

No. 28
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, March 18, 2008.

10:00 a.m.

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

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

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

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

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

Pastor Dave Caswell of Northgate Bible Church of Fort Gratiot offered the following invocation:

Eternal Father, author of life and sustainer of liberty, grant us this day strength to contend for truth greater than fleeting popularity, unity over political persuasion, and justice beyond wielded power. Let Your Spirit be granted quiet acceptance as we invite Your grace from on high to visit us this day. As all authority is granted by You, these Your trusted servants require wisdom, integrity, and courage. Protect them by Your mercy as they oversee the life of millions in this our great state.

As the newness of spring reawakens over our fair land, let us bask in the sunshine of Your providential care—from Port Huron to Muskegon, Detroit to Copper Harbor, Alpena to Niles; from the Pictured Rocks to the Blue Water Bridge; the rural farmlands that feed us to the beautiful sandy dunes in the sunset west; from Michigan's Thumb to our almost heavenly Upper Peninsula; from every elected district to these pillared halls in our capital city called Lansing. Guide the hearts of this great institution and the men and women who fill these honored seats as they wrestle with the issues that concern us today and with Your blessing to lead us toward a bright and prosperous future.

This we pray to You, the God of our wise forefathers and yet unseen grandchildren. Amen.

The President pro tempore, Senator Richardville, 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.

11:17 a.m.

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

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

The Secretary announced that the Majority Leader has made the appointment of the following Appropriations subcommittee:

General Government - Senator Cherry.

The subcommittee appointment was approved, a majority of the members serving voting therefor.

The following communication was received and read:

Office of the Auditor General

March 12, 2008

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Early Childhood Investment Corporation (ECIC), a discretely presented component unit of the State of Michigan, for the period October 1, 2005 through September 30, 2006.

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 State Police

March 4, 2008

I am pleased to submit the 2006-2007 Concealed Pistol License Annual Report as required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2006 and June 30, 2007.

The revised laws regarding concealed pistol licensure went into effect on July 1, 2001. Below is a summary of the activity since that date.

Year	Applications Received	Total Approved	# of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938

Sincerely,
Peter C. Munoz
Director

The communication was referred to the Secretary for record.

The following communication was received:
Michigan Strategic Fund

March 12, 2008

On May 8, 2007, the Strategic Fund Board of Directors (the "MSF Board") approved the creation of the Choose Michigan Fund. Subsequent to this board meeting, it became necessary to transfer funds from the 21st Century Jobs Fund to assist in the State of Michigan's budget balancing efforts. Consequently, the Choose Michigan Fund was placed on hold until the new fiscal year's appropriation was received. The MSF Board has since requested that the state treasurer transfer \$18.75 million for Fiscal Year 2007-2008 from the 21st Century Jobs Trust Fund to the MSF to capitalize the Choose Michigan Fund.

Consistent with the requirements of Section 88(c)(5) of the Michigan Strategic Fund ("MSF") Act, MCL 125.2088c(5), I am writing to provide you with the MSF Decision Document, Final Resolution of the MSF Board (the "Resolution") and attachments to the Resolution for the Choose Michigan Fund. As you will note, the Choose Michigan Fund created within the loan enhancement program and will: (i) provide increased willingness of banks and other financial institutions to provide debt financing to companies, (ii) improve companies' debt service coverage and (iii) enhance the ability of companies to repay debt financing provided by banks and other financial institutions.

Sincerely,
James C. Epolito
President and Chair

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 13:
House Bill Nos. 4151 4247 5160 5626 5669 5727 5757

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 13, for her approval the following bill:

Enrolled Senate Bill No. 1076 at 2:51 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, March 13, and are available at the legislative website:

Senate Bill Nos. 1205 1206 1207 1208 1209 1210 1211 1212
House Bill Nos. 5880 5881 5882 5883 5884 5885 5886 5887 5888
House Joint Resolution SS

The Secretary announced that the following official bills were printed on Friday, March 14, and are available at the legislative website:

House Bill Nos. 5889 5890 5891 5892 5893 5894 5895 5896 5897 5898 5899 5900 5901 5902
5903

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

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

Senate Bill No. 436
Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

The following messages from the Governor were received:

Date: March 13, 2008

Time: 9:41 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 530 (Public Act No. 27), 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 82126 (MCL 324.82126), as amended by 2003 PA 2.

(Filed with the Secretary of State on March 13, 2008, at 11:43 a.m.)

Date: March 13, 2008

Time: 9:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 750 (Public Act No. 28), being

An act to amend 1897 PA 205, entitled “An act to prefer honorably discharged members of the armed forces of the United States for public employments,” by amending section 1 (MCL 35.401).

