

No. 39
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Thursday, April 24, 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—excused
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Pastor Jack L. Mannschreck of Big Beaver United Methodist Church of Troy offered the following invocation:

Almighty God, bless this gathering that the words spoken here will be words of truth, so that the greatest needs of people will be revealed. May the words be words of compassion, so that solutions to those great needs would come to the forefront of these minds gathered. May they be words of wisdom, so that the greatest good of Michigan citizens and humanity around the world would be served.

We pray for this in Your precious, yet powerful, name. Amen.

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

Motions and Communications

Senator Thomas moved that Senators Clarke, Brater, Schauer and Hunter be temporarily excused from today's session. The motion prevailed.

Senator Thomas moved that Senator Cherry be excused from today's session. The motion prevailed.

Senators Schauer and George entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:06 a.m.

11:21 a.m.

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

During the recess, Senators Clarke, Kuipers, Brown, Brater, Garcia and Hunter entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 23:
House Bill Nos. 4412 5900 5901 5902

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 24:
House Bill Nos. 5221 5936 5983

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, April 23, and are available at the legislative website:

Senate Bill Nos. 1271 1272 1273 1274
House Bill Nos. 6002 6003 6004
House Joint Resolution ZZ

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 message from the Governor was received:

Date: April 23, 2008

Time: 10:05 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1203 (Public Act No. 104), being

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing;” (MCL 125.2151 to 125.2174) by adding section 12b.

(Filed with the Secretary of State on April 23, 2008, at 10:34 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

House Bill No. 4507

Senate Bill No. 388

Senate Bill No. 868

The motion prevailed.

Senate Bill No. 209, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 53b (MCL 211.53b), as amended by 2006 PA 378.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 415, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 9205b.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 435, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8152 (MCL 600.8152), as amended by 2002 PA 92.

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 pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 716, entitled

A bill to amend 2004 PA 47, entitled "Medical records access act," by amending section 3 (MCL 333.26263).

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 pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 1161, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173a (MCL 333.20173a), as added by 2006 PA 28.

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.

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

I have with me today, colleagues, Teddy Degenhardt who has been working as an intern in my office for the past few months. He's done a fantastic job assisting my staff with various projects and day-to-day tasks.

Teddy is a senior at Michigan State University majoring in political science, and his future plans include attending law school. Teddy will be leaving my office to take on a new internship with an intellectual property law firm in Oakland County, where he will gain some hands-on experience.

It's sad to see him leave, and we are grateful for the job he did for us. I ask you, colleagues, to join me in recognizing Teddy for the job that he has done so well for us.

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 Birkholz as Chairperson.

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

House Bill No. 4434, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 26, 49, and 61 (MCL 205.726, 205.749, and 205.761), sections 26 and 49 as amended by 1980 PA 437 and section 61 as amended by 1992 PA 172.

House Bill No. 4435, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 22 (MCL 205.722).

House Bill No. 4437, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by repealing section 66 (MCL 205.766).

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.

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).

House Bill No. 5322, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1177a (MCL 380.1177a), as added by 2005 PA 240.

The bills were placed on the order of Third Reading of Bills.

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

House Bill No. 4433, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 3, 31, and 32 (MCL 205.703, 205.731, and 205.732), section 3 as amended by 1992 PA 172, and by adding section 47.

Substitute (S-1).

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

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

House Bill No. 4436, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 62 (MCL 205.762), as amended by 1995 PA 232.

Substitute (S-2).

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

Resolutions

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**

The motion prevailed.

Senators Hunter, Clarke, Thomas, Scott, Clark-Coleman, Jelinek and Anderson offered the following resolution:

Senate Resolution No. 178.

A resolution proclaiming April 26, 2008, as Global Youth Service Day.

