

No. 78
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, September 23, 2008.

10:00 a.m.

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

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

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—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—excused
Van Woerkom—present
Whitmer—present

Minister Joshua Graves of Rochester Church of Christ of Rochester Hills offered the following invocation:

God, we acknowledge You as Creator and Sustainer of this world. You have charged us to be good stewards of Your creation and Your children. And this morning we confess our fragility in this project as we sometimes fall short. At times we vote out of fear. At times we don't tell the truth because the truth won't get us what we want. At times we're prone and tempted to spin reality, hoping our creative tales will buy us one more day. So we ask that You hear our confession today.

We are Republican and we are Democrat. We pray to the same God, read from the same holy text, and we attempt to interpret the same Constitution. Yet our understanding of You, our implementation of these texts, and our convictions regarding the Constitution are varying, often at odds.

So we pray that You would comfort those this morning who are broken, distressed, and without hope. We ask that You give those of us who have been blessed the courage to live our lives as a blessing to everyone around us. Help us to take our jobs seriously, knowing that work is a gift from You. Help us not to take ourselves too seriously, lest we think that our passions and beliefs are the only ones that count.

As we work today, remind us that the future belongs to the creatively maladjusted. As we work today, remind us that we are caught up in an inescapable mutuality. As we work today, remind us that there is no greater love than a love which compels a human to lay down his life for his neighbor.

You've created us from dust and from dust we shall return. That You have breathed life into all of us is something that we cannot fully comprehend. It's that knowledge which drives us to live a life worth believing in. Amen.

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

Motions and Communications

Recess

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

10:36 a.m.

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

During the recess, Senators Gleason, Hunter, Schauer, Van Woerkom, Jansen, Jelinek, Stamas, Cassis, Hardiman, Pappageorge, Bishop, George, Richardville, Kahn, Birkholz, Garcia and Allen entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 18:

House Bill Nos. 6059 6091 6130 6200 6226 6238 6297 6298 6385 6406 6414 6415

The Secretary announced that the following official bills and joint resolution were printed on Thursday, September 18, and are available at the legislative website:

Senate Bill No. 1523
House Bill Nos. 6458 6459 6460 6461 6462 6463 6464 6465
House Joint Resolution MMM

The Secretary announced that the following official bills were printed on Friday, September 19, and are available at the legislative website:

Senate Bill Nos. 1508 1509 1510 1511 1512 1513 1514 1515 1516 1517 1518 1519 1520 1521
1522 1524 1525 1526
House Bill Nos. 6466 6467 6468 6469 6470 6471 6472 6473 6474 6475 6476 6477 6478 6479
6480 6481 6482 6483 6484 6485 6486 6487 6488 6489 6490

By unanimous consent the Senate proceeded to the order of
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. 868
Senate Bill No. 239
Senate Bill No. 1038

The motion prevailed.

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.

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.

Senator Anderson moved that Senator Thomas be excused from today’s session.

The motion prevailed.

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:

Senate Bill No. 493
House Bill No. 4468
House Bill No. 4469
House Bill No. 5351

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 493, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16342 and part 176.

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. 560

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4468, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 601b (MCL 257.601b), as amended by 2003 PA 314.

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. 561

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and

local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4469, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12e of chapter XVII (MCL 777.12e), as amended by 2004 PA 26.

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. 562

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

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

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

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

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

prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5351, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 611a.

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. 563

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

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

The following communications were received and read:
Office of the Senate Majority Leader

September 23, 2008

Pursuant to Senate Rule 3.203, I am hereby re-referring House Bill 6365 and House Bill 6366 from the Senate Committee on Education to the Senate Committee on Agriculture.

If you have any questions regarding this matter, please do not hesitate to contact me.

September 23, 2008

Pursuant to Senate Rule 3.203, I am hereby re-referring Senate Bill 1516 from the Senate Committee on Education to the Senate Committee on Banking and Financial Institutions; also hereby re-referring Senate Bill 1517 from the Senate Committee on Local, Urban and State Affairs to the Senate Committee on Banking and Financial Institutions.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully yours,
Michael D. Bishop
Senate Majority Leader

The communications were referred to the Secretary for record.

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 Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1422, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431a (MCL 208.1431a), as added by 2008 PA 92.

Substitute (S-3)

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

Resolutions

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

Senate Concurrent Resolution No. 22

Senate Resolution No. 181

Senate Resolution No. 200

The motion prevailed.

Senators Barcia, Kahn, Gleason and Prusi offered the following resolution:

Senate Resolution No. 221.

A resolution to urge the Director of the Michigan Department of Natural Resources and the Natural Resources Commission to lift the ban on deer baiting in the Lower Peninsula and to take certain actions to protect the health of the state's deer herd.

