. 6546**

**House Bill No. 6625**

**Senate Bill No. 1666**

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

The following bill was read a third time:

**House Bill No. 6542, 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, and 27 (MCL 472.1, 472.3, 472.5, 472.7, 472.9, 472.11, 472.13, 472.15, 472.17, 472.19, and 472.27) and by adding section 21; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 800**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Patterson

**Not Voting—1**

Sanborn

In The Chair: Richardville

Senator Cropsey moved that Senator Sanborn be excused from the balance of today's session.  
 The motion prevailed.

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

The following bill was read a third time:

**House Bill No. 6543, 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 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. 801**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Patterson                      Sanborn

**Not Voting—0**

In The Chair: Richardville

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

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

"An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6546, 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 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. 802****Yeas—36**

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

**Nays—0****Excused—2**

Patterson	Sanborn
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**Not Voting—0**

In The Chair: Richardville

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

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

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

“An act to revise, consolidate, and codify the laws relating to railroads and their employees; to prescribe powers and duties of certain state and local agencies and officials; to prescribe fees; to create certain funds; to provide for the disposition of certain money; to provide remedies and penalties; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6625, 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 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. 803****Yeas—36**

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

**Nays—0**

**Excused—2**

Patterson

Sanborn

**Not Voting—0**

In The Chair: Richardville

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

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1666, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3208, 3216, and 3240 (MCL 600.3208, 600.3216, and 600.3240), section 3240 as amended by 2006 PA 579.

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. 804**

**Yeas—21**

Allen  
Barcia  
Birkholz  
Bishop  
Brown  
Cassis

Cropsey  
Garcia  
George  
Gilbert  
Gleason

Hardiman  
Jansen  
Jelinek  
Kahn  
Kuipers

McManus  
Pappageorge  
Richardville  
Stamas  
Van Woerkom

**Nays—15**

Anderson  
Basham

Clark-Coleman  
Clarke

Olshove  
Prusi

Switalski  
Thomas

Brater  
Cherry

Hunter  
Jacobs

Schauer  
Scott

Whitmer

**Excused—2**

Patterson

Sanborn

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

**Senate Bill No. 1532**

**Senate Bill No. 1648**

**House Bill No. 5147**

**House Bill No. 6441**

**House Bill No. 6442**

**Senate Bill No. 1392**

**Senate Bill No. 1394**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1532, entitled**

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," (MCL 445.571 to 445.576) by adding section 2a.

The question being on the passage of the bill,

The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 805**

**Yeas—36**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman

Hunter  
Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge

Prusi  
Richardville  
Schauer  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—2**

Patterson

Sanborn





**Roll Call No. 807****Yeas—35**

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

**Nays—1**

Pappageorge

**Excused—2**

Patterson

Sanborn

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

**Protest**

Senator Pappageorge, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1648 and House Bill No. 5147.

Senator Pappageorge's statement is as follows:

I want my colleagues to know that I am fully in support of this package of bills. The purpose of the "no" vote explanation is to remind folks that when we are done with these seven bills, this is just the beginning. We created two rows of counties where there will be difficulty turning in purported 10-cent cans. That doesn't mean that it is a wall. Those truckloads of cans that have been coming into Michigan will continue to do so, and those trucks aren't going to turn around. What they will do instead is they will drive another 45 minutes or so to the next county: Allegan, Barry, Eaton, Ingham, Livingston, Oakland, and Macomb. Particularly, in my district which straddles I-75, a whole bunch of trucks will be coming into Oakland County. This is a good first step, but we need to make sure that all of Michigan, all the store-owners in Michigan, are properly protected from fraud. Again, I applaud the sponsors of these seven bills, but I remind all of you that we are not done.

The following bill was read a third time:

**House Bill No. 6441, entitled**

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 4a (MCL 445.574a), as added by 1998 PA 473.

The question being on the passage of the bill,

The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 808****Yeas—35**

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

**Nays—0****Excused—2**

Patterson	Sanborn
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**Not Voting—1**

Cassis

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

**Senate Bill No. 1666**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6442, entitled**

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 4b (MCL 445.574b), as added by 1998 PA 473.