(Filed with the Secretary of State on March 13, 2008, at 11:45 a.m.)

Date: March 13, 2008

Time: 9:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1061 (Public Act No. 29), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection

of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.” (MCL 500.100 to 500.8302) by adding chapters 46, 47, and 48.

(Filed with the Secretary of State on March 13, 2008, at 11:47 a.m.)

Date: March 13, 2008

Time: 9:47 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1062 (Public Act No. 30), being

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 235 (MCL 208.1235).

(Filed with the Secretary of State on March 13, 2008, at 11:49 a.m.)

Date: March 13, 2008

Time: 9:49 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 654 (Public Act No. 31), being

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), sections 1 and 2 as amended by 2005 PA 143 and section 1a as added by 1997 PA 99.

(Filed with the Secretary of State on March 13, 2008, at 11:51 a.m.)

Date: March 13, 2008

Time: 9:51 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 966 (Public Act No. 32), being

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 8 (MCL 28.298), as added by 1997 PA 99 and by adding section 9a.

(Filed with the Secretary of State on March 13, 2008, at 11:53 a.m.)

Date: March 13, 2008

Time: 9:53 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 206 (Public Act No. 33), being

An act to codify the laws regarding and to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 13, 2008, at 11:55 a.m.)

Date: March 13, 2008
Time: 9:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 523 (Public Act No. 34), being

An act to authorize the state administrative board to convey certain state owned property in Lapeer county; to prescribe certain conditions for the conveyance; to prescribe certain powers and duties of the department of management and budget; and to provide for the disposition of the revenue derived from the conveyance.

(Filed with the Secretary of State on March 13, 2008, at 11:57 a.m.)

Date: March 13, 2008
Time: 6:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 712 (Public Act No. 36), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 307 and 310 (MCL 257.307 and 257.310), as amended by 2008 PA 7.

(Filed with the Secretary of State on March 17, 2008, at 1:02 p.m.)

Date: March 13, 2008
Time: 6:17 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 713 (Public Act No. 37), 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 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

(Filed with the Secretary of State on March 17, 2008, at 1:04 p.m.)

Date: March 13, 2008
Time: 6:19 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 714 (Public Act No. 38), being

An act to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to

provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

(Filed with the Secretary of State on March 17, 2008, at 1:06 p.m.)

Date: March 13, 2008

Time: 6:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1076 (Public Act No. 35), being

An act to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2006 PA 659.

(Filed with the Secretary of State on March 14, 2008, at 10:45 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received and read:

March 13, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 5474a of the Public Health Code, 1978 PA 368, MCL 333.5474a:

Childhood Lead Poisoning Prevention and Control Commission

Ms. Darlene Alethia Carr of 20120 Warrington Drive, Detroit, Michigan 48221, county of Wayne, appointed to represent the Michigan Department of Community Health, for a term commencing March 13, 2008 and expiring December 31, 2010.

Ms. Kimberly A. Kovalchick of 810 Sunset Lane, East Lansing, Michigan 48823, county of Ingham, appointed to represent the Department of Education, for a term commencing March 13, 2008 and expiring December 31, 2010.

Ms. Mary D. Morrow of 42295 Old Bedford Road, Northville, Michigan 48168, county of Wayne, appointed to represent the Prosecuting Attorneys Coordinating Council, for a term commencing March 13, 2008 and expiring December 31, 2010.

Mr. William G. Parker of 1122 North Genesee Drive, Lansing, Michigan 48915, county of Ingham, succeeding Bruce C. Jeffries, whose term has expired, representing the Michigan State Housing Development Authority, for a term commencing March 13, 2008 and expiring December 31, 2010.

Mr. Irvin J. Poke of 2616 Springdale Drive, Lansing, Michigan 48906, county of Ingham, appointed to represent the Department of Labor and Economic Growth, for a term commencing March 13, 2008 and expiring December 31, 2010.

Mr. Randy R. Barst of 410 East Jefferson Street, Frankenmuth, Michigan 48734, county of Saginaw, reappointed to represent the Department of Human Services, for a term expiring December 31, 2010.

Ms. Carole Ann Beaman, Ph.D., LLP, of 15420 Warwick Street, Detroit, Michigan 48223, county of Wayne, reappointed to represent parents of a child who has experienced lead poisoning or child advocates with experience with lead poisoning in children from a city with a population of 750,000 or more, for a term expiring December 31, 2010.

Ms. Joan R. Dyer of 55 Lakeview Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, reappointed to represent "Get the Lead Out!" from a county with a population of more than 500,000 but not more than 700,000, for a term expiring December 31, 2010.