Whereas, It is a distinct privilege to recognize YouthVille Detroit, a program of the Detroit Youth Foundation focused on positive youth development in metro Detroit, as it mobilizes more than 600 young people to participate in the 20th Annual National and Global Youth Service Day on April 26, 2008. Youth in the metro Detroit area join millions of youth across the United States and in 116 other nations to participate in community service projects and events to celebrate this occasion. It is a privilege to thank the youth and the organizers of this extraordinary event; and

Whereas, The 2008 YouthVille Global Youth Service Day project is known as "ComeUnity Now: Youth Drive Our Future." The project collaborates with the city of Detroit's Motor City Makeover, Motor City Blight Busters, Habitat for Humanity, and Greening of Detroit to provide volunteers of adults and youth in a unified effort in revitalizing all Southeast Michigan. It also benefits the region by providing other partnerships and resources for youth to serve in their local communities; and

Whereas, Young people from 11 years old through college students are participating in the event. Urban, suburban, and rural youth, as well as young people from church youth groups and university clubs, have joined together to make a difference and change communities locally and around the world; and

Whereas, A program of Youth Service America, Global Youth Service Day is the largest youth service event in the world. Global Youth Service Day is a year-round effort to expand the impact of the youth service movement. The initiative launches new service organizations, policy changes, and sustainable service programs to create a culture of engaged youth. State Farm Companies Foundation is the presenting sponsor. More than 120 national partners and 75 lead agencies throughout the United States organize projects. Overseas, national lead agencies in more than 100 countries participate; and

Whereas, Youth Service America is an international nonprofit resource center that partners with thousands of organizations in more than 100 countries and is committed to increasing the quality and quantity of volunteer opportunities for young people ages 5-25 to serve locally, nationally, and globally. Founded in 1986, Youth Service America's mission is to expand the impact of the youth service movement with communities, schools, corporations, and governments; now, therefore, be it

Resolved by the Senate, That April 26, 2008, be proclaimed Global Youth Service Day; and be it further

Resolved, That a copy of this resolution be transmitted to YouthVille Detroit as a token of our esteem.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Allen, Barcia, Basham, Birkholz, Brater, Brown, Cassis, Cropsey, Garcia, George, Gilbert, Gleason, Hardiman, Jacobs, Jansen, Kahn, Kuipers, McManus, Olshove, Pappageorge, Prusi, Richardville, Sanborn, Schauer, Stamas, Switalski, Van Woerkom and Whitmer were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Hunter's statement is as follows:

This resolution will proclaim April 26, 2008, as Global Youth Service Day here in Michigan. Global Youth Service Day is a collaborative effort between 118 countries to bring their youth together to perform various community-service projects. This effort is headed by Youth Service America, which is an international, nonprofit resource center that partners with thousands of organizations in more than 100 countries. They are committed to increasing the quality and quantity of volunteer opportunities for young people ages 5-25 to serve locally and nationally, as well as globally. Their mission is to expand the impact of the youth-service movement with communities, schools, corporations, and governments.

Our local effort for Michigan is led by Youth Build Detroit, which has named their project "ComeUnity Now: Youth Drive Our Future." The project collaborates with the city of Detroit's Motor City Makeover, Motor City Blight Busters, Habitat for Humanity, and Greening of Detroit to provide volunteers of adults and youth in a unified effort in revitalizing all of southeastern Michigan. It also benefits the region by providing other partnership and resources for youth to serve in their local communities.

This is an outstanding effort that brings the youth of our state and, indeed, the world together in a very positive way. Please join me and my colleagues in recognizing the amazing work that our young citizens are doing on Global Youth Service Day, and let us encourage them to stay active in their communities.

Senators Kuipers, McManus, Stamas, Brown, Van Woerkom, Garcia and Jansen offered the following resolution:

Senate Resolution No. 179.

A resolution to memorialize the Congress of the United States to enact the Clean Boating Act of 2008.

Whereas, In September 2006, the U.S. Northern District Court of California issued a ruling that required the Environmental Protection Agency (EPA) to regulate ballast water discharges. Ocean-going vessels moving from port to port are largely responsible for the spread of aquatic invasive species through the discharge of ballast water. Although intended to address only ballast water discharges from ocean-going vessels, the court ruling encompassed all discharges from all vessels, including recreational boats. Under the ruling, all vessels would be required to have a federal permit for discharges to the water beginning September 2008; and

Whereas, Recreational boat discharges are already regulated under numerous federal and state laws. Non-polluting, incidental discharges such as weather deck runoff, grey water, uncontaminated bilge water, and engine coolant water should not require a federal permit. These discharges occur during the normal operation of a recreational vessel and are completely different from the discharges of a commercial ship that were intended to be affected by the District Court ruling; and

