

No. 49
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, May 20, 2008.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Senator James A. Barcia of the 31st District offered the following invocation:

As we gather to do the work of the Senate, please impart to us the courage and wisdom to serve fairly those who have put their trust in us. We ask that you fill our hearts with Your grace, and bless us with the strength to lead with integrity and compassion. We also pray that our men and women in harm's way are able to return home safely after serving their country overseas. And we ask that You keep those who have fallen by Your side for eternity.

Let each of us always remember that it is through Your Spirit that we find joy in success and comfort in loss. May we always strive to live by Your word.

We pray these things in Your name. Amen.

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

Senator Thomas 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 10:04 a.m.

10:26 a.m.

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

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

A quorum of the Senate was present.

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 and read:

May 15, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Section 2 of 1969 PA 26, MCL 390.392:

Lake Superior State University Board of Control

Mr. Patrick K. Egan of 23806 Lakeshore Drive, Brimley, Michigan 49715, county of Chippewa, succeeding Gary L. Wolfram, whose term has expired, representing the general public, for a term commencing May 15, 2008 and expiring January 27, 2016.

Mr. Scot A. Lindemann of 2305 Tunnel Breeze Court, Holland, Michigan 49424, county of Ottawa, succeeding Dean M. Altobelli, whose term has expired, representing the general public, commencing May 15, 2008 and expiring January 27, 2016.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

Senator Cropsey moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 747

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

Senate Bill No. 747, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1138.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, after "PARENT" by striking out "OR LEGAL GUARDIAN" and inserting a comma and "LEGAL GUARDIAN, OR SIBLING".

2. Amend page 1, line 3, after "DUTY," by inserting "OR IF A PUPIL IS ABSENT FROM SCHOOL FOR UP TO 2 FULL SCHOOL DAYS IF THE LOCATION OF THE DEPLOYMENT OR RETURN IS MORE THAN 300 MILES FROM THE PUPIL'S HOME,".

3. Amend page 2, line 2, after "THAN" by striking out "1 FULL SCHOOL DAY" and inserting "THE NUMBER OF SCHOOL DAYS PRESCRIBED IN SUBSECTION (1)".

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 324

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The 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. 4184, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315; and to repeal acts and parts of acts.

The House of Representatives has nonconcurred in the Senate substitute (S-1) and appointed Reps. Condino, Alma Smith and Rick Jones as conferees.

The message was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

May 15, 2008

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 4184, the Senate appoints the following members to sit on the conference committee:

Senator Alan Cropsey

Senator Alan Sanborn

Senator Gretchen Whitmer

Thank you for your prompt consideration of this matter.

Sincerely,
Senator Michael D. Bishop
Majority Leader
State Senate, 12th District

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

May 16, 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 11:05 a.m. this date, administrative rule (08-05-07) for the Department of Treasury "Michigan Gaming Control Board."

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

May 16, 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 11:07 a.m. this date, administrative rule (08-05-08) for the Department of Labor and Economic Growth "Subdivisions of Land."

These rules take effect 30 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 communications were received:
Office of Financial and Insurance Regulation

May 2008

On July 21, 2003, Governor Granholm signed into law Public Act 88, which added Chapter 37 to the Michigan Insurance Code of 1956, MCL 500.3701 et seq. The legislation had an effective date of January 23, 2004.

MCL 500.3721 requires the Commissioner to issue an annual report and certify whether a reasonable degree of competition exists in the small employer carrier health insurance market on a statewide basis in Michigan. This is the second annual report issued by the Commissioner in determination of the degree of competitiveness in the small employer carrier health market. The first report found that reasonable competition existed on a statewide basis.

For the calendar year ended December 31, 2007, OFIR collected data from different sources and analyzed the data for the purpose of conducting this study. As a result, the Commissioner concludes that there is a reasonable degree of competition in the small employer carrier health insurance market on a statewide basis in Michigan.

May 2008

The Commissioner of OFIR regulates the insurance marketplace. MCL 500.2409 requires the Commissioner to issue an annual report and certify whether a reasonable degree of competition exists in the workers' compensation insurance market on a statewide basis in Michigan.