Whereas, The state of Michigan adopted the Michigan Surveillance and Response Plan for Chronic Wasting Disease in 2002. The plan calls for an immediate ban on baiting and supplemental feeding of cervids in a peninsula of this state in which chronic wasting disease (CWD) is found; and

Whereas, In August 2008, chronic wasting disease was confirmed in a three-year old privately owned white tail deer at a captive cervid ranch in Kent County. Pursuant to the Michigan Surveillance and Response Plan for Chronic Wasting

Disease, the Director of the Michigan Department of Natural Resources immediately issued an interim order banning the baiting and feeding of deer in Michigan's Lower Peninsula; and

Whereas, It is now known that all of the other deer at the Kent County ranch have tested negative for chronic wasting disease. The epidemiology investigation of the infected deer has not shown the presence of chronic wasting disease at related captive cervid operations, and chronic wasting disease has not been shown to be present in Michigan's free ranging deer population; and

Whereas, Broad baiting bans have not been shown to be an effective means to control chronic wasting disease, leading states such as Wisconsin to not implement broad baiting bans to stop the spread of the disease; and

Whereas, A broad ban on baiting in Michigan's Lower Peninsula is anticipated to result in lowered participation in the 2008 archery and firearms deer seasons, resulting in a decreased rate of harvest; and

Whereas, Many of the deer management units in Michigan, particularly in the southern Lower Peninsula, are already over-populated; and

Whereas, A decreased rate of harvest would result in greater deer density in the wild deer population and an increased rate of motorized vehicle collisions with deer with the potential for the loss of human life; and

Whereas, A ban on baiting throughout the entire Lower Peninsula for 2008 would result in millions of dollars of economic cost to farmers and retailers and would result in a wide ranging loss of employment and the ruin of some small markets, stores, and farms; now, therefore, be it

Resolved by the Senate, That we urge the Director of the Michigan Department of Natural Resources to lift the ban on the baiting of deer in Michigan's entire Lower Peninsula without delay and to apply a ban on the baiting of deer to the Kent County CWD surveillance zone, those areas in close proximity to the zone as is deemed reasonable to control the spread of chronic wasting disease in central west Michigan, and those areas in which baiting is currently banned as part of the effort to control the spread of bovine tuberculosis; and be it further

Resolved, That we request the Michigan Natural Resources Commission to conduct public hearings on the baiting of deer and elk in Michigan and to use sound scientific management to issue rules regarding baiting, taking into account the management, economic, and social impact of baiting and its effects on the health of the state's deer herd; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of Michigan, the Director of the Michigan Department of Natural Resources, and the Michigan Natural Resources Commission.

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 Hunting, Fishing and Outdoor Recreation.

The motion prevailed.

House Concurrent Resolution No. 87.

A concurrent resolution to request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested cormorants.

Whereas, The double-crested cormorants are dramatically depleting the public and private fishing industry throughout the Great Lakes and on inland lakes and streams. The destruction of the fisheries population is causing havoc to our recreational, tourist, and commercial industries; and

Whereas, The cormorants are also causing tree and vegetation destruction at an accelerated rate. The destruction is not limited to natural resources, but includes bridge and lighthouse deterioration. Public swimming beaches are being closed due to cormorant feces which poses a public health hazard in addition to its excessive and unpleasant odor; and

Whereas, The increase of the double-crested cormorant population has caused significant devastation to Michigan's Les Cheneaux Islands, destroying vegetation and depleting the yellow perch population. The cormorant population increase is being reversed through the U.S. Department of Agriculture Wildlife Services reduction program which includes egg oiling. This program has led to improved fish reproduction and improvements in the fish populations; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested Cormorants; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Fish and Wildlife Service, the United States Department of Agriculture Wildlife Services Division, and the members of the Michigan congressional delegation.

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 Gleason and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Thomas introduced

Senate Bill No. 1527, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2006 PA 298, and by adding section 602b.

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

Senator Thomas introduced

Senate Bill No. 1528, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2006 PA 298, and by adding section 602b.

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

Senator Stamas introduced

Senate Bill No. 1529, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17048 (MCL 333.17048), as amended by 1996 PA 355.

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

Senator Stamas introduced

Senate Bill No. 1530, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending sections 2 and 4 (MCL 450.222 and 450.224), section 2 as amended by 1998 PA 48 and section 4 as amended by 2000 PA 335.

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

Senator Stamas introduced

Senate Bill No. 1531, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 902 and 904 (MCL 450.4902 and 450.4904), section 902 as amended by 1997 PA 52 and section 904 as amended by 2000 PA 333.

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

Senator Jelinek introduced

Senate Bill No. 1532, entitled

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

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

Senators Hardiman, Allen and McManus introduced

Senate Bill No. 1533, entitled

A bill to amend 1950 (Ex Sess) PA 21, entitled "An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the

upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act," (MCL 254.301 to 254.302) by amending the title and by adding section 1a.

