

**No. 95**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

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Senate Chamber, Lansing, Tuesday, December 30, 2008.

11:30 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Senator Dennis Olshove of the 9th District offered the following invocation:

Lord, this past year has been relatively interesting in the Legislature and relatively tough on all of us. I think as we have gone through the Christmas season, this peaceful season, we have enjoyed it with our families. Perhaps going into the next year, we can have a little better year than what we have had this past year.

It will be a trying time, and it will be a challenging time, but we look forward to a fruitful time. Amen.

The Secretary of the Senate led the members of the Senate in recital of the *Pledge of Allegiance*.

#### **Motions and Communications**

The following communication was received and read:  
Office of the Auditor General

December 23, 2008

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of the Employee Discipline and Grievance Programs, Department of Corrections.

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

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

The following communication was received:  
Department of Management and Budget

December 23, 2008

Enclosed is a combined report on State contracting with businesses owned by persons with disabilities, submitted pursuant to the reporting requirements in 1988 PA 112 as amended in 2005, and with businesses owned by qualified disabled veterans, pursuant to 1984 PA 431 as amended in 2005 and 2008. The report was prepared based on contract data for fiscal year 2008 as recorded in the Michigan Administrative Information Network (MAIN).

As you know, our intent was to submit this report by November 15. We are finding that, due to the timing of year-end book closing and data compilation, that date is not realistic. To remedy this, the goal is to provide this report to you by December 30 of each year.

If you have questions regarding the information in the report, please contact Elise Lancaster, Director, DMB-Purchasing Operations, at (517) 241-2715.

Sincerely,  
Lisa Webb Sharpe  
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House joint resolution was received in the Senate and filed on Monday, December 29:

**House Joint Resolution No. III**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 23, for her approval the following bills:

**Enrolled Senate Bill No. 897 at 2:02 p.m.**  
**Enrolled Senate Bill No. 898 at 2:04 p.m.**  
**Enrolled Senate Bill No. 1489 at 2:06 p.m.**  
**Enrolled Senate Bill No. 1490 at 2:08 p.m.**  
**Enrolled Senate Bill No. 1629 at 2:10 p.m.**  
**Enrolled Senate Bill No. 1236 at 2:12 p.m.**  
**Enrolled Senate Bill No. 1532 at 2:14 p.m.**  
**Enrolled Senate Bill No. 1648 at 2:16 p.m.**  
**Enrolled Senate Bill No. 1392 at 2:18 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, December 29, for her approval the following bills:

**Enrolled Senate Bill No. 84 at 3:04 p.m.**  
**Enrolled Senate Bill No. 152 at 3:06 p.m.**  
**Enrolled Senate Bill No. 505 at 3:08 p.m.**  
**Enrolled Senate Bill No. 635 at 3:10 p.m.**  
**Enrolled Senate Bill No. 720 at 3:12 p.m.**  
**Enrolled Senate Bill No. 882 at 3:14 p.m.**  
**Enrolled Senate Bill No. 1020 at 3:16 p.m.**  
**Enrolled Senate Bill No. 1114 at 3:18 p.m.**  
**Enrolled Senate Bill No. 1253 at 3:20 p.m.**  
**Enrolled Senate Bill No. 1344 at 3:22 p.m.**  
**Enrolled Senate Bill No. 1345 at 3:24 p.m.**  
**Enrolled Senate Bill No. 1346 at 3:26 p.m.**  
**Enrolled Senate Bill No. 1347 at 3:28 p.m.**  
**Enrolled Senate Bill No. 1376 at 3:30 p.m.**  
**Enrolled Senate Bill No. 1401 at 3:32 p.m.**  
**Enrolled Senate Bill No. 1419 at 3:34 p.m.**  
**Enrolled Senate Bill No. 1571 at 3:36 p.m.**

**Messages from the Governor**

The following messages from the Governor were received:

Date: December 17, 2008  
 Time: 9:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1517 (Public Act No. 308), being**

An act 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.

(Filed with the Secretary of State on December 18, 2008, at 9:52 a.m.)