For the calendar year ended December 31, 2007, OFIR collected, analyzed and reviewed data from different sources including the insurers that write workers' compensation insurance in Michigan, the National Association of Insurance Commissioners, the Compensation Advisory Organization of Michigan, and data in the OFIR database to determine whether workers' compensation insurance was reasonably available in Michigan at a reasonable price.

As a result of the analysis and review of the data, it was determined that there is a reasonable degree of competition in the Michigan workers' compensation insurance market on a statewide basis.

Sincerely,
Ken Ross
Commissioner

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 15:
House Bill Nos. 4532 4569 4887 4926 4927 5829 5830 5831 6015

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 15, for her approval the following bill:

Enrolled Senate Bill No. 749 at 2:20 p.m.

The Secretary announced that the following official bills were printed on Thursday, May 15, and are available at the legislative website:

Senate Bill No. 1313
House Bill Nos. 6117 6118 6119 6120 6121

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

Senate Bill Nos. 1314 1315 1316 1317 1318 1319 1320 1321 1322 1323 1324
House Bill Nos. 6122 6123

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. 5102
House Bill No. 5509

The motion prevailed.

The following bill was read a third time:

House Bill No. 5102, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 23 (MCL 432.23), as amended by 2004 PA 272.

The question being on the passage of the bill,

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

Roll Call No. 325

Yeas—38

Allen
Anderson

Clark-Coleman
Clarke

Jansen
Jelinek

Richardville
Sanborn

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The 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 establish and operate a state lottery and to allow state participation in certain lottery-related joint enterprises with other sovereignties; to create a bureau of state lottery and to prescribe its powers and duties; to prescribe certain powers and duties of other state departments and agencies; to license and regulate certain sales agents; to create the state lottery fund; to provide for the distribution of lottery revenues and earnings for certain purposes; to provide for an appropriation; and to provide for remedies and penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5509, entitled

A bill to amend 2003 PA 198, entitled “Farm produce insurance act,” by amending sections 3, 13, and 15 (MCL 285.313, 285.323, and 285.325).

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. 326

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

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

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

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

“An act to provide insurance to farm produce producers against losses from the failure of grain dealers; to establish a farm produce insurance authority; to prescribe the powers and duties of the authority and its board; to establish a farm produce insurance fund; to provide for assessments on grain dealers; to prescribe certain powers and duties of certain state agencies and officers; to authorize the promulgation of rules; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 5963, entitled

A bill entering into the interstate compact on educational opportunity for military children: and for related purposes.

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

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

Senate Bill No. 674, entitled

A bill to amend 1968 PA 251, entitled “Cemetery regulation act,” by amending the title and sections 2, 2a, 8, 9, 10, 12, 12a, 13, 15, 16, and 18 (MCL 456.522, 456.522a, 456.528, 456.529, 456.530, 456.532, 456.532a, 456.533, 456.535, 456.536, and 456.538), the title and sections 2, 8, 9, 10, 12, 12a, 13, 15, 16, and 18 as amended by 2004 PA 22 and section 2a as added by 1982 PA 132, and by adding sections 9a and 9b; and to repeal acts and parts of acts.

Substitute (S-2).

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

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

Senate Bill No. 975, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 3 (MCL 207.773), as amended by 2005 PA 339.

Substitute (S-1).

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

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

Senate Bill No. 976, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 2 (MCL 207.772), as amended by 2006 PA 661.

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.

Resolutions

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

Senate Concurrent Resolution No. 22

The motion prevailed.

House Concurrent Resolution No. 76.

A concurrent resolution to urge the Great Lakes states to reject changes to the Great Lakes-St. Lawrence River Basin Water Resources Compact and enact it as presented in December 2005.

Whereas, The Great Lakes-St. Lawrence River Basin Water Resources Compact would protect the Great Lakes from diversions and wasteful withdrawals while preserving reasonable use of Great Lakes water within the region. This historic document represents a hard-fought compromise negotiated over five years by the Great Lakes governors and Canadian premiers with input from thousands of stakeholders and citizens; and

Whereas, Each Great Lakes state and the United States Congress must approve the same language for the compact to become legally binding. Four Great Lakes states—Minnesota, Illinois, Indiana, and New York—have already enacted the compact as agreed to by the governors and premiers in December 2005. In addition, both chambers of the Michigan Legislature and the Wisconsin Legislature have passed bills to ratify the compact. However, the compact has only passed one chamber in the Pennsylvania General Assembly and the Ohio General Assembly. Of particular concern, the Ohio Senate has indicated that it will consider amending the compact; and