The question being on the passage of the bill,

The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 809****Yeas—36**

Allen	Cherry	Hunter	Prusi
Anderson	Clark-Coleman	Jacobs	Richardville
Barcia	Clarke	Jansen	Schauer
Basham	Cropsey	Jelinek	Scott
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski

Brater  
Brown  
Cassis

Gilbert  
Gleason  
Hardiman

McManus  
Olshove  
Pappageorge

Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—2**

Patterson

Sanborn

**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. 1392, 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 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. 810**

**Yeas—36**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman

Hunter  
Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge

Prusi  
Richardville  
Schauer  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—2**

Patterson

Sanborn

**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. 1394, entitled**

A bill to amend 1976 IL 1, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending section 2 (MCL 445.572), as amended by 1998 PA 473.

The question being on the passage of the bill,

Senator Prusi offered the following amendment:

1. Amend page 2, line 15, after “**DEALER**” by inserting “**LOCATED IN ANY COUNTY OF THIS STATE THAT BORDERS ANOTHER STATE, OR ANY COUNTY IN THE LOWER PENINSULA THAT IS CONTIGUOUS WITH A COUNTY OF THIS STATE THAT BORDERS ANOTHER STATE,**”.

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

The question being on the passage of the bill,

The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 811**

**Yeas—34**

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

**Nays—2**

Brater	Gleason
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**Excused—2**

Patterson	Sanborn
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**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Cropsey moved that the Committee on Economic Development and Regulatory Reform be discharged from further consideration of the following bill:

**Senate Bill No. 651, entitled**

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” by amending section 13 (MCL 408.763), as amended by 1986 PA 277.

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

Senator Cropsy moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 651**

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

By unanimous consent the Senate returned to the order of

**General Orders**

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

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

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

**House Bill No. 6090, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2008 PA 162.

The bill was placed on the order of Third Reading of Bills.

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

**House Bill No. 6496, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 266 (MCL 206.266), as amended by 2007 PA 94.

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

1. Amend page 13, following line 26, by inserting:

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 973 of the 94th Legislature is enacted into law."

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

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

**House Bill No. 6089, entitled**

A bill to establish the foster care trust fund in the department of management and budget; to establish the state foster care advisory board; to prescribe the powers and duties of the state foster care advisory board; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

Substitute (S-3).

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

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

**Senate Bill No. 1375, 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 sections 10 and 11 (MCL 247.660 and 247.661), section 10 as amended by 2007 PA 210 and section 11 as amended by 2002 PA 639.

Substitute (S-2).

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

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

**Senate Bill No. 651, entitled**

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” by amending section 13 (MCL 408.763), as amended by 1986 PA 277.

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 at the head of the Third Reading of Bills calendar:

**House Bill No. 6496**

**Senate Bill No. 1375**

**Senate Bill No. 651**

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

The following bill was read a third time:

**House Bill No. 6496, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 266 (MCL 206.266), as amended by 2007 PA 94.

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. 812**

**Yeas—35**

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

**Nays—1**

**Excused—2**

Patterson

Sanborn

**Not Voting—0**

In The Chair: Richardville

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

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

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

“An act to 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.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1375, 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 sections 10 and 11 (MCL 247.660 and 247.661), section 10 as amended by 2007 PA 210 and section 11 as amended by 2002 PA 639.

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. 813****Yeas—36**

Allen  
Anderson  
Barcia  
Basham  
Birkholz

Cherry  
Clark-Coleman  
Clarke  
Cropsey  
Garcia

Hunter  
Jacobs  
Jansen  
Jelinek  
Kahn

Prusi  
Richardville  
Schauer  
Scott  
Stamas





By unanimous consent the Senate returned to the order of  
**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. 493**

**Senate Bill No. 1175**

The motion prevailed

**Senate Bill No. 897, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2007 PA 212, and by adding part 173.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 898, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 17317, 17319, 17323, 17327, and 17329.

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

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

A bill to amend 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 sections 17317, 17319, 17323, and 17331.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 927, entitled**

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

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

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

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

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

**Senate Bill No. 973, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2007 PA 216.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 1160, entitled**

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

The House of Representatives has passed the bill and ordered that the bill be given immediate effect. The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1342, entitled**

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

The House of Representatives has amended the Senate substitute (S-1) to the House substitute (H-1) as follows:

1. Amend page 15, line 9, by striking out "\$60,000,000.00" and inserting "\$50,000,000.00".

The House of Representatives has concurred in the Senate substitute (S-1) as amended to the House substitute (H-1). The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1398, entitled**

A bill to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 25 (MCL 205.75), as amended by 2007 PA 69.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-1).