Mr. Clay B. Powell of 3569 Running Brook Drive, S.E., Kentwood, Michigan 49512, county of Kent, reappointed to represent the general public representing owners and developers in this state, for a term expiring December 31, 2010.

Ms. Laurel R. Sproul of 10050 Glovers Lake Road, Bear Lake, Michigan 49614, county of Manistee, appointed to represent a local health department located in a county with a population of more than 170,000 but not more than 200,000, for a term expiring December 31, 2010.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

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

Senate Bill No. 53

House Bill No. 4120

Senate Bill No. 511

House Bill No. 4507

Senate Bill No. 388

Senate Bill No. 868

The motion prevailed.

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

Senate Bill No. 667

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

Senate Bill No. 273, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2006 PA 630.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 667, entitled

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

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 9, after "(H)" by striking out "IN" and inserting "FOR".

2. Amend page 2, line 11, after "clerk" by striking out the period and inserting a comma and "in the county in which the clerk serves."

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

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

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

Roll Call No. 146

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 948, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 950, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 24f.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 951, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 1 (MCL 125.1401), as amended by 1998 PA 33.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1133, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

Senate Bill No. 972, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 7 (MCL 125.1657), as amended by 2005 PA 115.

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

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

Senate Bill No. 970, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 7 (MCL 125.1651 and 125.1657), section 1 as amended by 2006 PA 659 and section 7 as amended by 2005 PA 115.

Substitute (S-1).

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

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

Senate Bill No. 158, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

Substitute (S-2).

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

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

Senate Bill No. 760, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

Substitute (S-1).

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

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

Senate Bill No. 945, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 3 and 7 (MCL 445.63 and 445.67), section 3 as amended by 2006 PA 566, and by adding section 7a.

Substitute (S-1).

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

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

Senate Bill No. 1191, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2006 PA 594.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 1157

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1157, entitled

A bill to amend 1960 PA 77, entitled "An act to create the Michigan higher education assistance authority and to prescribe its powers and duties; to authorize persons, corporations, and associations to make gifts to the authority; to prescribe the powers and duties of certain state officials; to authorize, ratify, and confirm certain guarantees of students' loans and authorize reguarantees; to authorize, ratify, and confirm certain guarantees of loans made to parents of students; to validate certain prior appropriations; and to authorize the transfer of certain appropriations to be transferred to and administered by the authority," (MCL 390.951 to 390.961) by adding section 7b; and to repeal acts and parts of acts.

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. 147

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Kahn, Barcia, Kuipers, Allen, Van Woerkom, Cherry and Pappageorge introduced

Senate Bill No. 1213, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 430.

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

Senators Barcia, Kahn, Kuipers, Allen, Van Woerkom, Cherry and Pappageorge introduced

Senate Bill No. 1214, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9nn. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Schauer introduced

Senate Bill No. 1215, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2411 (MCL 339.2411), as amended by 2007 PA 157.

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

Senator Schauer introduced

Senate Bill No. 1216, entitled

A bill to prohibit knowing employment of individuals not authorized to work in the United States; to prescribe methods to determine employment authorization; and to provide for civil fines and reimbursement of costs of enforcement.

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

Senator Cassis introduced

Senate Bill No. 1217, entitled

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

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

Senator George introduced

Senate Bill No. 1218, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

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

Senator George introduced

Senate Bill No. 1219, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17025 (MCL 333.17025), as amended by 2006 PA 161.

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

Senator Jansen introduced

Senate Bill No. 1220, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1998 PA 302, and by adding section 4.

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

House Bill No. 4151, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

The House of Representatives has passed the bill.

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

House Bill No. 4247, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 8 (MCL 211.8), as amended by 2006 PA 633.

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. 5160, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2006 PA 564.

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. 5626, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

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. 5669, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV (MCL 764.1a), as amended by 2005 PA 106.

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. 5727, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2802, 2803, and 2804 (MCL 700.2802, 700.2803, and 700.2804).

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. 5757, entitled

A bill to amend 1977 PA 72, entitled "The medicaid false claim act," by amending sections 7 and 12 (MCL 400.607 and 400.612), section 7 as amended by 1984 PA 333, and by adding section 14.

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

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I rise today to ask you to join me in an anniversary of sorts, although it is not a particularly joyful occasion for me. I have now been standing on the floor of this chamber for four years imploring you to take action on my insurance bills—four years.

All the while, Michigan drivers and homeowners continue to pay unreasonable and unfair rates for a product they are required by law to have, and some have been priced out of the market entirely. Some have been assessed these rates based on unreasonable criteria, like occupations and credit scores. Others have been charged simply by where they live, and others put homes and health at risk by simply going without the necessary coverage—four years.