Whereas, With almost 1 million registered recreational boats, Michigan is one of the top boating states in the nation. With 40,000 square miles of Great Lakes waters and thousands of inland lake boating opportunities, boating is one of the largest outdoor recreational activities in which our residents take part. Requiring Michigan recreational boat owners to obtain the federal discharge permit will be a huge economical burden and inconvenience to Michigan boat owners; and

Whereas, Congress has before it the Clean Boating Act of 2008 (S. 2766), which will restore the 35-year-old EPA exemption for these non-polluting discharges from recreational vessels. Immediate action on S. 2766 will prevent owners of small, recreational boats from having to purchase the same, expensive discharge permits required of commercial vessels beginning in September; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Clean Boating Act of 2008; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Environmental Protection Agency, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Birkholz offered the following amendment:

1. Amend the fourth Whereas clause, line 5, after “September;” by striking out “now, therefore, be it” and inserting “and Whereas, It is critical that owners and operators of recreational boats must continue to abide by Michigan Department of Natural Resources’ recommendations for the proper treatment of their vessels, including voluntary practices such as a thorough washing of their vessels when moving from one body of water to another to minimize the risk of the spread of invasive species; now, therefore, be it”.

The amendment was adopted.

The resolution, as amended, was adopted.

Senators Barcia, Gleason, Jacobs, Pappageorge and Prusi were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Birkholz’s statement is as follows:

Invasive species, which are a scourge to our Great Lakes system, are introduced into the Great Lakes by ocean-going vessels. Ocean-going vessels are the major vector. Most scientists will tell you that they are the only vector for the introduction of invasive species into our Great Lakes system. We have to be very cautious as we look at this new ruling. We have recreational boaters who take due care, and we need them to understand that when they move from one body of water to another, they can also carry invasive species. For instance, if they go from our wonderful Great Lakes like Lake Michigan, Lake Huron, or Lake Superior into a small inland lake, they can carry invasive species with them.

We need recreational boaters to treat their vessels. They need to thoroughly wash them when moving from lake to lake, whether it’s from the Great Lakes to inland lakes or from one inland lake to another inland lake. However, we do not feel that they should be required to get a discharge permit from the federal government. I think that would be unrealistic, unfair, and timely and probably cost them some money that they don’t need to spend.

So, although I agree with most of the resolution before us, I ask that you adopt my amendment that will make it clear that we need recreational boaters to continue to wash their boats, to treat their boats as they move from lake to lake because they can also be a vector for moving invasive species between our inland lakes and our Great Lakes. I urge the adoption of my amendment to this resolution.

Senators Richardville, Birkholz, Kuipers, Van Woerkom, Jelinek, Hardiman, Allen, Pappageorge, George and Barcia offered the following resolution:

Senate Resolution No. 180.

A resolution to memorialize the United States Postal Service to issue a commemorative stamp in honor of Matt Urban.

Whereas, Matt Louis Urban (1919-1995), a native of the state of New York and later a longtime resident of the state of Michigan, earned the singular distinction of sharing recognition of being one of our nation’s two highest-decorated combat soldiers during World War II; and

Whereas, His shared singular distinction was based on at least four extraordinary acts of bravery above and beyond the call of duty in battle that occurred on French soil first in Renouf, then near Orglandes, then at Saint-Lô, and finally, near Heer, Belgium, at the Meuse River, during the period from June 14, 1944, through September 3, 1944, as described in his Congressional Medal of Honor citation; and

Whereas, The records of his battlefield feats of heroism and inspirational combat leadership—having been lost in Washington, D.C., for some 35 years—delayed formal, public acknowledgement of his fame until 1980 when President Jimmy Carter presented him the Congressional Medal of Honor, citing his “personal leadership, limitless bravery, and repeated extraordinary exposure to enemy fire” during the aforesaid battles; and

Whereas, The near-paralyzing neck wound that Matt Louis Urban suffered during his final battle, earning him his seventh Purple Heart, required nearly two years of reconstructive surgery to his vocal chords, thereby causing him to concentrate on rehabilitation rather than combat notoriety and peacetime fame during the outpouring of public accolades directed to our nation’s combat veterans in the press, tabloid, and entertainment industry following the end of the war; and

Whereas, In 1999, the United States Postal Service honored the second combat hero—Audie Murphy of post-war Hollywood fame—sharing the singular distinction for being one of our nation’s two most-decorated combat heroes of World War II by including him in a commemorative stamp; now, therefore, be it

Resolved by the Senate, That this legislative body respectfully directs the United States Postal Service to redress its partial recognition in identifying the most-decorated American combat soldier of World War II by issuing a commemorative stamp honoring the worthy Matt Louis Urban; and be it further

Resolved, That the United States Postal Service perform this necessary action expeditiously, both in the spirit of goodwill and of portraying accurately an historical aspect of World War II currently exemplified in other examples by the way of Ken Burns' acclaimed PBS documentary "The War," which not only serves to entertain, but also, most importantly, to educate our fellow Americans about the facts of our no-longer recent past and its "Greatest Generation."