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

**Senate Bill No. 1403, entitled**

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

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

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

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

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

**Senate Bill No. 1443, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in various counties; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyances.

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

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

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

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

**Senate Bill No. 1485, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2007 PA 168.

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

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

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

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

**Senate Bill No. 1489, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 82105, 82106, and 82126 (MCL 324.82105, 324.82106, and 324.82126), section 82105 as amended by 2008 PA 145, section 82106 as amended by 2004 PA 587, and section 82126 as amended by 2008 PA 27.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 1490, entitled**

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

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 1498, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81133 (MCL 324.81133), as amended by 2008 PA 240.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1640, entitled**

A bill to amend 1986 PA 182, entitled “State police retirement act of 1986,” by amending sections 3 and 14a (MCL 38.1603 and 38.1614a), section 3 as amended by 2004 PA 83 and section 14a as amended by 2004 PA 50.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1195, entitled**

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

Substitute (H-1).

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

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

**Roll Call No. 815****Yeas—36**

Allen	Cherry	Hunter	Prusi
Anderson	Clark-Coleman	Jacobs	Richardville
Barcia	Clarke	Jansen	Schauer
Basham	Cropsey	Jelinek	Scott
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski
Brater	Gilbert	McManus	Thomas

Brown  
CassisGleason  
HardimanOlshove  
PappageorgeVan Woerkom  
Whitmer**Nays—0****Excused—2**

Patterson

Sanborn

**Not Voting—0**

In The Chair: Richardville

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

**Senate Bill No. 1467, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2008 PA 162.

Substitute (H-1).

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

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

**Roll Call No. 816****Yeas—36**Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
CassisCherry  
Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
HardimanHunter  
Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
PappageorgePrusi  
Richardville  
Schauer  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer**Nays—0****Excused—2**

Patterson

Sanborn

**Not Voting—0**

In The Chair: Richardville

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

Senator Cropsey moved that the enrollment be vacated on the following bill:

**Senate Bill No. 1342, entitled**

A bill to amend 1966 PA 331, entitled “An act to amend 1966 PA 331, entitled “An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 389.1 to 389.195) by amending the title, as amended by 1998 PA 153, and by adding chapter 13 to part 2.

The motion prevailed.

**Senate Bill No. 1342, entitled**

A bill to amend 1966 PA 331, entitled “An act to amend 1966 PA 331, entitled “An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 389.1 to 389.195) by amending the title, as amended by 1998 PA 153, and by adding chapter 13 to part 2.

(This bill was returned from the House with amendment to the Senate substitute earlier today and ordered enrolled. See p. 2499.)

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

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the House amendment made to the Senate substitute,

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

**Roll Call No. 817**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Patterson

Sanborn

**Not Voting—1**

Basham

In The Chair: Richardville

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

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

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Thursday, December 18, at 10:00 a.m.

The motion prevailed.

**Committee Reports**

The Committee on Families and Human Services reported

**House Bill No. 6549, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 22 (MCL 125.1422), as amended by 2008 PA 216.

With the recommendation that the bill pass.

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

Mark C. Jansen  
 Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 6550, entitled**

A bill to amend 2006 PA 513, entitled "Individual or family development account program act," by amending sections 2, 3, 5, 7, 8, 9, and 10 (MCL 206.702, 206.703, 206.705, 206.707, 206.708, 206.709, and 206.710).

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

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

Mark C. Jansen  
 Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Families and Human Services submitted the following:

Meeting held on Wednesday, December 10, 2008, at 9:30 a.m., Room 405, Capitol Building

Present: Senators Jansen (C), Hardiman and Jacobs

The Committee on Banking and Financial Institutions reported

**Senate Bill No. 1666, entitled**

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 3101, 3208, and 3216 (MCL 600.3101, 600.3208, and 600.3216), section 3101 as amended by 1981 PA 172.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Stamas and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

**House Bill No. 5008, entitled**

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts.

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

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

**House Bill No. 5018, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14j of chapter XVII (MCL 777.14j), as added by 2002 PA 29.

With the recommendation that the bill pass.