I am not proud of my four-year run. In fact, when I talk to my constituents, quite frankly, I am embarrassed by it, and sometimes I do get discouraged. But you all know by now that I am a woman of my word. I made a promise that I would speak until this problem is solved and justice prevails.

So, as we enter year five, I can only once more implore you to please move my bills, move my bills, move my bills.

Senator Hunter's statement is as follows:

Move those bills; please move those bills.

Over the past decade, there has been a significant increase in the number of children diagnosed with autism spectrum disorders. According to data released in 2007 by the Center for Disease Control and Prevention, the rate has increased from 1-in-500 to an estimated 1-in-150. Autism, which encompasses a variety of disorders, is a complex developmental disability that impacts social interactions and communication. It affects its victims in many different ways and to varying degrees. Because of its impact on how people with autism process and respond to the world around them, this can be a profound challenge in education.

Schools all across our state and nation struggle to respond to the needs of children with autism spectrum disorders. The frustration is made more acute by the fact that there are strategies that have been proven to be very successful for many children. In some cases, the improvements that individual students can make through these intense educational services can be remarkable.

In an effort to increase the number of teachers with the skills and knowledge to help children with autism spectrum disorders, Congress is considering the Teacher Education for Autistic Children Act. This legislation, H.R. 2390, which is also called the TEACH Act, seeks to provide a refundable tax credit for education and training expenses incurred in studying the teaching of students with an autism spectrum disorder.

This week I will have a Senate resolution on my desk available for your co-sponsorship. Please join me in calling on the U.S. Congress to enact the TEACH Act.

Senator Gleason's statement is as follows:

I rise today to make a statement about athleticism and good sportsmanship. I was blessed over the weekend to have two teams from the Michigan High School Athletic Association play in the State Finals down here in the fair city. In recognition of fairness and in hospitality, we let the local team from Lansing Catholic Central beat Flint Powers. It was nothing to do with talent; it was all to do with good sports and visiting the city of Lansing.

I look forward to amending a deal that was made only a week ago with a fellow Senator in regard to the outcome of a game just prior to that. So I would like to congratulate Flint Beecher, Flint Powers, and Lansing Catholic Central.

And, once again, it was a good measure of good sportsmanship, athleticism, and the way that we should work together as a state and as teams.

Senator Switalski's statement is as follows:

I was not going to speak, but I am inspired by the previous speakers. I had a great weekend with my family in Lansing watching eight games of basketball—four on Friday and four on Saturday. They were tremendous games, and the final game—the Lansing Catholic Central against Flint Powers—was maybe the best game of all and just back and forth all day; went down to the final seconds. If Powers hadn't gone 1-for-5 from the line in the last minute, they would have won.

It was a very exciting game, and I am going to forgive Senator Prusi, whose team knocked out the Frankenmuth team in the quarters before I could see Mr. Basketball, who is—you know, you can watch him on YouTube throwing down three-pointers down from the other side of the half-court line practically.

So I didn't get to see that, but it was a great two days of basketball and a great reflection on this state.

Committee Reports

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 1003, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508, and by adding section 3f.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4416, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2501 and 2512 (MCL 339.2501 and 339.2512), section 2501 as amended by 2003 PA 196 and section 2512 as amended by 2002 PA 42, and by adding section 2512d.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4417, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as amended by 2000 PA 436.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 5511, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 12, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Health Policy reported

Senate Bill No. 1161, entitled

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

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.

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, March 12, 2008, at 3:06 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Energy Policy and Public Utilities reported

House Bill No. 5665, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by amending the title; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, March 13, 2008, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Prusi and Thomas

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Thursday, March 13, 2008, at 2:00 p.m., Room H-252, Capitol Building

Present: Senator Clarke

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Thursday, March 13, 2008, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Kahn (C), Pappageorge, George, Stamas, Cherry, Barcia and Switalski

Scheduled Meetings

Agriculture - Thursday, March 20, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, March 19, 2:00 p.m., and Thursday, March 20, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay - Thursday, March 20, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Economic Development - Wednesdays, March 19 and March 26, 8:30 a.m., Room 110, Farnum Building (373-2768)

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

Economic Development and Regulatory Reform - Wednesday, March 19, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, March 20, 1:00 p.m., Room 210, Farnum Building (373-7350)

Health Policy - Wednesday, March 19, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Friday, March 21, 8:30 a.m., Room 426, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Wednesday, March 26, 2:00 p.m., Oakland County Executive Office Building, Building 41-West, Conference Center/West Oakland Room, 2100 Pontiac Lake Road, Waterford (373-0212)

Natural Resources and Environmental Affairs - Wednesday, March 19, 1:00 p.m., Room 110, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, March 25, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:02 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, March 19, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