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

Senator Allen introduced

Senate Bill No. 1534, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2080 (MCL 500.2080), as amended by 1986 PA 318.

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

Senators George, Brown, Cassis, Gilbert and Jansen introduced

Senate Bill No. 1535, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as added by 2008 PA 77.

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

Senator Gilbert introduced

Senate Bill No. 1536, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 1998 PA 235.

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

House Bill No. 6059, entitled

A bill to amend 1997 PA 70, entitled "Compulsive gaming prevention act," by amending section 3 (MCL 432.253).

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 Appropriations.

House Bill No. 6091, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3306, 30104, 30109, 32312, and 32513 (MCL 324.3104, 324.3306, 324.30104, 324.30109, 324.32312, and 324.32513), section 3104 as amended by 2005 PA 33, section 3306 as added by 2004 PA 246, section 30104 as amended by 2006 PA 531, sections 30109 and 32513 as amended by 2003 PA 163, and section 32312 as amended by 2004 PA 325.

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 Appropriations.

House Bill No. 6130, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," (MCL 29.1 to 29.33) by adding section 3f.

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. 6200, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2919) by adding section 1807a.

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 Senior Citizens and Veterans Affairs.

House Bill No. 6226, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 202 (MCL 37.2202), as amended by 1991 PA 11.

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. 6238, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431c (MCL 208.1431c), as added by 2008 PA 88.

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. 6249, entitled

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending the title and sections 6 and 7 (MCL 445.776 and 445.777), the title as amended by 1987 PA 243 and by adding section 8a.

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. 6250, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 3, 4, 7, and 8 (MCL 445.903, 445.904, 445.907, and 445.908), section 3 as amended by 2008 PA 211 and section 4 as amended by 2003 PA 216.

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. 6251, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 22225a.

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. 6252, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20142 (MCL 333.20142).

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. 6253, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21766 (MCL 333.21766), as amended by 2001 PA 243.

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. 6254, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21781 (MCL 333.21781).

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. 6255, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21711 (MCL 333.21711).

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. 6256, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21799c (MCL 333.21799c), as amended by 1996 PA 546.

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. 6261, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 21743, 21755, 21757, and 21782 (MCL 333.21743, 333.21755, 333.21757, and 333.21782) and by adding section 21714.

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. 6297, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), section 622 as amended by 2001 PA 127 and section 1223 as amended by 1997 PA 47.

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 Banking and Financial Institutions.

House Bill No. 6298, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2006 PA 400.

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 Banking and Financial Institutions.

House Bill No. 6385, entitled

A bill to amend 1919 PA 71, entitled "An act to provide for the formulation and establishment of a uniform system of accounting and reporting in the several departments, offices, and institutions of the state government, and in all county offices; to provide for the examination of the books and accounts of each state department, office, and institution, and of each county office; to provide for financial reports from all those departments, institutions, and offices, and for the tabulation and publication of comparative financial statistics relating to the departments, institutions, and offices; to provide for the administration of this act; to provide for the powers and duties of the department of treasury, the state treasurer, the library of Michigan and depository libraries, and other officers and entities; to provide penalties; and to provide for meeting the expense authorized by this act," by amending sections 4 and 5 (MCL 21.44 and 21.45), as amended by 2002 PA 370.

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 Local, Urban and State Affairs.

House Bill No. 6388, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21742.

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. 6406, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 10 (MCL 207.850).

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

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

House Bill No. 6414, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 642 (MCL 257.642) and by adding sections 20b and 20c.

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

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

House Bill No. 6415, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to

set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 1 (MCL 247.651).

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

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

Statements

Senators Scott and Brater 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:

The ancient Egyptian official Hotep, who lived in the 24th century B.C., left behind a universal truth for all of us. He advised us to, "Make no distinction in your behavior between those of rank and the common people." Remember, folks, this was some 44 centuries before leaders like Dr. Martin Luther King, Justice Thurgood Marshall, and Rosa Parks. It is definitely advice that transcends the ages.

We here in this chamber must also make no distinction between those of rank and the common people. In fact, it is those very common people whom we represent. Those common people are your neighbors, your relatives, and your friends. They are the people who are currently struggling to keep up with their financial obligations, including the high cost of auto and homeowners insurance. We should make no distinction in our behavior between those people and those of rank.

Fairness and equality must be the hallmark of a product that everyone is required by law to have. So I ask you, on behalf of the common people, to please move my bills.

Senator Brater's statement is as follows:

I rise to make some remarks about the work that Congress and the White House are doing this week to address the financial crisis that our nation is facing that, certainly, affects each and every one of our constituents here in the state of Michigan. We are already facing an economic crisis and loss of manufacturing jobs in the auto industry. The financial crisis on Wall Street can only exacerbate matters, and I would just like to add my voice to those in Washington who are calling for any action that is taken by Congress in response to the White House proposal to address the needs of individual homeowner, middle class, and working people hurt in this crisis—not just the financial titans on Wall Street who are being attended to.

The economic crisis we are currently experiencing is a perfect example of how Washington is broken. Years of failed deregulation policies and little oversight that have put Wall Street first have resulted in the need for our nation's largest intervention since the Great Depression, potentially leaving American taxpayers on the hook for several billion dollars. I am glad that congressional leaders are looking carefully at the administration's and Treasury Department's proposals to make sure that any plan put forward will address the problem of individual homeowners who are facing foreclosures because of ballooning interest rates pushed upon them by irresponsible lenders.

We should not be giving any blank checks for Wall Street. There must be congressional oversight and accountability so that American taxpayers aren't left holding an unpaid bill for Wall Street's mistakes. We should not be giving out golden parachutes to those who have made these irresponsible decisions. We should responsibly look at ways of protecting the American taxpayer as we rescue these firms, but we should not be rewarding the irresponsible behavior of those who took these risks with investors' money. We should not be leaving taxpayers on the hook to give tens of millions of dollars in bailouts to individual executives on Wall Street.

After eight years of failed Bush administration policies that put Wall Street first, our economy desperately needs to be strengthened. I am glad that Congress is also considering \$25 billion in loans to the auto industry in this context. I am also glad that our Governor is traveling around the country and the world seeking to bring jobs to Michigan. Certainly, the action we took last week with putting some energy policy in place with this state should help Michigan address these challenges, but certainly, each and every one of us is painfully aware of the problems that this crisis on Wall Street is causing to each of our constituents. I hope that we can support our congressional representatives as they go forward to come up with a responsible response to this crisis.

Committee Reports

The Committee on Appropriations reported

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 31 of article IV and section 18 of article V, to limit the budget, to require certain deposits into certain state funds, and to require a 2/3 majority for certain appropriations.

With the recommendation that the substitute (S-5) be adopted and that the joint resolution then be adopted.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus and Stamas

Nays: Senators Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1227, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11717b (MCL 324.11717b), as added by 2004 PA 381.

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, Patterson, 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

Senate Bill No. 1466, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as amended by 2005 PA 77.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5686, entitled

A bill to authorize the removal, capture, or lethal control of a gray wolf that is preying upon livestock under certain circumstances; and to provide for penalties.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 6271, 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.

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, Patterson, 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, September 17, 2008, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Campaign and Election Oversight reported

Senate Bill No. 1488, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 34 (MCL 169.234), as amended by 1999 PA 238.

With the recommendation that the bill pass.

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

Michelle McManus
Chairperson

To Report Out:

Yeas: Senators McManus, Brown, Jansen and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Campaign and Election Oversight submitted the following:

Meeting held on Wednesday, September 17, 2008, at 12:30 p.m., Room 405, Capitol Building

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

The Committee on Finance reported

Senate Bill No. 1491, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 1998 PA 469.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi and Jacobs
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1523, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 433 (MCL 208.1433), as amended by 2007 PA 215.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi and Jacobs
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, September 18, 2008, at 4:23 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, McManus, Jansen, Prusi and Jacobs

Absent: Senator Whitmer

Scheduled Meetings

Appropriations - Wednesday, September 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Higher Education - Thursday, September 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, September 24, 9:00 a.m., Room 210, Farnum Building (373-3543)

Campaign and Election Oversight - Wednesday, September 24, 12:30 p.m., Room 405, Capitol Building (373-1725)

Commerce and Tourism - Wednesday, September 24, 9:00 a.m., Room 100, Farnum Building (373-2413)
(CANCELED)

Economic Development and Regulatory Reform - Wednesday, September 24, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Wednesday, September 24, 2:30 p.m., Room 210, Farnum Building (373-6920)

Education, Senate/House - Thursday, September 25, 3:00 p.m. or later after committees are given leave by the House to meet, Room 519, South Tower, House Office Building (373-6920) (CANCELED)

Health Policy - Wednesday, September 24, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Hunting, Fishing and Outdoor Recreation - Thursday, September 25, 9:00 a.m., Room 100, Farnum Building (373-1777)

Legislative Commission on Government Efficiency - Friday, September 26, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Legislative Commission on Statutory Mandates - Tuesday, September 30, 12:00 noon, Oakland County Executive Office Building, Conference Center/West Oakland Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursday, September 25, 2:30 p.m., Room H-252, Capitol Building (373-0575)

Michigan Law Revision Commission - Wednesday, September 24, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Natural Resources and Environmental Affairs - Wednesday, September 24, 1:00 p.m., Room 110, Farnum Building (373-3447) (CANCELED)

Senator Brown moved that the Senate adjourn.
The motion prevailed, the time being 11:09 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 24, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