Whereas, Any changes to the compact at this late stage of the process would be a major setback and could undo all the hard work that went into reaching the current compromise. Unilateral changes would place the compact in jeopardy of ever becoming law and would threaten the long-term future of the Great Lakes and all the industries, businesses, farmers, and citizens that depend on them; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Great Lakes states to reject changes to the Great Lakes-St. Lawrence River Basin Water Resources Compact and enact it as presented in December 2005; and be it further

Resolved, That copies of this resolution be transmitted to the Ohio General Assembly, the Pennsylvania General Assembly, and the governors of Ohio and Pennsylvania.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Barcia, Clark-Coleman, Jacobs and Schauer were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 80.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Technical and Industrial Building Renovations Project.

Whereas, Section 5 of Act No. 183 of the Public Acts of 1964, as amended, being section 830.415 of the Michigan Compiled Laws, requires the approval of the Board of Trustees of Washtenaw Community College (the “Educational Institution”), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the “Authority”); and

Whereas, The site for the Technical and Industrial Building Renovations Project (the “Facility”) is currently owned by the Educational Institution; and

Whereas, Section 7 of Act No. 183 of the Public Acts of 1964, as amended, being section 830.417 of the Michigan Compiled Laws, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the “State”) may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost shall not exceed \$13,985,000 (the Authority share is \$2,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$10,985,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$2,999,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$206,000 and \$269,000, as shall reflect variations which may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to annually appropriate sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Educational Institution, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsy 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 concurrent resolution,

Senator Cropsy moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Barcia, Clark-Coleman, Jacobs and Schauer were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 81.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group F VanWagoner Building (the "Facility").

Whereas, By House Concurrent Resolution 35 of 2007, adopted on November 29, 2007, the Michigan Legislature approved a Total Facility Cost of \$47,296,000 for the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group E Special Maintenance Projects (the "Group E Project"); and

Whereas, Since adoption of House Concurrent Resolution 35 of 2007, it has been proposed that the portion of the Group E Project applicable to the VanWagoner Building should be removed from the Total Facility Cost for the Group E Project and made a part of the current Facility financing; and

Whereas, The amount of such transfer is \$9,233,000; and

Whereas, The Michigan Legislature hereby acknowledges the transfer of such \$9,233,000 excess funding from the Group E Project to the Facility; and

Whereas, Section 5 of Act No. 183 of the Public Acts of 1964, as amended, being section 830.415 of the Michigan Compiled Laws, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site of the Facility is currently owned by the State; and

Whereas, Section 7 of Act No. 183 of the Public Acts of 1964, as amended, being section 830.417 of the Michigan Compiled Laws, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost shall not exceed \$14,750,000 (the Authority share is \$14,750,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$14,750,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,167,000 and \$1,478,000, as shall reflect variations which may occur in the components upon which the appraisal of True Rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Clark-Coleman, Jacobs and Schauer were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 82.

A concurrent resolution approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group G Special Maintenance Projects (the "Facility").

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires that before a lease between the State of Michigan (the "State") and the State Building Authority (the "Authority") that is only for capital maintenance improvements is executed, the general form of the lease shall be approved by concurrent resolution of the Legislature concurred in by a majority of the members elected to and serving in each house of the Michigan Legislature, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose. The description of the property to be leased and the rental to be paid by the State shall be approved by the State Administrative Board; and

Whereas, Providing capital maintenance improvements to be used by the State pursuant to a lease with the Authority is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost shall not exceed \$9,960,000 (the Authority share is \$9,960,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the acquisition and installation cash flow requirements of the Facility, if any, of which not more than \$9,960,000, plus interest charges on monies advanced by the State to meet the acquisition and installation cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonacquisition and installation costs; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$788,000 and \$998,000, as shall reflect variations which may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That by hereby approving the Lease between the State and the Authority, the Legislature agrees to annually appropriate sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Barcia, Clark-Coleman, Jacobs and Schauer were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Schauer introduced

Senate Bill No. 1325, entitled

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

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

Senator Schauer introduced

Senate Bill No. 1326, entitled

A bill to regulate political activity; to regulate certain candidates and state officials; to require certain financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

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

Senators Richardville, Pappageorge, Prusi, Birkholz, Van Woerkom and Gilbert introduced

Senate Bill No. 1327, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101 and 78110 (MCL 324.78101 and 324.78110), section 78101 as amended by 2006 PA 466 and section 78110 as amended by 2004 PA 587.