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Senior Citizens and Veterans Affairs.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 108

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

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

Senate Bill No. 1201

Senate Bill No. 1234

Senate Bill No. 1265

Senate Bill No. 1266

Senate Bill No. 1267

Senate Bill No. 1268

Senate Bill No. 1269

Senate Bill No. 1270

Senate Bill No. 108

The motion prevailed.

The following bill was read a third time:

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.

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. 254

Yeas—37

Allen	Clarke	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Schauer
Basham	George	Kuipers	Scott
Birkholz	Gilbert	McManus	Stamas
Bishop	Gleason	Olshove	Switalski
Brater	Hardiman	Pappageorge	Thomas

Brown
Cassis
Clark-Coleman

Hunter
Jacobs

Patterson
Prusi

Van Woerkom
Whitmer

Nays—0

Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schauer’s statement is as follows:

Let me begin by commending and thanking the Senator from Howell and plainly stating that the legislation that is before us is extremely important. I agree with the previous speaker, and our caucus wholeheartedly supports the passage of efforts to help our brave men and women in the military to keep up with these financial pressures during their service.

I’ve offered the amendment that is before us because I feel that it is also incumbent upon us to recognize the struggles of workers who also love their country and their state very much; workers who have dedicated their lives to building up our economy, creating our proud middle class, and making many world-class products right here in Michigan. Unfortunately, through no fault of their own, these workers have watched their plants and jobs be shipped to other countries. These workers, too, can no longer afford such things like cell phone contracts or, in some cases, their homes, their health care, or even a tank of gas. This amendment is intended to not only support the original bill, but to be a small step to recognize the hardship of working people as well.

Given that this bill creates its own unique act, I will be pursuing separate legislation that addresses the hardship that working people face with contracts like cell phone bills. I, therefore, would move to withdraw this amendment.

The following bill was read a third time:

Senate Bill No. 1234, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80108a.

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. 255

Yeas—37

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater

Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas

Brown
Cassis
Clark-Coleman

Hunter
Jacobs

Patterson
Prusi

Van Woerkom
Whitmer

Nays—0

Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1265, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432.

The question being on the passage of the bill,

Senator Cassis offered the following amendment:

1. Amend page 2, line 3, following "**2008.**" by inserting "**THE AGREEMENT SHALL INCLUDE A REPAYMENT PROVISION OF ALL OR A PORTION OF THE CREDITS RECEIVED BY THE QUALIFIED TAXPAYER IF THE QUALIFIED TAXPAYER DOES NOT CONSTRUCT OR OPERATE A NEW OR EXPANDED FACILITY AS PROVIDED IN THE AGREEMENT.**".

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

The question being on the passage of the bill,

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

Roll Call No. 256

Yeas—37

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Clark-Coleman

Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Cassis' statement is as follows:

Today we really have a unique opportunity to help a very, very important company in our state and that is Hemlock Semiconductor, a subsidiary of Dow Chemical. As chair of Senate Finance, I would like to give just a little background on these bills.

First, as you will remember, the benefits in abating taxes in the Michigan business tax to the Big Three was done in respect to that industry's struggle as loss of profits, or, we could say, it's nonprofitability status and to support Michigan workers, Michigan jobs, Michigan labor, both white- and blue-collar. Hemlock is a subsidiary of Dow and by all accounts, very highly profitable. We say, "Bravo!" Their products are extremely in demand, and we're glad that they are not struggling. Yet, we know that the high cost of energy and the high cost of taxes in Michigan place them at a disadvantage, as well as many other businesses. We know that they could go elsewhere. So, yes, let's assist them.