Date: December 17, 2008  
 Time: 9:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 606 (Public Act No. 309), being**

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of

certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 411 (MCL 339.411), as amended by 2004 PA 373.

(Filed with the Secretary of State on December 18, 2008, at 9:54 a.m.)

Date: December 17, 2008

Time: 9:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1003 (Public Act No. 310), being**

An act to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," by amending section 3 (MCL 445.903), as amended by 2008 PA 211, and by adding section 3h.

(Filed with the Secretary of State on December 18, 2008, at 9:56 a.m.)

Date: December 17, 2008

Time: 9:24 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 834 (Public Act No. 316), being**

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1278a (MCL 380.1278a), as added by 2006 PA 124.

(Filed with the Secretary of State on December 18, 2008, at 10:08 a.m.)

Date: December 17, 2008

Time: 9:26 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1077 (Public Act No. 317), being**

An act to amend 2008 PA 290, entitled "An act 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," (MCL 324.95151 to 324.95153) by adding section 5.

(Filed with the Secretary of State on December 18, 2008, at 10:10 a.m.)

Date: December 17, 2008

Time: 9:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1084 (Public Act No. 318), being**

An act to authorize the removal, capture, or lethal control of a gray wolf that is preying upon a dog under certain circumstances; to provide for penalties; and to promulgate rules.

(Filed with the Secretary of State on December 18, 2008, at 10:12 a.m.)

Date: December 17, 2008  
Time: 9:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1515 (Public Act No. 319), being**

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 601 (MCL 339.601), as amended by 2007 PA 157, and by adding section 2006.

(Filed with the Secretary of State on December 18, 2008, at 10:14 a.m.)

Date: December 17, 2008  
Time: 9:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1126 (Public Act No. 320), being**

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,” (MCL 125.2001 to 125.2094) by adding section 79.

(Filed with the Secretary of State on December 18, 2008, at 10:16 a.m.)

Date: December 17, 2008  
Time: 9:34 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1130 (Public Act No. 321), being**

An act to amend 1984 PA 44, entitled “An act to provide purity and quality standards for motor fuels; to regulate the transfer, sale, dispensing, or offering motor fuels for sale; to provide for an inspection and testing program; to provide for the powers and duties of certain state agencies; to prescribe certain powers of the governor; to provide for the licensing of certain persons engaged in the transfer, sale, dispensing, or offering of motor fuels for sale; to regulate stage I vapor-recovery systems at certain facilities; to provide for fees; to make appropriations; and to provide remedies and prescribe fines and penalties,” (MCL 290.641 to 290.650d) by adding section 5a.

(Filed with the Secretary of State on December 18, 2008, at 10:18 a.m.)

Date: December 17, 2008  
Time: 9:36 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1467 (Public Act No. 322), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 435 (MCL 206.435), as amended by 2008 PA 162.

(Filed with the Secretary of State on December 18, 2008, at 10:20 a.m.)

Date: December 17, 2008  
Time: 9:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1552 (Public Act No. 325), being**

An act to amend 1981 PA 125, entitled “An act to regulate secondary mortgage loans; to prescribe powers and duties of certain state agencies and officials; to require certain fees; to provide for the establishment of a revolving fund; to provide for the promulgation of rules; and to prescribe civil fines and penalties,” by amending the title and sections 1, 2, 6, 6a, 6b, 11, 13, 20, 22, and 27 (MCL 493.51, 493.52, 493.56, 493.56a, 493.56b, 493.61, 493.63, 493.70, 493.72, and 493.77), the title and sections 6, 11, 13, 20, 22, and 27 as amended and section 6a as added by 1997 PA 91, sections 1 and 6b as amended by 2002 PA 392, and section 2 as amended by 2007 PA 46, and by adding sections 2a, 2b, 2c, 2d, and 26a.

(Filed with the Secretary of State on December 18, 2008, at 10:26 a.m.)

Date: December 17, 2008  
Time: 9:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1553 (Public Act No. 326), being**

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers and their loan officers; to prescribe the powers and duties of certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 8 (MCL 445.1658), as amended by 2008 PA 72.

(Filed with the Secretary of State on December 18, 2008, at 10:28 a.m.)

Date: December 17, 2008  
Time: 9:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1555 (Public Act No. 328), being**

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers and their loan officers; to prescribe the powers and duties of certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 2 (MCL 445.1652), as amended by 2008 PA 59.

(Filed with the Secretary of State on December 18, 2008, at 10:32 a.m.)

Date: December 17, 2008  
Time: 9:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1554 (Public Act No. 327), being**

An act to amend 1987 PA 173, entitled “An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers and their loan officers; to prescribe the powers and duties of certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,” by amending section 2a (MCL 445.1652a), as added by 2008 PA 60.

(Filed with the Secretary of State on December 18, 2008, at 10:30 a.m.)

Date: December 23, 2008  
Time: 8:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1121 (Public Act No. 332), being**

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

(Filed with the Secretary of State on December 23, 2008, at 10:45 a.m.)

Date: December 23, 2008  
Time: 9:22 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 927 (Public Act No. 357), being**

An act to amend 1846 RS 65, entitled “Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,” by amending sections 24 and 25 (MCL 565.24 and 565.25), section 25 as amended by 1996 PA 526, and by adding section 24a.

(Filed with the Secretary of State on December 23, 2008, at 11:35 a.m.)

Date: December 23, 2008  
Time: 9:24 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1160 (Public Act No. 358), being**

An act to amend 1846 RS 65, entitled “Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,” by amending sections 27, 28, and 43 (MCL 565.27, 565.28, and 565.43), sections 28 and 43 as amended by 1992 PA 212; and to repeal acts and parts of acts.

(Filed with the Secretary of State on December 23, 2008, at 11:37 a.m.)

Date: December 23, 2008  
Time: 9:26 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1342 (Public Act No. 359), being**

An act to amend 1966 PA 331, entitled “An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 389.1 to 389.195) by amending the title, as amended by 1998 PA 153, and by adding chapter 13 to part 2.

(Filed with the Secretary of State on December 23, 2008, at 11:39 a.m.)

Date: December 23, 2008  
Time: 9:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1398 (Public Act No. 361), being**

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 25 (MCL 205.75), as amended by 2007 PA 69.

(Filed with the Secretary of State on December 23, 2008, at 11:43 a.m.)

Date: December 23, 2008  
Time: 9:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1403 (Public Act No. 362), being**

An act to authorize the department of management and budget to convey certain state owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget in implementing the conveyance; to provide for disposition of revenue derived from the conveyance; and to repeal acts and parts of acts.

(Filed with the Secretary of State on December 23, 2008, at 11:45 a.m.)

Date: December 23, 2008  
Time: 9:34 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1443 (Public Act No. 363), being**

An act to authorize the state administrative board to convey certain parcels of state owned property in various counties; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyances.

(Filed with the Secretary of State on December 23, 2008, at 11:47 a.m.)

Date: December 23, 2008  
Time: 9:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1485 (Public Act No. 364), being**

An act to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 2007 PA 168.

(Filed with the Secretary of State on December 23, 2008, at 11:49 a.m.)

Date: December 23, 2008  
Time: 9:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1498 (Public Act No. 365), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 81133 (MCL 324.81133), as amended by 2008 PA 240.

(Filed with the Secretary of State on December 23, 2008, at 11:51 a.m.)

Date: December 23, 2008  
Time: 9:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1640 (Public Act No. 366), being**

An act to amend 1986 PA 182, entitled “An act to provide for the Michigan department of state police retirement system; to create certain reserves and certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of the department of state police, the department of management and budget, and certain state officers; and to repeal certain acts and parts of acts,” by amending sections 3 and 14a (MCL 38.1603 and 38.1614a), section 3 as amended by 2004 PA 83 and section 14a as amended by 2004 PA 50.

(Filed with the Secretary of State on December 23, 2008, at 11:53 a.m.)

Date: December 23, 2008  
Time: 9:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1195 (Public Act No. 367), being**

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession

to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts," by amending section 88o (MCL 125.2088o), as added by 2005 PA 215.

(Filed with the Secretary of State on December 23, 2008, at 11:55 a.m.)

Date: December 25, 2008

Time: 11:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1236 (Public Act No. 383), being**

An act to amend 1962 PA 174, entitled "An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts," by amending sections 9515, 9516, 9520, and 9521 (MCL 440.9515, 440.9516, 440.9520, and 440.9521), as added by 2000 PA 348; and to repeal acts and parts of acts.

(Filed with the Secretary of State on December 29, 2008, at 11:38 a.m.)

Date: December 25, 2008

Time: 11:51 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1392 (Public Act No. 386), being**

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 65.

(Filed with the Secretary of State on December 29, 2008, at 11:44 a.m.)

Date: December 25, 2008

Time: 11:55 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1648 (Public Act No. 388), being**

An act to provide state payments to reverse vending machine manufacturers for the cost of retrofitting certain reverse vending machines; to provide money to certain dealers for the purchase of certain new reverse vending machines; to



create the beverage container redemption antifraud fund; and to provide for the powers and duties of certain state governmental officers and entities.

(Filed with the Secretary of State on December 29, 2008, at 11:48 a.m.)

Date: December 25, 2008

Time: 11:57 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1532 (Public Act No. 389), being**

An act 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.

(Filed with the Secretary of State on December 29, 2008, at 11:50 a.m.)

Date: December 26, 2008

Time: 12:01 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1629 (Public Act No. 391), being**

An act to amend 1976 PA 223, entitled “An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties,” (MCL 18.351 to 18.368) by adding section 5a.

(Filed with the Secretary of State on December 29, 2008, at 11:54 a.m.)

Date: December 26, 2008

Time: 12:07 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 897 (Public Act No. 394), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 11514 (MCL 324.11514), as amended by 2007 PA 212, and by adding part 173.

(Filed with the Secretary of State on December 29, 2008, at 12:00 p.m.)

Date: December 26, 2008

Time: 12:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 898 (Public Act No. 395), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding sections 17317, 17319, 17323, and 17331.

(Filed with the Secretary of State on December 29, 2008, at 12:02 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received on December 18, 2008, and read:

EXECUTIVE ORDER  
No. 2008-22

**State Equal Opportunity and Diversity Council  
Department of Civil Rights**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor transacts all necessary business with the officers of state government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices;

WHEREAS, the diversity of the people of the State of Michigan is one of this state's greatest strengths;

WHEREAS, when the State of Michigan embraces diversity and acts inclusively, the state benefits from the contribution and full participation of all Michiganians;

WHEREAS, the employment and purchasing practices of the State of Michigan should promote public confidence in the fairness and integrity of government, and should reflect a firm commitment to inclusion and equal employment opportunities in compliance with the Michigan Constitution of 1963;

WHEREAS, it is the policy of this administration to ensure equal access and opportunities in the recruitment, hiring, promotion, and retention of employees in the state's classified service without regard to religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, marital status, partisan considerations, genetic information, or a disability that is unrelated to the person's ability to perform the duties of a particular job or position;

WHEREAS, because today's smaller, more efficient state government depends upon recruiting and retaining highly-qualified employees, applicant pools for positions in the state classified service that do not include members of diverse segments of the population may not include the most qualified individuals;

WHEREAS, state employees that interact regularly with a diverse workforce are better able to relate and respond to the needs of the diverse communities and residents served by state government;

WHEREAS, a strong commitment to a diverse, inclusive, and equitable workplace coupled with recruitment, hiring, promotion, and retention policies and practices based on merit, efficiency, and fitness will enable Michigan to better serve its residents;

WHEREAS, state employment practices based on a commitment to a diverse, inclusive, and equitable workplace provide desirable models for the private sector and local governments and build upon successful policies and procedures of private and public sector employers;

WHEREAS, this administration is firmly committed to strengthening and developing diversity and equal opportunity in state employment;

WHEREAS, it is recognized that this state's ability to procure goods and services is funded by Michigan taxpayers;

WHEREAS, it is the policy of this administration to promote equal opportunity in and access to the state procurement process for all Michigan taxpayers;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

**I. DEFINITIONS**

As used in this Order:

A. "Civil Rights Commission" means the commission established by Section 29 of Article V of the Michigan Constitution of 1963

B. "Civil Service Commission" means the Michigan Civil Service Commission created under Section 5 of Article XI of the Michigan Constitution of 1963.

C. "Classified service" means the state classified service as provided for under Section 5 of Article XI of the Michigan Constitution of 1963.

D. "Council" means the State Equal Opportunity and Diversity Council created within the Department of Civil Rights under Section II of this Order.

E. "Department of Civil Rights" or "Department" means the principal department of state government created by Section 475 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.575.

F. "Office of the State Employer" means the autonomous office created within the Department of Management and Budget by Executive Order 1979-5, with duties including, but not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, 2002-18, and 2004-31.

G. "State Personnel Director" means the administrative and principal executive officer of the Civil Service Commission provided for under Section 5 of Article XI of the Michigan Constitution of 1963.

**H. CREATION OF THE STATE EQUAL OPPORTUNITY AND DIVERSITY COUNCIL**

A. The State Equal Opportunity and Diversity Council is established as an advisory body in the Department of Civil Rights.

B. The Council shall consist of the following 6 members:

1. The Director of the Department of Civil Rights.
2. The Director of the Department of Energy, Labor, and Economic Growth or his or her designee from within the Department of Energy, Labor, and Economic Growth.
3. The Director of the Department of Management and Budget or his or her designee from within the Department of Management and Budget.
4. The Director of the Office of the State Employer or his or her designee from within the Office of the State Employer.
5. The State Personnel Director.
6. The state employee or officer within the executive branch of state government designated by the Governor under Executive Order 2004-31 as the State ADA Coordinator.

C. The Director of the Department of Civil Rights shall serve as the Chairperson of the Council.

### **III. CHARGE TO THE COUNCIL**

A. The Council shall act in an advisory capacity to the Governor, the Civil Rights Commission, and the Civil Service Commission, and shall do all of the following:

1. Recommend actions for all state departments and agencies intended to foster an environment in state government in which all of the following apply:

- a. Employees are assured an equal opportunity to reach their full potential while pursuing organization objectives.
- b. Workplace decisions are directed to ensure that a highly qualified workforce is able to provide Michigan's diverse communities and residents with high-quality services.
- c. Equal opportunity and diversity are recognized as necessary to ensure fair representation and treatment of diverse employees, communities, and residents.
- d. State employees understand and respect the heritage and culture of diverse communities and respond to the uniqueness of individuals.
- e. Employees are encouraged to reach beyond their own experience to appreciate and work effectively with different people.

2. Establish a department liaison group consisting of an equal employment opportunity officer designated by each principal department of state government. The liaison group shall assist the Council by studying best practices and providing recommendations to the Council on recruitment, hiring, promotion, and retention of employees in the state classified service and the use of personnel services contracts by state departments and agencies consistent with the Michigan Constitution of 1963 and applicable law.

3. Review and recommend policies and procedures to assure compliance by state departments and agencies with equal employment opportunity requirements, equal contracting opportunity requirements, and related state and federal laws and regulations.

4. Recommend a training program for state employees designed to educate, promote, and advance knowledge of and respect for diversity. At a minimum, the recommendation shall provide for mandatory training for all state employees every three years and training for new employees within the first six months of employment.

5. Review and evaluate state personnel rules, policies, and procedures, recruitment and retention efforts, and career development programs affecting employees in the classified service to assure a commitment to equal opportunity and diversity.

6. Review and evaluate department and agency efforts to develop and implement equal employment opportunity plans and procedures. The Civil Rights Commission shall continue to review equal employment opportunity plans and procedures submitted by departments and agencies to assure compliance with the Michigan Constitution of 1963, the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607, and the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804.

B. In performing Council duties and functions, the Council may request information from state departments and agencies, including, but not limited to, all of the following:

1. Periodic updates on recruitment plans and strategies and their effectiveness.
2. Identification of barriers and obstacles that interfere with successful recruitment, retention, career development, and related employment activities and strategies.
3. Workforce analysis data.
4. Equal employment opportunity plans filed with the Civil Rights Commission, the Civil Service Commission, or federal agencies.

C. The Council shall recommend to the Governor, the Civil Rights Commission, and the Civil Service Commission actions to develop and implement programs and strategies throughout state government focused on active internal and external recruitment of qualified, interested, and diverse job applicants to foster a classified service prepared to meet the present and future needs of Michigan residents.

D. The Council shall recommend to the Governor actions necessary to develop and implement programs and strategies throughout state government to provide equal opportunity and diversity in the state procurement process while providing Michigan taxpayers with the best value for money spent by state departments and agencies.

E. The Civil Service Commission shall continue to serve as a central location for workforce data collection and analysis and may collect and compile data as requested by the Council.

#### **IV. OPERATIONS OF THE COUNCIL**

A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish advisory workgroups composed of state officers, state employees, or members of the public who are not members of the Council. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

J. All state departments and agencies shall cooperate with the Council in the performance of its duties and responsibilities under this Order. The Council may request, and state departments and agencies shall provide, information and assistance that the Council requires in the performance of its duties and responsibilities under this Order.

K. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

#### **V. MISCELLANEOUS**

A. Executive Order 1996-13 is rescinded in its entirety.

B. Nothing in this Order shall be construed to diminish or limit the power of the Civil Rights Commission to exercise authority granted to the Commission under Section 29 of Article V of the Michigan Constitution of 1963.

C. Nothing in this Order shall be construed to diminish or limit the power of the Civil Service Commission to exercise authority granted to the Commission under Section 5 of Article XI of the Michigan Constitution of 1963.

D. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

E. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

F. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

G. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of December, in the year of our Lord, two thousand eight.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on December 18, 2008, and read:

EXECUTIVE ORDER  
No. 2008-23

**Motor Carrier Safety Assistance Program  
Traffic Safety Division  
Michigan Department of State Police**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the federal Surface Transportation Assistance Act of 1982, Public Law 97-424, provides, among other things, assistance to states in the development and implementation of programs for the enforcement of federal or compatible state rules, regulations, standards, and orders, applicable to commercial motor vehicle safety;

WHEREAS, one such program is the Commercial Motor Carrier Safety Assistance Program, a federal grant program that provides financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles;

WHEREAS, under Section 201 of Part 350 of Chapter III of Title 49 of the Code of Federal Regulations, 49 CFR 350.201, Michigan's participation in the Commercial Motor Carrier Safety Assistance Program requires the designation of a state commercial motor vehicle safety agency as a lead agency within the State of Michigan for the administration and implementation of the commercial motor vehicle safety enforcement plan;

WHEREAS, the responsibility for commercial motor vehicle enforcement was conferred upon the Department of State Police by Executive Order 1982-1, MCL 28.21;

WHEREAS, the Motor Carrier Division was established within the Department of State Police by 1982 PA 531 and designated as the lead agency for the Motor Carrier Safety Assistance Program by Executive Order 1994-9;

WHEREAS, in April 2007, the Motor Carrier Division and the Traffic Services Section merged to form the Traffic Safety Division within the Department of State Police;

WHEREAS, formal designation of the Traffic Safety Division within the Department of State Police as the new lead agency for the Motor Carrier Safety Assistance Program is necessary to appropriately reflect the current organizational structure of state government and to comply with federal law;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. DEFINITIONS**

As used in this Order:

A. "Department of State Police" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

B. "Motor Carrier Safety Assistance Program" means the federal grant program that provides assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles.

**II. DESIGNATION OF THE TRAFFIC SAFETY DIVISION AS THE LEAD AGENCY FOR THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM**

A. The Traffic Safety Division of the Department of State Police is designated as the lead agency for the administration and enforcement of the Motor Carrier Safety Assistance Program and shall do all of the following:

1. Provide, through the use of all available resources, a comprehensive state enforcement plan to reduce commercial vehicle traffic accidents, deaths, injuries, and any resulting property damage.

2. Apply for and accept grants from the federal government under the provisions of the federal Surface Transportation Assistance Act of 1982, Public Law 97-424, 42 USC 2301 to 42 USC 2311, as amended, to expend or approve for expenditure the grants in a manner consistent with the Michigan Constitution of 1963 and the laws of this state.

3. Apply for and accept grants from any public or private source for use in commercial vehicle safety programs and to expend the grants in a manner consistent with the Michigan Constitution of 1963 and the laws of this state.

4. Administer commercial vehicle safety grants to state departments, local units of government, and nonprofit organizations according to the rules, regulations, and procedures of the federal Surface Transportation Assistance Act of 1982, Public Law 97-424, 42 USC 2301 to 42 USC 2311, as amended, and the laws of this state.

5. Assist in the coordination of commercial vehicle safety programs of all state departments and agencies, local units of government and private agencies.

III. MISCELLANEOUS

- A. Executive Order 1994-9 is rescinded in its entirety.
- B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.
- C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.
- D. This Order is effective upon filing.

[SEAL] Given under my hand and the Great Seal of the State of Michigan this 18th day of December, in the year of our Lord, two thousand eight.  
Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State  
The Executive Order was referred to the Secretary for record.

The following message from the Governor was received and read:

December 18, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 2903 of the Occupational Code, 1980 PA 299, MCL 339.2903:

**Michigan Board of Auctioneers**

Mr. Robert A. Rottier of 4922 Brookside Lane, Fremont, Michigan 49412, county of Newaygo, reappointed to represent registered auctioneers, for a term expiring September 30, 2012.

Sincerely,  
Jennifer M. Granholm  
Governor

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

**Messages from the House**

The following message was received and read:

December 30, 2008

I herewith return to the Senate the following Senate Bills, Senate Joint Resolutions and Senate Concurrent Resolutions which failed of passage or adoption by the House of Representatives:

<b>Senate Bill Nos.</b>	<b>3</b>	<b>56</b>	<b>72</b>	<b>75</b>	<b>83</b>	<b>95</b>	<b>96</b>	<b>117</b>	<b>183</b>	<b>208</b>	<b>237</b>	<b>265</b>	<b>278</b>	<b>279</b>
	280	283	284	285	286	300	302	336	340	342	357	358	365	371
	382	383	387	394	416	432	437	440	441	442	443	447	448	471
	473	476	477	479	480	485	486	491	492	501	503	504	512	519
	524	525	568	570	591	600	626	628	629	640	643	652	679	680
	687	710	711	715	732	733	734	748	778	790	791	838	842	843
	847	851	854	855	865	869	915	916	945	954	956	962	963	964
	965	967	968	981	999	1000	1008	1013	1015	1040	1041	1049	1051	1053
	1054	1056	1058	1059	1063	1065	1075	1085	1117	1119	1120	1122	1123	1127
	1128	1129	1132	1163	1167	1168	1169	1170	1171	1172	1179	1180	1181	1182
	1191	1196	1198	1201	1211	1225	1233	1241	1242	1244	1265	1266	1269	1272
	1276	1277	1286	1299	1313	1318	1320	1327	1343	1358	1366	1370	1375	1388
	1389	1390	1394	1402	1414	1415	1423	1424	1425	1426	1427	1428	1429	1430
	1431	1452	1459	1462	1466	1488	1497	1501	1502	1523	1524	1526	1540	1541
	1557	1567	1572	1577	1579	1582	1584	1620	1621	1631	1632	1635	1637	1638
	1639	1641	1666											

<b>Senate Joint Resolutions</b>	<b>I</b>	<b>J</b>												
<b>Senate Concurrent Resolution Nos.</b>	<b>3</b>		<b>4</b>	<b>5</b>	<b>8</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>27</b>	<b>28</b>			

Very respectfully,  
Richard J. Brown, Clerk  
House of Representatives

**Introduction and Referral of Bills****House Joint Resolution III, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to limit the increase in taxable value of real property under certain circumstances.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations and Reform.

**Recess**

Senator Olshove moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:43 a.m.

11:59 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

The following message was received and read:

December 30, 2008

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

Very respectfully,  
Richard J. Brown, Clerk  
House of Representatives

The hour of 12:00 noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Secretary of the Senate declared the Senate adjourned without day.

CAROL MOREY VIVENTI  
Secretary of the Senate