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Clarke and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

**House Bill No. 6614, entitled**

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 3101, 3140, 3208, 3216, and 3240 (MCL 600.3101, 600.3140, 600.3208, 600.3216, and 600.3240), section 3101 as amended by 1981 PA 172, section 3140 as amended by 2004 PA 538, and section 3240 as amended by 2006 PA 579.

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

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Stamas and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

**House Bill No. 6615, entitled**

A bill to require mortgage lenders and mortgage servicers to provide certain notices and information; to provide for the establishment of a program to prevent home foreclosures; to provide for the establishment of an information database;



to provide for the powers and duties of certain state governmental officers and entities; to provide remedies; and to repeal acts and parts of acts.

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

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Stamas and Olshove

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, December 10, 2008, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Cassis, Stamas, Clarke and Olshove

Excused: Senators Sanborn and Hunter

The Committee on Commerce and Tourism reported

#### **Senate Bill No. 983, entitled**

A bill to create certain property rights in attributes of an individual that have commercial value; to recognize transfer of those rights; to provide exceptions for certain purposes and entities; and to provide remedies.

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

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

#### **House Bill No. 6616, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2002 PA 642 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

#### **House Bill No. 6617, entitled**

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Gilbert and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Wednesday, December 10, 2008, at 8:52 a.m., Room 100, Farnum Building

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

The Committee on Senior Citizens and Veterans Affairs reported

**House Bill No. 4819, entitled**

A bill to prescribe the senior medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Pappageorge and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, December 10, 2008, at 8:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge and Olshove

Excused: Senators Garcia and Basham

The Committee on Judiciary reported

**House Bill No. 5041, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520c (MCL 750.520c), as amended by 2007 PA 163.

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

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

Wayne Kuipers  
Chairperson

## To Report Out:

Yeas: Senators Kuipers, Cropsey, Patterson and Prusi

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5969, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2, 5b, 5l, 5o, 8, and 9 (MCL 28.422, 28.425b, 28.425l, 28.425o, 28.428, and 28.429), section 2 as amended by 2004 PA 101, section 5b

as amended by 2006 PA 350, section 5l as amended by 2006 PA 456, section 5o as amended by 2002 PA 719, section 8 as amended by 2000 PA 381, and section 9 as amended by 2004 PA 100.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Patterson and Prusi

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 6022, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356a (MCL 750.356a), as amended by 1998 PA 311.

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

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Patterson and Prusi

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, December 10, 2008, at 8:30 a.m., Room 110, Farnum Building

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

Excused: Senators Sanborn and Stamas

The Committee on Commerce and Tourism reported

**House Bill No. 6114, entitled**

A bill to provide for the establishment of a transit revitalization zone tax increment finance authority; to prescribe the powers and duties of the authority; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote improvement in areas where transit projects are to be implemented; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert and Clarke

Nays: Senator Stamas

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

The Committee on Commerce and Tourism reported

**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.

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

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Gilbert and Stamas

Nays: Senators Clarke and Hunter

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

The Committee on Commerce and Tourism reported

**House Bill No. 6611, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 434.

With the recommendation that the bill pass.

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

Jason E. Allen

Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**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.

With the recommendation that the bill pass.

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

Jason E. Allen

Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, December 10, 2008, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Wednesday, December 10, 2008, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Individual Health Benefit Plans (HB 5282) submitted the following:

Meeting held on Wednesday, December 10, 2008, at 9:00 a.m., Room 426, Capitol Building

Present: Senator George

Absent: Senators Allen and Clarke

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Health Care Corporations (HB 5283) submitted the following:

Meeting held on Wednesday, December 10, 2008, at 9:05 a.m., Room 426, Capitol Building

Present: Senator George

Absent: Senators Allen and Clarke

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Wednesday, December 10, 2008, at 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

#### COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submitted the following:

Meeting held on Wednesday, December 10, 2008, at 3:00 p.m., Senate Majority Leader's Conference Room, Room S-101, Capitol Building

Present: Senators Bishop (C), Jelinek, Pappageorge, Schauer and Switalski

#### Scheduled Meetings

##### Conference Committee -

**Smoke-Free Workplace (HB 4163)** - Monday, December 15, 9:00 a.m., Room 424, Capitol Building (373-8808)

**Legislative Commission on Statutory Mandates** - Thursday, December 18, 12:00 noon, Oakland County Executive Office Building, Executive Conference Room, 5th Floor, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 3:09 a.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, December 18, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