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

Senators Kuipers and Gleason introduced

Senate Bill No. 1328, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 2004 PA 478.

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

Senators Switalski, Clark-Coleman and Scott introduced

Senate Bill No. 1329, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 105 and 121 (MCL 389.105 and 389.121), section 105 as amended by 2003 PA 306 and section 121 as amended by 1997 PA 135.

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

Senators Barcia, Prusi, Kahn, Pappageorge, Allen, Gleason, Hardiman and Birkholz introduced

Senate Bill No. 1330, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 51108 (MCL 324.51108), as amended by 2006 PA 382.

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

Senators Prusi, Barcia and Basham introduced

Senate Bill No. 1331, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 48701 and 48703 (MCL 324.48701 and 324.48703), section 48701 as amended by 2003 PA 270 and section 48703 as added by 1995 PA 57.

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

House Bill No. 4532, entitled

A bill to prohibit employers from making employment decisions based upon certain conduct that is unrelated to employment; and to provide remedies.

The House of Representatives has passed the bill.

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

House Bill No. 4569, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 140 to article 12.

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

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

House Bill No. 4887, entitled

A bill to prohibit employers from making certain recruiting or hiring decisions based upon an individual's credit history; to prohibit employers from making certain inquiries; to prohibit certain waivers; to prohibit retaliation; and to provide remedies.

The House of Representatives has passed the bill.

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

House Bill No. 4926, entitled

A bill to prohibit employers from making employment decisions based upon certain physical characteristics or fitness; to prohibit retaliation; and to provide remedies.

The House of Representatives has passed the bill.

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

House Bill No. 4927, entitled

A bill to prohibit employers from making employment decisions based upon certain factors that are unrelated to employment; to prohibit certain inquiries; to prohibit retaliation; and to provide remedies.

The House of Representatives has passed the bill.

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

House Bill No. 5829, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2006 PA 167.

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. 5830, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2002 PA 710; and to repeal acts and parts of acts.

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

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

House Bill No. 5831, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 2002 PA 666.

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. 6015, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 10, 11, and 12 of chapter IX (MCL 769.10, 769.11, and 769.12), as amended by 2006 PA 655.

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.

Statements

Senators Scott, Patterson, Sanborn, Hunter 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 Scott's statement is as follows:

I share with you today yet another Ashanti proverb. And, again, I stand in awe at the wisdom and contemporary applications that these century-old words convey. Today's message is, "Two small antelopes can beat a big one." I guess it's yet another way of saying that size does not matter.

That simply validates my feelings that thousands and thousands of ordinary folks who own cars and homes in Michigan can beat one big body of lobbyists and naysayers who are opposed to insurance reform. Yes, I know, you are proposing what you call reform. But, in my view, you are simply throwing a handful of dried grass out to the small antelopes to temporarily pacify and quiet them. But what you are really doing is forcing them to assume an even greater risk by accepting fewer medical benefits and less coverage.

Real reform will only come when you move my bills.

Senator Patterson's statement is as follows:

Thank you, Mr. President, for the affirmation—honorable. If one were to read the *Detroit Free Press* on Sunday, you might not think that I was honorable. In fact, how do I spell "sleazy?" D-e-t-r-o-i-t F-r-e-e P-r-e-s-s. I plan on taking it to them.

They show a picture that is eight years old and the implication is clear that somehow Judge Jennifer Faunce, Regent Andrew Richner, and State Senator Bruce Patterson, three white Republican suburbanites, are somehow in cahoots with a mayor who is under indictment for a series of felonies. This is outrageous, even under the case of *New York Times v. Sullivan*, which

is a case that dealt with a public official and his official conduct. This is over the edge. Everybody in this chamber should be outraged, although I don't see much outrage here because all of you may very well be cast under this net as the *Detroit Free Press* attempts to make it permissible for a certain presidential candidate to be seen in the presence of that indicted person—Kwame Kilpatrick.