Importantly, the Senate Fiscal Agency has pointed out, in terms of their energy cost, which this is really all about—"According to the Department of Treasury, this facility, Hemlock, may qualify for a special economic development price for electricity that is well below the projected price levels contained in these bills." Still, it's interesting and I think it's reasonable to support balanced help here. I guess we are aware to some degree that the next best source of renewable energy is solar. Guess who makes the very ships to harness this power? Yes, it's Hemlock Semiconductor. They will be extremely successful and extremely profitable, but how much is too much? Given our weak revenue stream in our state, given the gaps created in the budget, and with respect to all other businesses—especially the small and medium-size businesses that we've already talked about who are left behind—the very same small and medium-size businesses are subsidizing the big corporations. These businesses, some of them have been turned away by the MEDC when they ask for help. Maybe you, too, have had some of these same sorry stories told to you from business constituents in your area.

So let me just put forward these remarks. In review of the facts and figures provided by the Senate Fiscal Agency and in talking with our policy providers, what we are doing now does raise questions regarding unprecedented help by providing a windfall removal of tax liability for just one company. But let me stress again that we still want to be responsible and be reasonable and, above all else, compromise without hampering or cutting off the MEDC spigot to others who are needy, others who are waiting in line for assistance.

So we will be proposing three amendments. Compromise, my colleagues, as we do frequently, allows for balance. But without some compromise here, it would hamper the ability to do some more much-needed Michigan business tax fixes, including the sales tax; removing it from the base that it is now over in the House and helping hundreds of thousands of small businesses to access the alternative business tax; the same ones who are just trying to stay afloat. Also, as I just said, there are other fixes waiting for a hearing. I want to thank you for your attention.

Specifically now to the first amendment, this is called and it kind of has a strange name, the clawback amendment that is in MEDC agreements that have already been made typically. We just saw them with the film industry. This is nothing new, but we're adding a clawback provision that basically says a portion of the credits received by the qualified taxpayer will be repaid if the qualified taxpayer does not construct or operate a new or expanded facility as provided in the amendment—very straightforward and has been utilized before. This is just in keeping with past agreements. I urge your adoption.

The following bill was read a third time:

Senate Bill No. 1266, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432a.

The question being on the passage of the bill,

Senator Cassis offered the following amendments:

1. Amend page 1, line 4, after "TO" by inserting "75% OF".
2. Amend page 1, line 9, after "LESS." by inserting "**THE CREDIT UNDER THIS SECTION IS REDUCED BY 10% FOR EACH INCREMENT OF 120,000 MEGAWATT HOURS OF QUALIFIED CONSUMPTION OF ELECTRICITY UNDER 1,200,000 MEGAWATT HOURS OF ELECTRICITY CONSUMED DURING THE TAX YEAR.**".

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

The question being on the passage of the bill,

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

Roll Call No. 257**Yeas—35**

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

Nays—2

Cassis	Gilbert
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Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Cassis' statement is as follows:

Now the rest of the story, if you will, and why we are offering this amendment. Really, it is to deal with balance to the first of its kind of unprecedented tax relief for one company. Already, Hemlock Semiconductor has received \$7,000,623 in tax relief from the state. That includes an exemption from the 6-mill state education tax that everyone else has to pay for because there are no moneys targeted to hold it harmless. OK, that's over \$70 million. Proposed eligibility without the Legislature needing to vote on it is another \$202,341,000 of tax credits, available tax relief to Hemlock. We just passed recently an anchor credit. We don't have the figure on what that will do for them. So then let's skip right to today, the refundable carry-forward credits we're looking at for 12 years represent another \$358 million credit. The total cost of all these credits—that's why we say it's unprecedented—come to more than half a billion dollars over 12 years once a new plant comes onboard.

Therefore, let me just put it in perspective. The average MEGA credit for jobs provided and cost right now is just about \$13,000. One job, \$13,000 in credit out there right now. These bills, however, go 45 times above that. If they do, and we hope they do, create 400 jobs, the cost of each job amazingly enough jumps to almost \$900,000 per job. So that can give you the balance here: \$13,000 per job that most are eligible for versus almost \$900,000.

Importantly, here's the refundable part that you have been talking about and listening to for awhile here. If the proposal does pass as is, Dow Corning may not pay taxes at all for 12 years. There's no tax liability at all, and Dow Corning could potentially receive \$10 million to \$12 million annually in a check form back from the General Fund.

Therefore, to balance this out and compromise, this amendment—and it will be with all of the following bills—provides a 75 percent instead of the 100 percent that is in this bill. That's fair and that's a minimal expectation for all of us to be able to support.

Finally, if they use less electricity than is postulated, a complimentary reduction in their credits would occur. That is exactly what these amendments do and will be offered on each of them. I think with that background you are certainly able to make some important decisions today.

The following bill was read a third time:

Senate Bill No. 1267, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 432b.

The question being on the passage of the bill,

Senator Cassis offered the following amendments:

1. Amend page 1, line 4, after “**TO**” by inserting “**75% OF**”.

2. Amend page 1, line 6, after “**ELECTRICITY.**” by inserting “**THE CREDIT UNDER THIS SECTION IS REDUCED BY 10% FOR EACH INCREMENT OF 120,000 MEGAWATT HOURS OF QUALIFIED CONSUMPTION OF ELECTRICITY UNDER 1,200,000 MEGAWATT HOURS OF ELECTRICITY CONSUMED DURING THE TAX YEAR.**”.

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

The question being on the passage of the bill,

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

Roll Call No. 258

Yeas—35

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

Nays—2

Cassis	Gilbert
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Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1268, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 432c.

The question being on the passage of the bill,

Senator Cassis offered the following amendments:

1. Amend page 1, line 3, after “TO” by inserting “75% OF”.

2. Amend page 1, line 6, after “ELECTRICITY.” by inserting “THE CREDIT UNDER THIS SECTION IS REDUCED BY 10% FOR EACH INCREMENT OF 120,000 MEGAWATT HOURS OF QUALIFIED CONSUMPTION OF ELECTRICITY UNDER 1,200,000 MEGAWATT HOURS OF ELECTRICITY CONSUMED DURING THE TAX YEAR.”.

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

The question being on the passage of the bill,

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

Roll Call No. 259

Yeas—35

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

Nays—2

Cassis	Gilbert
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Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1269, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 432d.

The question being on the passage of the bill,

Senator Cassis offered the following amendments:

1. Amend page 1, line 3, after “TO” by inserting “75% OF”.

2. Amend page 1, line 6, after “ELECTRICITY.” by inserting “THE CREDIT UNDER THIS SECTION IS REDUCED BY 10% FOR EACH INCREMENT OF 120,000 MEGAWATT HOURS OF QUALIFIED CONSUMPTION OF ELECTRICITY UNDER 1,200,000 MEGAWATT HOURS OF ELECTRICITY CONSUMED DURING THE TAX YEAR.”.

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

The question being on the passage of the bill,

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

Roll Call No. 260

Yeas—35

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

Nays—2

Cassis	Gilbert
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Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1270, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 6 (MCL 207.806), as amended by 2007 PA 150.

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. 261

Yeas—35

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

Nays—2

Cassis	Gilbert
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Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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:

Colleagues, among the things that we are charged with doing here in the state of Michigan is providing hope for the people who live here now; hope for our children and grandchildren, hope for each other, and hope for these folks entering the galleries. We're looking for a new generation of jobs in Michigan, a new generation of Michiganders. We'll have a clean environment, in fact, and we'll have jobs. We'll have affordable energy. We're looking to find a way to bring those all together. These bills are part of the tools that we need to make that happen.

As such, they give us the opportunity to have a worldwide market in polycrystalline silicone, the jobs thereof, the solar energy produced therefrom, and the fallout of jobs and the dynamic jobs that are produced in other areas, from suppliers to carpenters to people who sell sandwiches to people who drill fillings. As such, these bills which we are about to pass are historic. They are historic in committing Michigan to move forward to a new Michigan of jobs and hope. I urge their passage.

The following bill was read a third time:

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).

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. 262**Yeas—37**

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

Nays—0**Excused—1**

Cherry

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

Senate Joint Resolution L

The motion prevailed.

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.

(This joint resolution was not adopted on April 15 and the motion to reconsider the vote postponed. See Senate Journal No. 34, p. 666.)

The question being on the motion to reconsider the vote by which the joint resolution was not adopted,

The motion prevailed.

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. 263**Yeas—25**

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

Nays—12

Basham	Clarke	Olshove	Switalski
Brater	Gleason	Prusi	Thomas
Clark-Coleman	Jacobs	Scott	Whitmer

Excused—1

Cherry

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the joint resolution was not adopted.

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

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.

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:

We considered this proposal a week or so ago and the chamber almost passed it with a two-thirds majority that we needed. It fell just barely short. A strong objection was given that the proposal had been sprung on the chamber, there had been no time to consider it, and thus, we've given a delay of a week or so. We've talked to other members who were considered in support it and it is brought forth again today.

Let me remind those who are here, us in the Senate, about the nature of this bill. This allows us to join 16 other states requiring more than a majority—a supermajority—before raising taxes on the citizens. It's something our citizens have come to groan about and groan about mightily over, in particular, what has happened in the last year and over which we will spend much of the next two months trying to fix in the MBT, where we see people with a 7-Eleven store and taxes going from \$1,000 to \$8,000. So we're saying a supermajority will guarantee that the Legislature will be more careful in its actions, and it will also limit the growth of taxes, particularly job-destructive taxes.

These were the words I spoke before the chamber two weeks ago. You have had further time to consider them, my colleagues. I hope that you will now support this resolution with the required two-thirds vote, so that we may move it to the House and move along some assurance to our people that we will consider them more carefully before we will raise taxes.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 1275, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 22b (MCL 388.1622b), as amended by 2007 PA 137, and by adding section 42.

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

Senators McManus and Brown introduced

Senate Bill No. 1276, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 38.

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

House Bill No. 4412, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A. 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. 5221, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; to provide for expenditures under the supervision of the director of the department of management and budget and the state administrative board; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to prescribe standards and conditions relating to the appropriations; to make appropriations for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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.

Senator Cropsy moved that rule 3.203 be suspended and that the bill 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.

House Bill No. 5900, entitled

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending the title and section 23 (MCL 780.773), the title as amended by 1988 PA 22 and section 23 as amended by 1988 PA 21, and by adding section 12a.

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

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

House Bill No. 5901, entitled

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending section 82 (MCL 780.832), as added by 1988 PA 21, and by adding section 72a.

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

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

House Bill No. 5902, entitled

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending section 50 (MCL 780.800), as added by 1988 PA 22, and by adding section 40a.

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

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

Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

In 1933, James Weldon Johnson, African-American professor, poet, politician, author, and attorney, wrote, “This country can have no more democracy than it accords and guarantees to the humblest and weakest citizen.” Those of you in this chamber who know me, know that my personal doctrine, my creed, has always been based on “the least of these.” That’s why Mr. Johnson’s words resonate so with me. While this country can have no more democracy than it accords its humblest and weakest, neither can we as a state have democracy until we make insurance fair and affordable and accessible even to the least of these. That, my friends, is justice. That is fairness. That is democracy.

So, once again, I stand before you to ask you to please move my bills.

Senator Kahn’s statement is as follows:

Shortly, we are going to be considering the appropriations budget for the DEQ. Today on each Senator’s desk, these documents were handed out. They tell some of the story of the DEQ, an agency, I believe, that is arrogant, out of control, oppressive, and unrepresentative of a democratic government—strong words, very strong words. Why would I so demean them?

I sat in a meeting just a few days ago, nine or ten days ago, with other Senators, which I brought a document from Saginaw—came from the U.S. mail. Our local county commissioner, our local drain commissioner had been called up by the newspaper and was asked to comment on the letter sent him by the DEQ. He never received the letter. Instead, it had been sent to a local environmental agency and he had not yet received it. When I asked the director about this, he said, “Well, I guess you just got bad mail service in Saginaw.” That kind of response to a group of Senators on top of an individual Senator is intolerable and unacceptable. I will continue to ponder it and have a response to it. Some of the information generating it is in the document that you have received.

Senator Gleason’s statement is as follows:

I rise today to thank and congratulate this body in moving forward with the Hemlock Semiconductor tax credit package. These are great opportunities. As I’ve mentioned a few times in the past, in my previous life I was a skilled-trade millwright.

I've worked on many construction sites across our state. This is really the stimulus package that Michigan needs to put people to work in high-paying, well-benefited, and secure-pension jobs.

I want to thank all of those who have taken part in this process over in the House as well as here in the Senate. I think this reflects an attitude that should be more readily available here in the chambers—great bipartisan, great spectrum across the geographical area here in the state of Michigan to put highly-skilled workers to work in a field that is much-needed. So I want to thank all of those who took an active role in the process of getting this legislation passed in both chambers, and we look forward to putting Michigan construction workers back to work.

Senator Barcia's statement is as follows:

I wanted to just address two issues. Senator Gleason from Genesee County just spoke to the importance of the semiconductor plant not only for Senator Kahn's district in Saginaw County, but literally the impact economically that it would have on the entire region of our state. I'm very pleased to have been a part of this package. I want to thank the chairman of the committee, Senator Allen, for being so responsive and shepherding this package of legislation through and getting it over to the House, and Senator Stamas for his leadership on the issue. We're all united bicamerally as well as in a bipartisan fashion behind what could be a substantial multibillion-dollar investment in our region of Michigan. We have, as you know, been hit hard on the I-75 Corridor by the outsourcing of manufacturing jobs outside of Michigan and also out of the country.

Secondly, my colleague and my good friend Senator Kahn spoke relative to the issue of dredging the Saginaw River and the Department of Environmental Quality and the U.S. Army Corps of Engineers who play key roles in seeing that project happen. I just want to say that the project has been in the works for 20 years, so there is a lot of frustration among some of the local citizens and, obviously, Senator Kahn with the Corps and DEQ sort of being on the same page to move ahead with the dredging that is so vital to commerce on the Saginaw River and, again, to three or four or five counties that depend on freighters to move stone aggregate as well as agricultural commodities and business freight out of the port of the Saginaw River.

I just wanted to say, in the way of a final remark, I hope that Director Chester and the Department of Environmental Quality staff, as well as our staff in Detroit with the U.S. Army Corps, will communicate and will help us move together to resolve the issue and any remaining issues between the two agencies so that, in fact, the federal money that has been allocated for that dredging project will not be reallocated to another state. As Senator Kahn mentioned, we recently met with Director Chester and I think he took that hopefully to heart and will move so that both agencies can work in tandem to help move that vital project forward.

Committee Reports

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 1256, entitled

A bill to amend 2006 PA 152, entitled "An act to allow the requiring of a permit before demonstrating outside of locations in which a funeral service is being held; to allow local units of government to prohibit certain conduct at or near the locations in which a funeral service is being held; to prescribe the powers and duties of certain local governments and officials; and to provide for penalties;" by amending section 3 (MCL 123.1113).

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Gleason and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Tuesday, April 22, 2008, at 3:00 p.m., Room 110, Farnum Building

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

Absent: Senator Allen

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 1211, entitled

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

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Olshove and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, April 23, 2008, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Olshove and Basham

Excused: Senators Pappageorge and Garcia

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 382, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 105, 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.105, 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), sections 105, 2205, and 2209 as amended by 1988 PA 463 and section 2204 as amended by 1981 PA 83.

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

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 383, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2003 PA 87.

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

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, April 23, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas and Jacobs

Absent: Senator Hunter

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1085, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40107a (MCL 324.40107a), as amended by 2003 PA 242.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Prusi

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5630, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30929 (MCL 324.30929), as added by 2004 PA 522.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Prusi

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, April 23, 2008, at 12:30 p.m., Room 210, Farnum Building

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

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Tuesday, April 22, 2008, at 2:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Switalski, Cherry, Clark-Coleman and Scott

Absent: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman and Pappageorge

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:

Meeting held on Wednesday, April 23, 2008, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Committee on Campaign and Election Oversight submitted the following:

Meeting held on Wednesday, April 23, 2008, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, April 23, 2008, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Wednesday, April 23, 2008, at 3:00 p.m., Room 405, Capitol Building

Present: Senators Brown (C) and Jelinek

Excused: Senator Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Wednesday, April 23, 2008, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Cropsey (C) and Brater

Excused: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Thursday, April 24, 2008, at 8:30 a.m., Room 405, Capitol Building

Present: Senators George (C) and Clark-Coleman

Excused: Senator Brown

Scheduled Meetings

Appropriations -

Subcommittees -

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

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

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

General Government - Tuesdays, 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, May 1 and May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

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

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

Transportation Department - 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)

Families and Human Services - Tuesday, April 29, 4:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

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

Legislative Commission on Statutory Mandates - Tuesday, May 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Natural Resources and Environmental Affairs - Wednesday, April 30, 1:00 p.m., Room 110, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:00 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, April 29, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate