

No. 60
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, June 23, 2010.

10:00 a.m.

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

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

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

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

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

Senator Irma Clark-Coleman of the 3rd District offered the following invocation:

Heavenly Father, as we gather in this Senate Chamber, please, please help us all as we conduct the business of today. Let us be respectful of each other. Let us understand that we are here working for the people of the state of Michigan. Let every single vote that we take reflect just that; we are here working for the good of the people of the state of Michigan.

Also, Heavenly Father, our servicemen over in Afghanistan and Iraq—keep them all safe. Let them all know that we are holding them in prayer every single day. God, I will end by saying a prayer of protection for our servicemen over in Iraq and Afghanistan:

“The light of God surrounds you, the love of God enfolds you, the power of God protects you, and the presence of God watches over you; wherever you are, God is and all is well.” Amen.

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

Motions and Communications

Senators Bishop, Richardville, Hardiman, Garcia, Jansen, Barcia and 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 10:10 a.m.

11:49 a.m.

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

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

Director of the Department of State Police

Lieutenant Colonel Eddie L. Washington, Jr., of 29838 Stanhurst Road, Farmington Hills, Michigan 48331, county of Oakland, succeeding Colonel Peter C. Munoz, is appointed for a term effective May 23, 2010.

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

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

June 11, 2010

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 Education and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-049-ED (Secretary of State Filing #10-06-01) on this date at 4:11 p.m. for the Department of Education, entitled “Due Process Procedures for Special Education Hearings.”

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 11, 2010

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 Education and the State Office of Administrative

Hearings and Rules filed Administrative Rule #2009-043-ED (Secretary of State Filing #10-06-02) on this date at 4:13 p.m. for the Department of Education, entitled "Special Education Programs and Services."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 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 L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 22:

House Bill Nos. 6182 6183 6184 6185 6186 6187 6188

Messages from the Governor

The following messages from the Governor were received:

Date: June 22, 2010

Time: 8:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 764 (Public Act No. 97), being

An act to amend 1927 PA 175, entitled "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," by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2004 PA 216.

(Filed with the Secretary of State on June 22, 2010, at 10:08 a.m.)

Date: June 22, 2010

Time: 8:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 765 (Public Act No. 98), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by repealing chapter LXVI (MCL 750.442 to 750.447).

(Filed with the Secretary of State on June 22, 2010, at 10:10 a.m.)

Date: June 22, 2010
Time: 8:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 766 (Public Act No. 99), being

An act to amend 1927 PA 175, entitled “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,” by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2008 PA 412.

(Filed with the Secretary of State on June 22, 2010, at 10:12 a.m.)

Date: June 22, 2010
Time: 8:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 767 (Public Act No. 100), being

An act to amend 2004 PA 403, entitled “An act to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending section 22 (MCL 338.3622), as amended by 2007 PA 196.

(Filed with the Secretary of State on June 22, 2010, at 10:14 a.m.)

Date: June 22, 2010
Time: 8:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1117 (Public Act No. 101), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 80163 (MCL 324.80163), as added by 1995 PA 58.

(Filed with the Secretary of State on June 22, 2010, at 10:16 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

Director of the Department of State Police

Lieutenant Colonel Eddie L. Washington, Jr., of 29838 Stanhurst Road, Farmington Hills, Michigan 48331, county of Oakland, succeeding Colonel Peter C. Munoz, is appointed for a term effective May 23, 2010.

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

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

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

Roll Call No. 321**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Hunter

In The Chair: President

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

The motion prevailed.

Senator Garcia's statement is as follows:

I am here to strongly recommend that the Senate confirm the appointment of Colonel Eddie Washington, Jr., to the post of director of the Department of State Police. I have known Colonel Washington since he was a captain and headed up the Homeland Security Division of the Michigan State Police.

He is an outstanding police officer. He is an outstanding leader, and I think he is going to do a fantastic job for the department and for the state. I strongly urge my colleagues to affirm his appointment to this position.

Senator Thomas moved that Senator Hunter be excused from today's session.

The motion prevailed.

Messages from the House

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

House Bill No. 4514

The motion prevailed.

House Bill No. 5880, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, state, technology, management, and budget, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2011; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state

agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has non-concurred in the Senate substitute (S-1) and appointed Reps. Durhal, Cushingberry and Lori as conferees.

The message was referred to the Secretary for record.

House Bill No. 5880, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, state, technology, management, and budget, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2011; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has appointed Rep. Rogers to replace Rep. Lori as conferee.

The message was referred to the Secretary for record.

House Bill No. 5882, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has non-concurred in the Senate substitute (S-1) and appointed Reps. Spade, Cushingberry and Agema as conferees.

The message was referred to the Secretary for record.

House Bill No. 5889, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2011; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has non-concurred in the Senate substitute (S-1) and appointed Reps. Gonzales, LeBlanc and Agema as conferees.

The message was referred to the Secretary for record.

House Bill No. 4893, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 5 (MCL 52.205), as amended by 2006 PA 569.

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

1. Amend page 6, line 2, by striking out all of subsection (7) and inserting:

"(7) A COUNTY MEDICAL EXAMINER OR ANY PERSON ACTING UNDER THE AUTHORITY OF THE COUNTY MEDICAL EXAMINER WHO PERFORMS THE MEDICAL EXAMINER DUTIES FOR THE RETENTION OF BODY PARTS, AS ADDED BY THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, SHALL NOT BE LIABLE IN A CIVIL ACTION AS A RESULT OF AN ACT OR OMISSION BY THE PERSON ARISING OUT OF AND IN THE COURSE OF THE PERSON'S GOOD FAITH PERFORMANCE OF THOSE MEDICAL EXAMINER DUTIES UNLESS THAT PERSON'S ACT OR OMISSION WAS THE RESULT OF THAT PERSON'S NEGLIGENCE."

The House of Representatives has concurred in the Senate substitute (S-1) as amended and ordered that the bill be given immediate effect.

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. 322**Yeas—37**

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

Nays—0**Excused—1**

Hunter

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senator McManus introduced
Senate Bill No. 1398, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759 (MCL 168.759), as amended by 1995 PA 261.

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

Senator McManus introduced
Senate Bill No. 1399, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by repealing section 769a (MCL 168.769a).

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

Senators Van Woerkom, Gleason and Stamas introduced
Senate Bill No. 1400, entitled

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 4 (MCL 211.1034).

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

Senators Gleason, Van Woerkom and Stamas introduced

Senate Bill No. 1401, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7jj and 27a (MCL 211.7jj[1] and 211.27a), section 7jj as added by 2006 PA 378 and section 27a as amended by 2008 PA 506.

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

Senators Gleason, Kuipers, Barcia, Prusi, Cherry, Basham, Cropsey, Allen, McManus, Gilbert, Jansen, Kahn, Nofs, Richardville, Cassis, Bishop, Pappageorge, Hardiman, Birkholz, Brown, Switalski and Clarke introduced

Senate Bill No. 1402, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1163.

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

Senator Brown introduced

Senate Bill No. 1403, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105 and 1109 (MCL 289.1105 and 289.1109), section 1105 as amended by 2008 PA 338 and section 1109 as amended by 2007 PA 113, and by adding section 4102.

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

House Bill No. 6182, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 55g.

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.

House Bill No. 6183, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 55a.

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.

House Bill No. 6184, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 55b.

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.

House Bill No. 6185, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 55c.

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.

House Bill No. 6186, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 55d.

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.

House Bill No. 6187, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 55f.

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.

House Bill No. 6188, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 54 (MCL 169.254), as amended by 1995 PA 264.

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.

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 6235, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 409 (MCL 208.1409), as amended by 2008 PA 572.

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

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

House Bill No. 4404, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4t (MCL 205.54t), as amended by 2004 PA 173.

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. 1166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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 following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 1320**Senate Bill No. 1147****House Bill No. 5786**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1320, entitled

A bill to authorize the state administrative board to convey certain state-owned property in Mason county; to prescribe conditions for the conveyance; 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 conveyance.

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. 323**Yeas—37**

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

Nays—0**Excused—1**

Hunter

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1147, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 59 and 59a (MCL 125.1459 and 125.1459a), as added by 2008 PA 456.

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. 324**Yeas—37**

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5786, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 7mm.

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. 325**Yeas—37**

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

Nays—0**Excused—1**

Hunter

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to

define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 41

The motion prevailed.

Senate Concurrent Resolution No. 43.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kalamazoo Valley Community College relative to the Kalamazoo Valley Community College Texas Township Campus Expansion.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 326

Yeas—37

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: President

Senate Concurrent Resolution No. 44.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Southwestern Michigan College relative to the Southwestern Michigan College Technology Building Renovation and Expansion.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 327

Yeas—37

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: President

Senate Concurrent Resolution No. 45.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University Center for Collaborative Health Education.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Boji Tower.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 328

Yeas—37

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of
Statements

Senators Scott, Cassis and Clark-Coleman 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:

A writer once said, "We have a choice to plow new ground or let the weeds grow." This is the choice that faces us: We can reform auto insurance and make it better for all Michigan drivers. Or we can let it continue to treat hundreds of thousands of drivers unfairly because of where they live or because they lack a credit report because they pay their bills and don't run a balance on their credit cards.

The good citizens of Michigan work hard for every dollar they earn, and they budget carefully and deny themselves things so that they can pay their bills and care for their families. We should not let this unfair insurance system sap their hard-earned dollars any longer. We are elected to be a voice for the people we represent. We are elected to look after their interests.

It is in their interest to reform auto insurance so that people pay a fair price for these policies. We have legislation introduced that will create fairness, and we should pass it without further delay.

Senator Cassis' statement is as follows:

In the words of MSNBC's Keith Olbermann, it is day 189 since the film credit transparency legislation unanimously passed the Senate. Let's be clear. The bill was sent to Representative Kate Ebli's House Tax Policy Committee where the bill has stalled and languished, resulting in complete inaction on the right of our citizens to know where the money is going.

We are waiting and the taxpayers are waiting, despite the urgency as witnessed by, No. 1, the questionable conduct and financial dealings associated with Hangar42 Studios near Grand Rapids. The Attorney General has announced an investigation. Secondly, Unity Studios that Allen Park purchased through a bond for \$25.5 million. The Tax Tribunal judgment stated it's worth only \$14 million. Thirdly, a Pontiac studio has \$18 million of its \$28 million of debt insured by the State Employees' Retirement System—yes, the State Employees' Retirement System. The Senate Fiscal Agency tells us this system has an unfunded liability of \$2.4 billion.

Surely, the administration is aware of the risks and potential scandals the film credit extravaganzas spawn by the temptation of the unscrupulous to betray the public trust. Despite three letters and face-to-face discussions, Representative Ebli continues to stonewall.

Representative Ebli, Speaker Dillon, and Governor Granholm, what are you afraid of? Public trust and the right to know is being held hostage to political skullduggery. Borrowing from the words of Jack McHugh of the Mackinac Center for Public Policy, tear down this wall of government secrecy.

Senator Clark-Coleman's statement is as follows:

I rise to express my voting intentions for items before the Senate yesterday. Had I been present, I would have voted "no" on Roll Call No. 315. I am disappointed that the majority chose to reject the appointments of these qualified, committed citizens who offered their services to our state. I would have voted "yes" on Roll Call Nos. 316-320, the energy theft package.

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

Senator Cropsey moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Cropsey moved that the Senate recess until 4:00 p.m. The motion prevailed, the time being 12:32 p.m.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 4:01 p.m.

4:13 p.m.

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1373, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7403, and 7404 (MCL 333.7212, 333.7403, and 333.7404), as amended by 2002 PA 710.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Sanborn, Patterson, Stamas, Whitmer and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 22, 2010, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Excused: Senator Cropsey

The Committee on Commerce and Tourism reported

Senate Bill No. 1235, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies," by amending the title and section 1 (MCL 123.951), the title as amended by 1998 PA 190 and section 1 as amended by 1993 PA 121.

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, Nofs, Stamas and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

Senate Bill No. 1238, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 2008 PA 453.

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, Nofs, Stamas 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 Tuesday, June 22, 2010, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Nofs, Stamas and Clarke

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, June 22, 2010, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, June 22, 2010, at 1:02 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, June 24, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, June 24, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Economic Development - Tuesday, June 29, 2:00 p.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, June 24 and Tuesday, June 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Thursday, June 24, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, June 24, 2:00 p.m., Room 210, Farnum Building (373-6920)

State Drug Treatment Court Advisory Committee - Friday, July 23, 9:00 a.m., Conference Room 1S69, 1st Floor, Michigan Hall of Justice Conference Center, 925 West Ottawa Street, Lansing (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 4:14 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, June 24, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