If you read the May 19 *MIRS* article, you will see what the *Detroit Free Press* is up to. They should be required to publish a disclaimer pointing out they are in cahoots and trying to persuade people that there are some of us who are honorable, but they don't give a damn about our reputations. I'm going after them. They're disgusting and it's outrageous. Muckraking isn't sufficient. Defamation by innuendo isn't sufficient. Yellow journalism isn't sufficient. Every member of the media is on notice. Their profession is under attack because of scumbags like the *Detroit Free Press*.

They have nothing to be honored by with this kind of publication going on. There's nothing funny about it in this era of term limits because you can't expect people to run for high office and make responsible decisions if by implication you are going to be dragged through the mud.

Senator Sanborn's statement is as follows:

You know, I am reluctant to get up, but I feel compelled to get up to defend the integrity and honor of the Senator from the 7th District, as well as my good friend, the honorable former State Representative and now District Judge Jennifer Faunce and my good friend, Regent Andrew Richner. When I got up and read the *Detroit Free Press*, and I do this with some trepidation because I recognize, as Michigan's most conservative Senator, that year after year, I am making myself a bit of a target. Dad has always told me not to fight with people who buy ink by the barrel and paper by the roll, so this is probably a loser for me.

But my good friend, the Senator from the 7th District, deserves to be defended and he is right. My immediate response when I saw that picture was—a picture is worth a thousand words. And the headline next to that picture was damnable for the newspaper to do that. I showed the picture to my wife, and she got it right away. It almost appears like they are implying that Senator Patterson, Judge Faunce, and Representative Richner had something to do with an indicted mayor. That is just absurd.

I rise to defend the integrity of this fine trio of former State Representatives. I am shocked, as is Senator Patterson, and I hope that others display a little bit of chutzpa and courage to stand up and defend his integrity as well. You know, Senator Bruce Patterson has always said a couple of things to me and as an attorney, a gentleman, and a person of great character, he said two things to me over and over. Words have meaning, and certainly, in this case, "a picture is worth a thousand words," and "you took an oath of office." He uses those phrases to remind me that I took an oath of office, and today I am using my oath of office to defend not just one, but to defend all three. They are beyond reproach. That was sickening to see that picture, and I expect that they will come after me next. But I will defend the three of these because they had nothing to do with it. That is a bunch of balderdash. Shame on you.

Senator Hunter's statement is as follows:

Not to just pound and add to the, I think, rather funny, righteous indignation on the behalf of the Senators from the 7th and the 11th Districts, respectively, you know, and far be it for me to defend the mayor of Detroit, which I don't make a habit of doing, but we have a newspaper article with a picture that happens to include one of the previous speakers. The context of the article is what he did before he became mayor. What was he before he became mayor? He was a State Representative. That is the context. There are a lot of times where I watch the news about what we are doing around this place. The different channels will show and sometimes the papers will have pictures of depicted scenes on the House or Senate floor from well before I was even elected. So sometimes our media may be a little—I don't know—lazy about, you know, picking current pictures or determining who should be pictured with who for the purposes of the picture.

You know, I just really don't see the point here of getting all in a tizzy about this issue. There are more important things to be concerned about. And so, you know, before I sit down, I guess I can say I can empathize with your concerns, but boohoo, buck up, let's focus on more important things, and let's not take this time to cry about, uh, your picture was taken with someone who is caught up in a lot of controversy. Get over it. Get over yourself.

Senator Cropsey's statement is as follows:

Normally, I don't comment on something of this nature, but I think it is important that people note that probably the most egregious part of this is that this is a pattern of behavior by one of the largest newspapers in the state of Michigan. I don't see how on earth you can justify a front-page picture that is that old and then try to pass it off as, oh, this is just a file photo, and this is the most current one we have or something along that nature.

This newspaper has had a history of doing this to people they have not liked in the past. I know in 1986, I had a newspaper article printed in the *Detroit Free Press* about myself as I was being considered for a higher office in the state of Michigan, and the *Detroit Free Press* passed it off as news, even though they took every negative article and incident that they could think of from my past history without having any counter-balancing positive added to it.

And it's not that they are just after Republicans because I can remember even earlier having a Democratic State Representative who was of a more conservative nature, whose son—I believe—was a newspaper carrier for the *Detroit Free Press*.

Having this gentleman of a Senator, a State Representative at the time, telling me how hard it was for his son to carry the newspapers that was—I shouldn't say—slandering his father, but the father felt that he was being slandered. He was a Democrat, but he was of a conservative nature.

I think that the *Detroit Free Press* ought to really look at itself in the mirror and say why don't you become a newspaper again with an unbiased viewpoint in relaying news, instead of by your words and many times by your pictures relaying something that is not truthful at all to the people of the state of Michigan?

I think truly the biggest loser in all of this is the credibility that the *Detroit Free Press* has. That doesn't mean that the Senator who spoke first—certainly, he has been aggrieved by this newspaper. I think the other two people in that picture along with the mayor—those other two people were aggrieved by this. This is not anything new by this newspaper.

I would just encourage all of the Senators to be forewarned about the habits that this newspaper has of running these types of articles not just today, but it has a long history of doing so.

Pursuant to Senate Rule 3.507(c), Senator Patterson made a dissent statement as follows:

I rise for the purpose of making a dissent statement, pointing out that the Senate rules do not allow for one Senator to disparage the good name of another Senator. I feel as though I was disparaged by the cavalier and flippant remarks of the Senator from the 5th District.

There is nothing more important in this chamber than your reputation. I have spent 61 years developing a reputation beyond reproach, and with one photo, I am dragged into the gutter, as are two other honorable people, just because the *Free Press* wants to sell another newspaper. That photo was from 2000. It had absolutely nothing to do with the article, as is proven by the fact that our names aren't even mentioned in the article. It is salacious, and it is defamatory. If you knew anything about defamation, it is defamation by innuendo, and to suggest that my remarks are somehow inappropriate or less than honorable, is disgusting. You should keep your mouth shut if you don't know of what you are speaking.

Committee Reports

The Committee on Appropriations reported

House Bill No. 4965, entitled

A bill to authorize the state administrative board to convey certain interests in property in Kalkaska county; and to provide for disposition of the revenue derived from the conveyance.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 14, 2008, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

The Committee on Education reported

Senate Bill No. 842, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280b (MCL 380.1280b), as added by 2000 PA 230, and by adding section 1283.

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

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Whitmer and Gleason

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 Education submitted the following:

Meeting held on Thursday, May 15, 2008, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Whitmer and Gleason

Excused: Senator Cassis

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Thursday, May 15, 2008, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hardiman (C), Kahn, Scott and Barcia

Excused: Senator Jansen

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 15, 2008, at 3:00 p.m., Room 402 and 403, Capitol Building

Present: Senators Garcia (C) and Cropsey

Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Michigan Business Tax Impact Assessment submitted the following:

Meeting held on Thursday, May 15, 2008, at 3:50 p.m., 2200 N. Squirrel Road, Oakland University, Elliott Hall, Room 242, Rochester

Present: Senators Jansen (C) and Gilbert

Excused: Senator Prusi

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Michigan Business Tax Impact Assessment submitted the following:

Meeting held on Friday, May 16, 2008, at 1:30 p.m., 7400 Bay Road, Saginaw Valley State University, Wickes Hall, Marble Lecture Room 115, University Center

Present: Senators Jansen (C) and Gilbert

Excused: Senator Prusi

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Michigan Business Tax Impact Assessment submitted the following:

Meeting held on Monday, May 19, 2008, at 11:00 a.m., 80 Livingston Boulevard, The University Center at Gaylord, Room U111-112, Gaylord

Present: Senators Jansen (C), Gilbert and Prusi

Scheduled Meetings

Agriculture - Thursday, May 22, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, May 21, 2:00 p.m. and Thursday, May 22, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Agriculture - Wednesday, May 21, 12:00 noon, Rooms 402 and 403, Capitol Building (CANCELED) (373-2768)

Judiciary and Corrections - Wednesday, May 21, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Wednesday, May 21, 1:00 p.m., Room 210, Farnum Building (CANCELED) (373-2768)

Transportation Department -

Detroit River International Crossing (DRIC) Study Ad Hoc Committee - Thursday, May 22, 11:30 a.m., Room 100, Farnum Building (373-3760)

Campaign and Election Oversight - Wednesday, May 21, 12:00 noon, Room 405, Capitol Building (373-1725)

Health Policy - Wednesday, May 21, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-0793)

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

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 11:21 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, May 21, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

