

No. 34
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, April 15, 2008.

10:00 a.m.

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

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

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

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

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

Reverend Christopher J. Pittman of Church of Cassopolis of Cassopolis offered the following invocation:

Heavenly Father, in the name of Jesus, we thank You this morning for another day and an opportunity to lift up Your name—Mighty God, Creator of man and the universe, and Savior of mankind. As we gather together this morning in the Michigan Senate, we ask for Your presence. We need You to be a leader and a guide to the men and women who represent the state of Michigan, for without You, we are but mortal men making decisions that are much larger than we are.

Lord, we know that You know the needs of the state of Michigan, and, God, we ask You today as we discuss that You would endow us with Your wisdom, with Your power, God, to make decisions that are divinely influenced. I pray, God, that all would surrender their wills to You and their understanding and acknowledge You in all of their ways; that You would lead and guide them, Lord, and direct their paths.

Lord, we ask You now to bless the Governor, the Senate, the House, and, God, every soul that resides in the state of Michigan. We pray that You would enlarge their territories, that You would increase their finances, and that You would just bless us indeed; God, that You would keep us from evil; that evil not grieve us, but that we would please You and learn to bless you.

In Jesus' name, we thank You. Amen.

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

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:21 a.m.

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

During the recess, Senators Richardville, Bishop, Jansen, McManus, Pappageorge, Cassis, Kahn, Gilbert, Stamas, Van Woerkom, George, Hardiman, Birkholz, Allen, Garcia and Kuipers entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

March 26, 2008

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Exposition and Fairgrounds Authority (MEFA), a discretely presented component unit of the State of Michigan, for the period October 1, 2006 through September 30, 2007.

April 1, 2008

Enclosed is a copy of the following audit report:

Performance audit of Laboratory Data Quality Assurance, Department of Environmental Quality.

April 8, 2008

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Education Trust (MET) Plans B and C, a discretely presented component unit of the State of Michigan, for the period October 1, 2005 through September 30, 2007.

April 8, 2008

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Education Trust (MET) Plan D, a discretely presented component unit of the State of Michigan, for the period October 1, 2005 through September 30, 2007.

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

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

March 28, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:17 p.m. this date, administrative rule (08-03-04) for the Department of Environmental Quality, Air Quality Division, Air Pollution Control, entitled "*Part 1. General Provisions,*" as adopted by the agency on March 26, 2008. These rules take effect 7 days after filing with the Secretary of State.

April 2, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:20 p.m. this date, administrative rule (08-04-01) for the Department of Labor and Economic Growth "Construction Code - Part 4. Building Code."

These rules take effect 7 days after filing with the Secretary of State.

April 2, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:22 p.m. this date, administrative rule (08-04-02) for the Department of Labor and Economic Growth "Rehabilitation Code."

These rules take effect 7 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The following communication was received:
Department of Human Services

April 8, 2008

Pursuant to Section 1002 of P.A. 345 of FY 2006, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Adrian Training School	2008C0212014	CS460200931

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "Online Lookups, Child Welfare Licensed Facilities" at the following address: <http://www.michigan.gov/dhslicensing>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Wilson at 517-373-8383.

Sincerely,
Ismael Ahmed

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 8:
House Bill Nos. 5695 5909

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 9:
House Bill Nos. 5895 5896

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 10:
House Bill Nos. 4839 5060 5277 5863 5925

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 31, for her approval the following bills:

Enrolled Senate Bill No. 47 at 3:14 p.m.
Enrolled Senate Bill No. 105 at 3:16 p.m.
Enrolled Senate Bill No. 351 at 3:18 p.m.
Enrolled Senate Bill No. 1115 at 3:20 p.m.

The Secretary announced that the following official bills were printed on Thursday, March 27, and are available at the legislative website:

Senate Bill Nos. 1234 1235 1236 1237 1238 1239

The Secretary announced that the following official bills were printed on Friday, March 28, and are available at the legislative website:

Senate Bill Nos. 1240 1241 1242 1243 1244 1245 1246 1247

The Secretary announced that the following official bills were printed on Wednesday, April 9, and are available at the legislative website:

House Bill Nos. 5932 5933 5934 5935 5936 5937 5938 5939 5940 5941 5942 5943 5944 5945
5946 5947 5948 5949 5950 5951 5952 5953 5954 5955 5956 5957 5958 5959
5960

The Secretary announced that the following official bills and joint resolution were printed on Thursday, April 10, and are available at the legislative website:

House Bill Nos. 5961 5962 5963 5964 5965 5966 5967 5983
House Joint Resolution TT

The Secretary announced that the following official bills and joint resolutions were printed on Friday, April 11, and are available at the legislative website:

House Bill Nos. 5968 5969 5970 5971 5972 5973 5974 5975 5976 5977 5978 5979 5980 5981
5982 5984
House Joint Resolutions UU VV WW

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Brown admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:24 a.m.

10:32 a.m.

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

During the recess, Senator Brown introduced the Adrian College Men's Ice Hockey Team, Midwest Collegiate Hockey Association Champions and Harris Cup winner; coaches Ron Fogarty and Matthew Nicholson, sports information director Ryan Thompson, and team captain Adam Krug; and presented them with a Special Tribute.

Coach Fogarty and team captain Krug responded briefly.

By unanimous consent the Senate proceeded to the order of
Messages from the Governor

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

Senate Bill No. 436

Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

The following messages from the Governor were received:

Date: March 27, 2008

Time: 10:03 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 82 (Public Act No. 43), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

(Filed with the Secretary of State on March 27, 2008, at 2:36 p.m.)

Date: March 27, 2008

Time: 10:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 364 (Public Act No. 44), being

An act to amend 2005 PA 280, entitled “An act to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; 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 in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; 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,” by amending sections 2, 5, 6, 9, 18, 20, 22, 23, and 27 (MCL 125.2872, 125.2875, 125.2876, 125.2879, 125.2888, 125.2890, 125.2892, 125.2893, and 125.2897), sections 5 and 18 as amended by 2007 PA 44.

(Filed with the Secretary of State on March 27, 2008, at 2:38 p.m.)

Date: March 27, 2008

Time: 10:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 273 (Public Act No. 46), being

An act to amend 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused

or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 8 (MCL 722.628), as amended by 2006 PA 630.

(Filed with the Secretary of State on March 27, 2008, at 2:42 p.m.)

Date: March 27, 2008

Time: 10:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 667 (Public Act No. 47), being

An act to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 2006 PA 613.

(Filed with the Secretary of State on March 27, 2008, at 2:44 p.m.)

Date: March 27, 2008

Time: 10:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 815 (Public Act No. 48), being

An act to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency 9-1-1 districts; to provide for the installation, operation, modification, and maintenance of universal emergency 9-1-1 service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, service suppliers, and others; to create an emergency 9-1-1 service committee; to provide remedies and penalties; and to repeal acts and parts of acts," by amending sections 401 and 408 (MCL 484.1401 and 484.1408), section 401 as amended by 2007 PA 164 and section 408 as amended by 2007 PA 165.

(Filed with the Secretary of State on March 27, 2008, at 2:46 p.m.)

Date: March 27, 2008

Time: 10:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1135 (Public Act No. 49), being

An act to provide for the establishment of zoological authorities; to provide powers and duties of a zoological authority; to authorize the levy of a property tax by a zoological authority; and to provide for the powers and duties of certain government officials.

(Filed with the Secretary of State on March 27, 2008, at 2:48 p.m.)

Date: April 2, 2008

Time: 11:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 951 (Public Act No. 54), being

An act to amend 1966 PA 346, entitled "An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act," by amending section 1 (MCL 125.1401), as amended by 1998 PA 33.

(Filed with the Secretary of State on April 3, 2008, at 8:22 a.m.)

Date: April 2, 2008
Time: 1:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 950 (Public Act No. 55), being

An act to amend 1966 PA 346, entitled “An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act,” (MCL 125.1401 to 125.1499c) by adding section 24f.

(Filed with the Secretary of State on April 3, 2008, at 8:24 a.m.)

Date: April 2, 2008
Time: 2:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 826 (Public Act No. 64), being

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 33 (MCL 445.1683).

(Filed with the Secretary of State on April 3, 2008, at 8:42 a.m.)

Date: April 2, 2008
Time: 2:17 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 827 (Public Act No. 65), 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 14h of chapter XVII (MCL 777.14h), as amended by 2006 PA 594.

(Filed with the Secretary of State on April 3, 2008, at 8:44 a.m.)

Date: April 2, 2008
Time: 2:19 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 828 (Public Act No. 66), being

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending the title and section 1a (MCL 445.1651a), section 1a as amended by 2002 PA 391.

(Filed with the Secretary of State on April 3, 2008, at 8:46 a.m.)

Date: April 2, 2008
Time: 2:21 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 829 (Public Act No. 67), being

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” (MCL 445.1651 to 445.1684) by adding section 2b.

(Filed with the Secretary of State on April 3, 2008, at 8:48 a.m.)

Date: April 2, 2008
Time: 2:23 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 830 (Public Act No. 68), being

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 8 (MCL 445.1658), as amended by 1996 PA 210.

(Filed with the Secretary of State on April 3, 2008, at 8:50 a.m.)

Date: April 2, 2008
Time: 2:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 831 (Public Act No. 69), being

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 10 (MCL 445.1660), as amended by 1996 PA 210.

(Filed with the Secretary of State on April 3, 2008, at 8:52 a.m.)

Date: April 2, 2008
Time: 2:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 832 (Public Act No. 70), being

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 22a (MCL 445.1672a), as added by 1996 PA 210, and by adding section 22b.

(Filed with the Secretary of State on April 3, 2008, at 8:54 a.m.)

Date: April 2, 2008
Time: 2:29 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 833 (Public Act No. 71), being

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 29 (MCL 445.1679), as amended by 1996 PA 210.

(Filed with the Secretary of State on April 3, 2008, at 8:56 a.m.)

Date: April 2, 2008
Time: 3:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 948 (Public Act No. 57), being

An act to amend 1966 PA 346, entitled “An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act,” by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

(Filed with the Secretary of State on April 3, 2008, at 8:28 a.m.)

Date: April 2, 2008
Time: 3:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1133 (Public Act No. 58), being

An act to amend 1966 PA 346, entitled “An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act,” by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

(Filed with the Secretary of State on April 3, 2008, at 8:30 a.m.)

Date: April 7, 2008
Time: 11:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1174 (Public Act No. 87), being

An act to amend 1995 PA 24, entitled “An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers,” by amending section 3 (MCL 207.803), as amended by 2007 PA 62.

(Filed with the Secretary of State on April 8, 2008, at 8:36 a.m.)

Date: April 7, 2008
Time: 11:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1176 (Public Act No. 74), being

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” (MCL 208.1101 to 208.1601) by adding section 459.

(Filed with the Secretary of State on April 8, 2008, at 8:10 a.m.)

Date: April 7, 2008
Time: 11:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1178 (Public Act No. 76), being

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” (MCL 18.1101 to 18.1594) by adding section 125.

(Filed with the Secretary of State on April 8, 2008, at 8:14 a.m.)

Date: April 7, 2008
Time: 11:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1183 (Public Act No. 85), being

An act to amend 2001 PA 63, entitled “An act to create a department of history, arts, and libraries; to provide for its administration; and to provide for its powers, duties, functions, and responsibilities,” by amending section 2 (MCL 399.702), as amended by 2002 PA 508.

(Filed with the Secretary of State on April 8, 2008, at 8:32 a.m.)

Date: April 7, 2008
Time: 2:22 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1173 (Public Act No. 86), being

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” (MCL 208.1101 to 208.1601) by adding section 457.

(Filed with the Secretary of State on April 8, 2008, at 8:34 a.m.)

Date: April 7, 2008
Time: 2:24 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1177 (Public Act No. 75), being

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,” (MCL 125.2001 to 125.2094) by adding chapter 2A; and to repeal acts and parts of acts.

(Filed with the Secretary of State on April 8, 2008, at 8:12 a.m.)

Date: April 8, 2008
Time: 11:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1115 (Public Act No. 92), being

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” (MCL 208.1101 to 208.1601) by adding section 431a.

(Filed with the Secretary of State on April 8, 2008, at 3:46 p.m.)

Date: April 8, 2008
Time: 11:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 351 (Public Act No. 93), being

An act to amend 1972 PA 106, entitled “An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts,” by amending section 4 (MCL 252.304), as amended by 2006 PA 448.

(Filed with the Secretary of State on April 8, 2008, at 3:48 p.m.)

Date: April 8, 2008
Time: 11:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 47 (Public Act No. 94), being

An act to provide for the establishment of a water improvement tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in water resources; 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 water resource improvement; 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.

(Filed with the Secretary of State on April 8, 2008, at 3:50 p.m.)

Date: April 8, 2008
Time: 11:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 105 (Public Act No. 95), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 8511 and 8513 (MCL 600.8511 and 600.8513), section 8511 as amended by 1999 PA 75 and section 8513 as added by 1984 PA 278.

(Filed with the Secretary of State on April 8, 2008, at 3:52 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

March 28, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 22211 of the Public Health Code, 1978 PA 368, MCL 333.22211:

Certificate of Need Commission

Ms. Vicky L. Schroeder, a Republican, of 1240 Mesa Junction Drive S.W., Byron Center, Michigan 49315, county of Kent, succeeding Kathie L. Vanderploeg-Hoekstra, whose term has expired, representing companies that are not self-insured for health coverage, for a term commencing March 28, 2008 and expiring December 31, 2010.

Mr. Peter B. Ajluni, D.O., a Republican, of 1080 Dowling Road, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent osteopathic physicians engaged in the practice of osteopathic medicine and surgery, for a term commencing April 10, 2008 and expiring April 9, 2011.

Mr. Michael W. Young, D.O., a Democrat, of 3051 Courtz Isle, #6, Flint, Michigan 48532, county of Genesee, reappointed to represent physicians licensed under part 170 or 175 representing a school of medicine or osteopathic medicine, for a term commencing April 10, 2008 and expiring April 9, 2011.

March 28, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 2 of 1975 PA 164, MCL 18.302:

Commission on Spanish-Speaking Affairs

Mr. Ricardo D. Garcia of 5575 Canoga Lane, Haslett, Michigan 48840, county of Ingham, succeeding Henry A. Sanchez, whose term has expired, representing the general public, for a term commencing March 28, 2008 and expiring December 31, 2010.

Mr. Michael L. Espinoza of 6350 Fox Glen Drive, Apt. 32, Saginaw, Michigan 48638, county of Saginaw, reappointed to represent the general public, for a term expiring December 10, 2010.

Ms. Arminda Garcia of 1604 East Court Street, Flint, Michigan 48503, county of Genesee, reappointed to represent the general public, for a term expiring December 10, 2010.

Ms. Debra M. Rivera-Ehrmann of P.O. Box 210203, Auburn Hills, Michigan 48321, county of Oakland, reappointed to represent the general public, for a term expiring December 10, 2010.

Mr. Leonard A. Savala III of 3525 Callihan Court, Lansing, Michigan, 48910, county of Ingham, reappointed to represent the general public, for a term expiring December 10, 2010.

March 28, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 9 of the Michigan Exposition and Fairgrounds Authority Act, 1978 PA 361, MCL 285.169:

State Exposition and Fairgrounds Authority

Mr. Larry D. Alexander, an Independent, of 4685 Rambling Drive, Troy, Michigan, 48098, county of Oakland, succeeding Edward Deeb, whose term has expired, representing the tourism industry, for a term commencing March 28, 2008 and expiring February 28, 2010.

Mr. Erwin J. Brown, an Independent, of 1920 South Finn Road, P.O. Box 8, Munger, Michigan 48747, county of Bay, succeeding Thomas L. Valliere, whose term has expired, representing county fairs, for a term commencing March 28, 2008 and expiring February 28, 2009.

Reverend Loyce D. Lester, a Democrat, of 19452 Troy Place, Detroit, Michigan 48203, county of Wayne, succeeding Karen Batchelor, who has resigned, representing the business community, for a term commencing March 28, 2008 and expiring February 28, 2011.

Mr. Pat G. Albright, a Republican, of 965 Flint Road, Coldwater, Michigan 49036, county of Branch, reappointed to represent agricultural interests, for a term expiring February 28, 2010.

Mr. Kenneth J. DeCock, an Independent, of 80575 Holmes, Armada, Michigan 48005, county of Macomb, reappointed to represent agricultural interests, for a term expiring February 28, 2011.

Ms. Elaine C. Driker, a Democrat, of 1525 Wellesley Drive, Detroit, Michigan 48203, county of Wayne, reappointed to represent the general public, for a term expiring February 28, 2011.

Mr. Robert G. Porter, a Democrat, of 855 Marshfield Street, Ferndale, Michigan 48220, county of Oakland, reappointed to represent the general public, for a term expiring February 28, 2010.

April 1, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 10 of the Michigan Education Trust Act, 1986 PA 316, MCL 390.1430:

Michigan Education Trust Board of Directors

Ms. Barbara A. Klocko of 1752 South Five Lakes Road, Attica, Michigan 48412, county of Lapeer, succeeding Cynthia N. Ford, whose term has expired, representing persons with knowledge, skills, and experience in the academic, business, or financial fields, for a term commencing April 1, 2008 and expiring December 31, 2010.

April 2, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 6103 of The Insurance Code of 1956, 1956 PA 218, MCL 500.6103:

Automobile Theft Prevention Authority Board of Directors

Mr. Fausto J. Martin of 50604 Amberly Boulevard, Canton, Michigan 48187, county of Wayne, succeeding Steven Wagner, who has resigned, representing automobile insurers doing business in this state, for a term commencing April 2, 2008 and expiring July 1, 2010.

April 2, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 18705 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18705:

Michigan Board of Respiratory Care

Mr. John S. Rinck of 3675 Whittum Road, Eaton Rapids, Michigan 48827, county of Eaton, succeeding Mary E. Baker, who has resigned, representing respiratory therapists, for a term commencing April 2, 2008 and expiring December 31, 2009.

April 3, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Dairy Marketing Program Committee

Mr. Eric J. Frahm of 1520 Frahm Road, Frankenmuth, Michigan 48734, county of Saginaw, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2010.

Mr. David M. Lott of 1655 North Meridian Road, Mason, Michigan 48854, county of Ingham, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2010.

Mr. Michael A. Schwab of 7990 North Garfield Road, Standish, Michigan 48658, county of Bay, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2010.

April 3, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Sections 16121 and 17021 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17021:

Michigan Board of Medicine

Mr. Busharat Ahmad, M.D., of 774 Windsor Court, Monroe, Michigan 48161, county of Monroe, succeeding James D. Grant, who has resigned, representing physicians, for a term commencing April 3, 2008 and expiring December 31, 2011.

Mr. Richard E. Burney, M.D., of 4319 Miller Road, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding Mary L. Street, who has resigned, representing physicians, for a term commencing April 3, 2008 and expiring December 31, 2011.

Mr. Rao V.C. Gudipati, M.D., of 25 East Grove Court, Freeland, Michigan 48602, county of Saginaw, succeeding Ernest J. Sorini, who has resigned, representing physicians, for a term commencing April 3, 2008 and expiring December 31, 2011.

Mr. Abd A. Alghanem, M.D., of 1441 Highland Meadows, Flint, Michigan 48532, county of Genesee, reappointed to represent physicians, for a term expiring December 31, 2011.

Ms. Lynn M. Larson of 2735 Forest Lodge Drive, Traverse City, Michigan 49684, county of Grand Traverse, reappointed to represent the general public, for a term expiring December 31, 2011.

Mr. Frank Raines, III, of 22161 Sheffield Drive, Farmington Hills, Michigan 48335, county of Oakland, reappointed to represent the general public, for a term expiring December 31, 2011.

Mr. George H. Shade, M.D., of 31555 Franklin Fairway Street, Farmington Hills, Michigan 48334, county of Oakland, reappointed to represent physicians, for a term expiring December 31, 2011.

April 14, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office pursuant to Executive Order 2001-5, MCL 28.621:

Michigan Commission on Law Enforcement Standards

Mr. Martin G. Bandemer of 18485 Sabine Drive, Macomb Township, Michigan 48042, county of Macomb, succeeding Richard G. Weaver, who has resigned, representing individuals submitted by a police association representing officers employed by one police agency employing more than 15 percent of the police officers in this state, for a term commencing April 14, 2008 and expiring November 1, 2008.

Mr. Ronald J. Bretz of 3521 Delta River Drive, Lansing, Michigan 48906, county of Ingham, reappointed to represent individuals submitted by the Criminal Defense Attorneys of Michigan, for a term expiring November 1, 2010.

Mr. James D. Bosscher of 8252 West Falmouth Road, McBain, Michigan 49657, county of Missaukee, reappointed to represent elected sheriffs submitted by the Michigan Sheriffs' Association, for a term expiring November 1, 2010.

Mr. David L. Morse of 1752 Town Commons Drive, Howell, Michigan 48855, county of Livingston, reappointed to represent individuals submitted by the Prosecuting Attorneys Association of Michigan, for a term expiring November 1, 2010.

Ms. Doreen E. Olko of 3874 HiDale Drive, Lake Orion, Michigan 48360, county of Oakland, reappointed to represent individuals submitted by the Michigan Association of Chiefs of Police, for a term expiring November 1, 2010.

Sincerely,
Jennifer M. Granholm
Governor

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

The following message from the Governor was received and read:

April 14, 2008

Due to an error on the March 28, 2008 letter sent to your office pursuant to Section 2 of 1975 PA 164, MCL 18.302, please be advised of the following correction appearing in **bold print**:

Commission on Spanish-Speaking Affairs

Mr. Michael L. Espinoza of **2143 4th Street, Bay City, Michigan 48708, county of Bay**, reappointed to represent the general public, for a term expiring December 10, 2010.

Sincerely,
Jennifer M. Granholm
Governor

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

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

The motion prevailed.

Senator Kuipers' statement is as follows:

I would ask that you join me in not only welcoming to the chamber Allison Negrinelli, but also join me in thanking her for her service to the 30th Senate District. Allison has been an intern in my office for this last semester. She is currently a student at the University of Michigan and will be completing her studies for this year at the end of this week.

So I wanted to take this opportunity to thank her for a job well done, to congratulate her, and wish her the very best as she proceeds through school with the hope, I think, of going to law school. So, again, thank you Allison for your work and, Senators, if you would please join me in congratulating her.

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

The motion prevailed.

Messages from the House

Senate Bill No. 1118, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 410 (MCL 208.1410).

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), 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. 1187, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3 and 5 (MCL 207.803 and 207.805), section 3 as amended by 2007 PA 62 and section 5 as amended by 2003 PA 248.

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 1995 PA 24, entitled “An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers,” by amending sections 3 and 5 (MCL 207.803 and 207.805), section 3 as amended by 2008 PA 87 and section 5 as amended by 2003 PA 248.

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

Senator Cropsey moved that the rule be suspended.

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

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

Senator Allen offered the following substitute to the House substitute:

Substitute (S-5).

The substitute to the substitute was adopted.

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

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

Roll Call No. 226

Yeas—36

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

Nays—1

Cassis

Excused—1

Hunter

Not Voting—0

In The Chair: President

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

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 5 (MCL 207.803 and 207.805), section 3 as amended by 2008 PA 87 and section 5 as amended by 2003 PA 248.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute, as substituted, to Senate Bill No. 1187.

Senator Cassis' statement is as follows:

I rise to express my "no" vote explanation in concurrence to Senate Bill No. 1187. To be consistent with my previous vote on Senate Bill No. 1187, per the policy analysis, my concern remains that this bill shifts the use of an objective measure of high technology to determine who qualifies for credits to one solely based on the judgment of MEGA. In my opinion, this potentially gives MEGA new powers without legislative oversight.

Senate Bill No. 1192, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2007 PA 145.

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.

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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. 1203, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," (MCL 125.2151 to 125.2174) by adding section 12b.

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.

House Bill No. 5344, entitled

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

The House of Representatives has nonconcurred in the Senate substitute (S-1) and appointed Reps. Cushingberry, Gillard and Acciavatti as conferees.

The message was referred to the Secretary for record.

House Bill No. 5531, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11j, 22a, 22b, 22d, 32b, 32c, 51a, 51c, 99c, and 104 (MCL 388.1611, 388.1611j, 388.1622a, 388.1622b, 388.1622d, 388.1632b, 388.1632c, 388.1651a, 388.1651c, 388.1699c, and 388.1704), as amended by 2007 PA 137, and by adding sections 31h, 32e, 54c, 99h, 99m, 99n, and 99p.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Cushingberry, Gillard and Acciavatti as conferees.

The message was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 5607

Senate Bill No. 816

The motion prevailed.

The following bill was read a third time:

House Bill No. 5607, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80114a.

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. 227

Yeas—37

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Jacobs	Prusi	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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 816, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 19 (MCL 125.2169), as amended by 1993 PA 333.

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. 228

Yeas—37

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Cropsey moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

Senate Resolution No. 170

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

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

Senate Concurrent Resolution No. 22

Senate Resolution No. 154

Senate Concurrent Resolution No. 27

Senate Resolution No. 156

The motion prevailed.

Senators Hardiman, Anderson, Brown, Jansen, Kuipers, Van Woerkom, Allen, Stamas, George, Garcia, Birkholz, McManus, Cropsey, Clark-Coleman and Jelinek offered the following resolution:

Senate Resolution No. 170.

A resolution designating April 15, 2008, as Community College Day in the state of Michigan.

Whereas, The first Michigan two-year college, Grand Rapids Junior College, opened in 1914 to provide recent high school graduates with two years of general education classes, preparing them for future education or workforce experiences; and

Whereas, Twenty-seven additional community colleges have been established throughout Michigan since 1914. The community colleges of Michigan now are: Alpena Community College, Bay College, Delta College, Glen Oaks Community College, Gogebic Community College, Grand Rapids Community College, Henry Ford Community College, Jackson Community College, Kalamazoo Valley Community College, Kellogg Community College, Kirtland Community College, Lake Michigan College, Lansing Community College, Macomb Community College, Mid Michigan Community College, Monroe Community College, Montcalm Community College, Mott Community College, Muskegon Community College, North Central Michigan College, Northwestern Michigan College, Oakland Community College, St. Clair County Community College, Schoolcraft College, Southwestern Michigan College, Washtenaw Community College, Wayne County Community College, and West Shore Community College. These institutions educate nearly a half-million students each year; and

Whereas, Michigan community colleges have developed and evolved their educational offerings to meet the needs of their communities and Michigan as a whole with state-of-the-art technical and vocational programs, while maintaining high academic standards; and

Whereas, Michigan's community colleges are recognized as leaders in workforce preparation, training, and retraining, as well as offering community services and cultural opportunities. Michigan's students investing in a Michigan community college education realize a 19 percent annual return on that investment, and local businesses and organizations also benefit from that education and their participation in numerous public and private education efforts; and

Whereas, The role community colleges play in Michigan's economic development continues to be more vital as our state's workforce competes nationally and globally for the jobs of tomorrow; now, therefore, be it

Resolved, in the Senate, That the members of this legislative body designate April 15, 2008, as Community College Day in the state of Michigan, and we urge the appropriate observance; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Community College Association members as a token of our appreciation.

The question being on the adoption of the resolution.

The resolution was adopted.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I rise to offer support for Senate Resolution No. 170. This is a resolution designating April 15, 2008, as Community College Day in the state of Michigan. Mr. President, through you to my Senate colleagues, Michigan's community colleges have a fine history. The first community college was Grand Rapids Community College which opened in the year 1914 to provide high school students with two years of general education classes, preparing them for future education or workforce experiences. I want it to be on the record that I was not around when that college was established.

Today we have 28 community colleges across the state that are doing an excellent job, able to move quickly, and adapt to the changing educational training and workforce needs of our state. This resolution certainly celebrates their legacy and celebrates what they are going to do in the future. I ask for the body's support of this resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Clarke's statement is as follows:

Last Friday was the 40th anniversary of the Fair Housing Act that was signed into law by President Lyndon Johnson. It was enacted to address a crisis in our housing market—the widespread discrimination in housing. Today we are currently facing another crisis in housing. The rates of foreclosure in this state and in this country are rising at record rates. Families are either losing their homes due to the threat of foreclosure or are losing the value of their property so much so that they end up owing more on their homes than what the homes are worth, and they can't find a buyer.

For many homeowners in Michigan, this is a state of emergency. Many have said that the lenders in the financial institutions could help to solve this problem. In my opinion, the lenders can't really help because most of them no longer own these loans. They have sold them to the secondary market. There is really no one in the financial lending market who has an incentive to help the homeowner facing foreclosure because no one has an incentive to deny someone a mortgage. The mortgage broker, the loan originator, and the lender are all paid upfront based on the face value of that loan, regardless of whether the homeowner pays or not. Even the bond rating agencies who rate the securities backed by the mortgages are paid upfront.

In the past, lenders would actually keep these loans on the books. They would have every interest to encourage the borrower to pay those loans off to keep their investment. Right now, there is no incentive to do so. Even the actual investors, the people who buy the securities backed by these mortgages, even many of them have been bailed out recently by the Federal Reserve through the advance of over \$30 billion in reserves.

Some say that we should still allow this housing market to play itself out, but I ask you, at what cost? At the utter destruction of many homeowners who did make their payments on their mortgages? I believe that is a price too high to pay. The foreclosure crisis has affected everyone in this state—from those families losing their homes to those families losing the value in their homes. This is a state of emergency not only in Michigan, but throughout the country. Mr. President, I believe that this is an emergency so grave that it requires immediate and decisive action. I believe that only this Legislature can help protect the homeowner right now.

What I am recommending is a two-year moratorium or freeze on all foreclosures in Michigan to give homeowners the time that they need to be able to save their homes and perhaps save the property values of their neighbors' homes. You see, that abandoned home not only hurts the family being put out of their house, but it actually hurts the neighbors and the value of the neighborhood. I would request that we all work together in this body to come to some type of answer to provide relief to our homeowners and future home buyers. I look forward to working with everyone in the next few weeks on this important issue.

Senator Scott's statement is as follows:

While we were away, our country and even the world commemorated the passing of Dr. Martin Luther King, Jr., forty years ago. For many of us in this chamber, the day still remains sharp in our memories.

So today I would like to share his words from a speech he gave at Central United Methodist Church in Detroit on March 15, 1968, just weeks before he was killed. Dr. King said, "Hope is contagious. If you really hope, it has a way of getting over to others, and it generates something with them. Hope has a way of inspiring hope. Hope is necessary for life, hope is necessary for freedom, and it is necessary for creativity and spirituality." That's what Dr. King said.

I would only add that I, too, have hope. I have hope that you will recognize and acknowledge the message of Dr. King and act in a way that will promote fairness, tolerance, and justice for all Michigan drivers and homeowners.

Ladies and gentlemen, I have hope you will move my bills.

Senator Cropsey's statement is as follows:

This week is National Crime Victims' Rights Week. Former State Representative and former State Senator Bill Van Regenmorter worked tirelessly to write and implement rights for crime victims. Our state law and constitutional amendment were cutting-edge offering the victims the strongest rights and protections in the country.

Words cannot express how genuinely I wish we did not need these laws and rights. I cannot articulate how desperately we need to reduce victimization by any and all means. The statistics are frightening. Since we adopted our current State Constitution, there have been 37,000 murders in Michigan and over 200,000 reported rapes. Since we instituted crime victims' rights, over 25 million crimes have been reported just in Michigan, and it has been reported or estimated that a million more crimes have never been reported, especially sex crimes.

In the eight years that we expect to serve in the Senate, over 8 million crimes will be committed in Michigan. There will be over 5 million victims of crime. On an average, that is 72 crimes per day in your district, my district, every Senate district, 365 days a year. While crime does not occur everywhere with the same frequency, while you are here serving the constituents in your district, victims will be suffering an average of over 210,000 crimes; over 130,000 of your constituents will be victims of crimes, including an average of over 11,000 victims of violent crime.

We could and we should do better. Senator Barcia and I started the Crime Victims' Rights Caucus and everybody here has been invited to join. There is no better time than this week to let us know that you are willing to be part of steering this project of speaking up for victims, working to make Michigan a safer place to live, work, and enjoy life.

This Wednesday afternoon in the Capitol Rotunda, we will be having the 17th annual Awareness and Recognition program by the Crime Victims' Rights Foundation. This foundation is set up as a time to come in at 6:00 p.m. There will be chairs in the Rotunda, and we will have a special speaker. The speaker will be Mike Thomas, a prosecutor from Saginaw County. After the speaker, they have a candle-lighting ceremony where people who have been victims of crime—usually it is a mother, father, brother, or sister who has lost a loved one to murder—will get up to remember their loved one. It is a deeply moving time, and I would request that you put it on your calendar and everyone attend. It is this Wednesday evening, 6:00 p.m. in the Capitol Rotunda.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Kahn, Pappageorge, Richardville, Cassis, Kuipers, Birkholz, Cropsey, Jansen, Bishop, Gilbert, Brown, McManus and Anderson introduced

Senate Joint Resolution L, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to provide for concurrence of 2/3 of the members of each house to make certain modifications to certain taxes.

The joint resolution was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the joint resolution be referred to the Committee of the Whole and placed on the order of General Orders.

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

Senators Richardville, Kahn, Pappageorge, Van Woerkom and Kuipers introduced

Senate Bill No. 1248, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88d (MCL 125.2088d), as added by 2005 PA 225.

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

Senator Birkholz introduced

Senate Bill No. 1249, entitled

A bill to authorize local units of government to create storm water utilities; to permit the establishment and collection of storm water utility fees and storm water system development charges; to provide for the allocation to property of the costs of planning, constructing, operating, maintaining, financing, and administering storm water systems; to authorize the adoption of storm water utility ordinances; to provide for credits, exemptions, and appeals; and to prescribe the powers and duties of certain local governmental officers and entities.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Birkholz, Hardiman, George and Brown introduced

Senate Bill No. 1250, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

Senators Garcia, Van Woerkom, Hardiman, Jansen and Kahn introduced

Senate Bill No. 1251, entitled

A bill to amend 1975 PA 164, entitled "An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking," by amending sections 1, 2, and 3 (MCL 18.301, 18.302, and 18.303), section 2 as amended by 2004 PA 94.

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

Senators Gleason, Kuipers, Van Woerkom, Whitmer, Clarke, Clark-Coleman, Basham, Anderson, Cherry, Olshove, Barcia, Hunter, Scott, Brater, Prusi, Switalski, George, Jacobs, Pappageorge, Birkholz, Richardville, Hardiman, Schauer and Cropsey introduced

Senate Bill No. 1252, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, and 1230g (MCL 380.1230, 380.1230a, and 380.1230g), as amended by 2006 PA 680.

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

Senator Pappageorge introduced

Senate Bill No. 1253, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," (MCL 129.91 to 129.96) by adding section 7.

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

Senator Kahn introduced

Senate Bill No. 1254, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending section 3 (MCL 445.403), as amended by 2006 PA 675.

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

House Bill No. 4839, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 11, 208c, 252a, 252d, 252e, 252f, 252g, 252k, and 252l (MCL 257.11, 257.208c, 257.252a, 257.252d, 257.252e, 257.252f, 257.252g, 257.252k, and 257.252l), section 11 as amended by 2003 PA 37, section 208c as amended by 2004 PA 362, sections 252a, 252d, 252e, and 252f as amended by 2004 PA 495, and section 252g as amended and sections 252k and 252l as added by 2004 PA 493.

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

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

House Bill No. 5060, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 2102 (MCL 600.2102).

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 Judiciary.

House Bill No. 5277, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2841 (MCL 333.2841).

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 Judiciary.

House Bill No. 5695, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 720 (MCL 257.720), as amended by 2003 PA 142.

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

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

House Bill No. 5863, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2007 PA 145.

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

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

House Bill No. 5895, entitled

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

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

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

House Bill No. 5896, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2007 PA 116.

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

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

House Bill No. 5909, entitled

A bill to exclude certain personal property held in trust from the rule against perpetuities and similar rules that potentially affect the duration of trusts.

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 Judiciary.

House Bill No. 5925, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 111, 525, 537, 603, 607, 906, and 1027 (MCL 436.1111, 436.1525, 436.1537, 436.1603, 436.1607, 436.1906, and 436.2027), section 525 as amended by 2006 PA 539, sections 537 and 607 as amended by 2005 PA 269, section 906 as amended by 2008 PA 11, and section 1027 as amended by 2001 PA 46, and by adding section 534.

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

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communications were received and read:

Office of the Senate Majority Leader

April 15, 2008

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5344, the Senate appoints the following members to sit on the conference committee:

Senator Michael D. Bishop

Senator Ron Jelinek

Senator Michael Switalski

Thank you for your prompt consideration of this matter.

April 15, 2008

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5531, the Senate appoints the following members to sit on the conference committee:

Senator Ron Jelinek

Senator Cameron Brown

Senator Michael Switalski

Thank you for your prompt consideration of this matter.

Sincerely,

Michael D. Bishop, Majority Leader

State Senate, 12th District

The communications were referred to the Secretary for record.

The Secretary announced that the Majority Leader has made changes to the following ad hoc committee to the Appropriations Subcommittee on Department of Transportation:

Detroit River International Crossing (DRIC) Study - Senators Stamas and Hunter removed.

The changes were approved, a majority of the members serving voting therefor.

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

Senate Joint Resolution L

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, Lieutenant Governor Cherry, designated Senator Clark-Coleman 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 joint resolution:

Senate Joint Resolution L, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to provide for concurrence of 2/3 of the members of each house to make certain modifications to certain taxes.

The joint resolution was placed on the order of Third Reading of Bills.

Recess

Senator Cropsey moved that the Senate recess until 11:35 a.m.
The motion prevailed, the time being 11:27 a.m.

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

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 joint resolution, now on the order of Third Reading of Bills, be placed on its immediate adoption at the head of the Third Reading of Bills calendar:

Senate Joint Resolution L

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

Senator Thomas moved that Senators Barcia and Jacobs be excused from the balance of today's session.
The motion prevailed.

The following joint resolution was read a third time:

Senate Joint Resolution L, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to provide for concurrence of 2/3 of the members of each house to make certain modifications to certain taxes.

The question being on the adoption of the joint resolution,

The joint resolution was not adopted, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 229

Yeas—24

Allen	Cassis	Jansen	Patterson
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Schauer

Bishop
Brown

Gilbert
Hardiman

McManus
Pappageorge

Stamas
Van Woerkom

Nays—12

Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason

Olshove
Prusi
Scott

Switalski
Thomas
Whitmer

Excused—2

Hunter

Jacobs

Not Voting—0

In The Chair: President

Senator Cropsey moved to reconsider the vote by which the joint resolution was not adopted.
The question being on the motion to reconsider,
Senator Cropsey moved that further consideration of the joint resolution be postponed for today.
The motion prevailed.

Protests

Senators Prusi and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Joint Resolution L and moved that the statements they made during the discussion of the joint resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Prusi’s statement is as follows:

The Constitution is our guiding document, and continually in my service in the Legislature, there have been references to the Constitution. Now you want to take and amend in a significant way our guiding documents, and you want to do it with less than 20 minutes or a half-hour heads-up on this issue. I think that is monumentally unfair, and I believe that this is a politically-motivated ploy to get a headline on this April 15 Tax Day.

One year ago, the Senate Republicans had as part of their plan an expansion to the sales tax on the services performed in this state. You spent the last entire year running away from that plan, but that was part of what your thinking was a year ago as we wrestled with significant budget problems here in the state of Michigan. That service tax which was passed and given immediate effect last year was done so with Senate Republican votes. Now all of a sudden, you want to handcuff the Legislature into the supermajority scheme on a significant portion of what we were going to use to balance the state budget at some point in the future.

I find it ironic that you want to insert into our guiding document this paragraph that is big, nebulous, and really has had no opportunity to be studied or analyzed by our fiscal agencies, by Treasury, our attorneys, or anyone just so you can garner a headline here on Tax Day. I find that disturbing, and for that reason, among others, one of which being should not it be printed or reproduced in five days. We barely got five minutes with this, folks.

I think that is a sad commentary on how we are running this process, and I would ask my colleagues to join me in voting “no” on this.

Senator Switalski’s statement is as follows:

Why would a joint resolution as important as this, just introduced 10 minutes ago, be left off the agenda, discharged to the floor with no committee hearings, and run all the way through General Orders and onto Third Reading in a total of 15 minutes? Are we that cavalier about our Constitution?

The establishment of a two-thirds supermajority should be reserved for exceptional circumstances. It is a limit on the will of the majority. This two-thirds amendment to the Constitution would mean that majority rules on tax policy. I am appalled that my colleagues would take such drastic action in 15 minutes on a resolution whose ink isn't even dry.

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

The motion prevailed.

Senator Kahn's statement is as follows:

This resolution does not arrive de novo; isn't like Athena bursting from the head of Zeus, though, hopefully, it has the same amount of knowledge. Why say that it doesn't arrive de novo? We've proposed it before in this body. There are 16 states that require supermajorities for tax issues. Clearly, we have had seared into our minds as well as into our people's minds the issue of the service tax, its limitation, and I doubt that there is a person in this body who would like to revisit that.

I do understand the concern about timing. I would like to hear comments that reflect the value of the proposal—the value of reassurance to our people, the value of jobs, and the value of consideration before we raise the taxes that zap jobs from our people. That is missing from the comments that I have heard from my worthy colleagues who sit to my left. I would hope that they would bear that in mind that this resolution would pass, and failing that, it would not disappear, but rather receive hearings and then pass.

Senator Cassis' statement is as follows:

Supermajorities are certainly not unheard of and, in fact, make it more certain that especially in regard to tax issues that our taxpayers—our constituents, that is—are heard loudly, clearly, and convincingly.

By unanimous consent the Senate returned to the order of

Statements

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

The motion prevailed.

Senator Kahn's statement is as follows:

Well, we got 24 votes; needed 26. This is Tax Day. People are struggling in their homes to pay their bills, buy food, and wondering about a job. Their children are leaving the state angry. Sixteen other states have required supermajorities for the imposition of new taxes. We can continue to work on this. I am heartened by the bipartisan support that we achieved for this resolution; heartened that the Senator from the 19th District would support it; heartened that the Senator from the 6th District would support it and the Senator from the 31st District, my good friend.

The idea of responsible taxation is of our people's concern about the activities that we had, if you can call it that—the bills we passed, unpassed, and twirled around. It warrants serious consideration of this measure. I look forward to discussing it with you again. Hopefully, I can get some of the fervor of the Senator from the 2nd District and bring this up for your consideration again and again and again until our people are responsibly heard on the issues of taxation and their jobs.

Committee Reports

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 1201, entitled

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

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, Pappageorge, Garcia, Olshove and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:
Meeting held on Wednesday, March 26, 2008, at 9:00 a.m., Room 100, Farnum Building
Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

The Committee on Education reported

Senate Bill No. 834, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278a (MCL 380.1278a), as added by 2006 PA 124.

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, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:
Meeting held on Thursday, March 27, 2008, at 2:30 p.m., Room 110, Farnum Building
Present: Senators Kuipers (C), Whitmer and Gleason
Excused: Senators Van Woerkom and Cassis

The Committee on Energy Policy and Public Utilities reported

Senate Bill No. 108, entitled

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 13 (MCL 484.3113).

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Brown, Kuipers, Richardville, Olshove, Prusi and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:
Meeting held on Thursday, March 27, 2008, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Patterson (C), Brown, Kuipers, Richardville, Olshove, Prusi and Thomas
Absent: Senator Birkholz

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:
Meeting held on Thursday, March 27, 2008, at 1:10 p.m., Room 110, Farnum Building
Present: Senators Cassis (C), Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

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

Agriculture - Wednesdays, April 16, April 23, April 30, May 7 and May 14, 3:00 p.m., Room 405, Capitol Building (373-2768)

Capital Outlay - Wednesday, April 16, 3:00 p.m. or later immediately following House session, and Thursday, April 17, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Health Department - Thursday, May 1, 1:00 p.m., Room 100, Farnum Building (373-2768)

Economic Development - Wednesdays, April 16, April 23, April 30, May 7 and May 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Tuesdays, April 22, April 29 and May 13, 2:30 p.m., Room 405, Capitol Building; and Tuesday, May 6, 2:30 p.m., Room 48, Information Technology Operations Center, 7285 Parson Drive, Lansing (373-2768)

History, Arts, and Libraries - Thursdays, April 17, April 24, May 1 and May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesdays, April 22, April 29, May 6 and May 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary and Corrections - Wednesday, April 23, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, April 24, May 1 and May 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation Department - Thursday, April 17, 12:30 p.m., Room 405, Capitol Building; Friday, April 25, 10:30 a.m., Conference Room, Rapid Central Station, 250 Grandville Avenue SW, Grand Rapids; Friday, May 2, Conference Room, Rapid Commission for Oakland County, 31001 Lahser Road, Beverly Hills; and Thursday, May 15, 12:30 p.m., Room 405, Capitol Building (373-2768)

Campaign and Election Oversight - Wednesday, April 16, 12:30 p.m., Room 405, Capitol Building (373-1725)

Energy Policy and Public Utilities - Thursday, April 17, 1:00 p.m., Room 210, Farnum Building (373-7350)

Health Policy - Wednesday, April 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Friday, April 25, 8:30 a.m., Room 326, South Tower, House Office Building (373-0212)

Natural Resources and Environmental Affairs - Wednesday, April 16, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:56 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, April 16, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate