No. 53 STATE OF MICHIGAN

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Senate Chamber, Lansing, Wednesday, June 17, 2009.

10:00 a.m.

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

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

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

Clarke—present Cropsey—present Garcia—excused 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 Scott—present Stamas—present Switalski-present Thomas—present Van Woerkom—present Whitmer—present

Senator Alan Sanborn of the 11th District offered the following invocation:

Almighty God, as we prepare to take on the work of the people, let us not hesitate to call upon You as we toil to return our state back to prosperity. Lord, the task before us is difficult, and without Your guiding hand, we would be lost. Give us the strength so that we can overcome the challenges laid before us.

Give us wisdom so that we might know the best ways to improve ourselves and our state. Give us patience so that we might work together in this chamber and throughout government to serve the people more effectively. And, finally, Lord, continue to lead us on the path of righteousness that You have set before us.

This we ask in Christ's name. Amen.

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

Special musical guest Three Men and a Tenor sang "The Star-Spangled Banner."

Motions and Communications

Senator Cropsey moved that Senator Garcia be excused from today's session. The motion prevailed.

Senator Thomas moved that Senators Barcia and Hunter be temporarily excused from today's session. The motion prevailed.

Senators Basham, Cherry, Brown, Jansen, Jacobs, Barcia and Hunter entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 16: House Bill Nos. 4221 4222 4456 4501 4502 4985 5037 5038

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

Senate Bill Nos. 640 641

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 436

Senate Bill No. 434

Senate Bill No. 431

Senate Bill No. 13

Senate Bill No. 435

Senate Bill No. 438

Senate Bill No. 439

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 436, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1307 and 1311 (MCL 324.1307 and 324.1311), as added by 2004 PA 325, and by adding section 1313.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 7, following line 20, by inserting:

"Sec. 11526e. (1) Subject to subsection (3), a person shall not deliver for disposal, in a landfill or incinerator in this state, municipal solid waste, including, but not limited to, municipal solid waste incinerator ash, that was generated outside of the United States.

- (2) Subject to subsection (3), the owner or operator of a landfill or incinerator in this state shall not accept for disposal municipal solid waste, including, but not limited to, municipal solid waste incinerator ash, that was generated outside of the United States.
- (3) Subsections (1) and (2) apply notwithstanding any other provision of this part. However, subsections (1) and (2) do not apply unless congress enacts legislation under clause 3 of section 8 of article I of the constitution of the United States authorizing such prohibitions. Subsections (1) and (2) do not apply until 90 days after the effective date of such federal legislation or 90 days after the effective date of the amendatory act that added this section, whichever is later."

The question being on the adoption of the amendment,

Senator Brater requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The Senators being equally divided (yeas 18; nays 18), the Lieutenant Governor voted "yea."

The amendment was adopted, a majority members serving and the Lieutenant Governor voting therefor, as follows:

Roll Call No. 257 Yeas—18

Anderson	Clark-Coleman	Olshove	Scott
Barcia	Clarke	Pappageorge	Switalski
Basham	Gleason	Prusi	Thomas
Brater	Hunter	Richardville	Whitmer
Cherry	Jacobs		

Nays—18

Allen	Cropsey	Jelinek	Patterson
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Hardiman	McManus	Van Woerkom
Cassis	Jansen		

Excused—1

Garcia

Not Voting—0

In The Chair: President

The question being on the passage of the bill,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 258 Yeas—20

Allen	Cropsey	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn

Brown Hardiman McManus Stamas Cassis Jansen Pappageorge Van Woerkom

Nays—16

Anderson Hunter Scott Cherry Barcia Clark-Coleman Jacobs Switalski Basham Clarke Olshove Thomas Whitmer Brater Gleason Prusi

Excused—1

Garcia

Not Voting—0

In The Chair: President

The following bill was read a third time:

Senate Bill No. 434, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 32, 39, 40, 43, 45, 61, and 64 (MCL 24.203, 24.232, 24.239, 24.240, 24.243, 24.245, 24.261, and 24.264), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, section 45 as amended by 2004 PA 491, and section 61 as amended by 1982 PA 413.

The question being on the passage of the bill,

Senator Gilbert offered the following substitute:

Substitute (S-3).

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

The question being on the passage of the bill,

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

Roll Call No. 259 Yeas—20

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

Nays—16

Anderson Cherry Hunter Scott Clark-Coleman Barcia Jacobs Switalski Basham Clarke Olshove **Thomas** Brater Gleason Prusi Whitmer

Excused—1

Not Voting—0

In The Chair: President

Senator Gilbert offered to amend the title to read as follows:

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 32, 40, 43, 61, and 64 (MCL 24.232, 24.240, 24.243, 24.261, and 24.264), section 40 as amended by 1989 PA 288, and section 61 as amended by 1982 PA 413.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Jacobs and Thomas, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 434 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Jacobs' statement is as follows:

I rise in opposition to Senate Bill No. 434, the Gilbert substitute, as well as to address this bill as well as the next couple of bills that we are taking up in this package. I really think it is important that we address the assertion that overregulation makes Michigan an unfriendly environment for business, driving out companies to neighboring states.

I sit in committee and I hear this argument recorded time after time after time. But, according to the Small Business & Entrepreneurship Council's Small Business Survival Index for 2008, Michigan ranks 19th friendliest in terms of public policy climate for entrepreneurship. This places Michigan just behind Ohio but ahead of such seemingly business-friendly states like Indiana and Illinois. I can't tell you how many times we hear the state of Indiana brought up in committee.

Now the Anderson Economic Group provides an annual ranking of states based on the tax burden on businesses. For 2008, Michigan ranked 22nd—again, behind Ohio but ahead of our neighbors in Indiana and Illinois.

Finally, the Kauffman Foundation of Entrepreneurship issues an annual state of new economy index based on the promotion of innovation as a significant part of a state's economic development policy framework. By the way, they are supporting an effort to bring in 400 new entrepreneurs and their companies. So in 2008, Michigan placed 17th in this index, one spot behind Illinois but well ahead of Indiana and Ohio. So it is really disingenuous, if not outright wrong, to say that Michigan is running businesses out of our state because of the tax and regulatory burdens that they face here.

Now do we need to change some tax policy? Do we need to restructure tax policy in Michigan? Yes, but I am not sure that what we are trying to do with this and this package of bills really goes to the heart of that. Economic development and proper stewardship of the state are not mutually exclusive, and that is why I ask you to vote against this bill as well as the rest of the package.

Senator Thomas' statement is as follows:

I appreciate the previous speaker anticipating what I am going to say in my comments, and he is absolutely right. I am going to raise issues in terms of water quality. But before I go there, I wish to speak to the issue of state sovereignty. Yesterday, the Senate Majority Leader raised two issues dealing with federal stimulus dollars and state sovereignty. I was very pleased to stand up with him and in an overwhelming majority in this Legislature say, "You're right." When it comes to our state budget process and these are stimulus funds, state sovereignty and states' rights must be sacred and I agree.

Isn't this package of bills, then, handing our state sovereignty over to the federal government and federal bureaucrats when it comes to our rule-making authority? I would suggest the answer is yes. Doesn't this package negate the simple principle that state regulations should preempt federal regulations? I would simply say yes.

So I think that we should stay consistent if we are going to stand up for state sovereignty in our budget process. We should certainly stand up for state sovereignty in our rule-making process. When you vote for this bill, you make Michigan citizens less safe, plain and simple, and the examples are very strong.

For years, a strong majority of Michigan citizens have argued that Michigan has had stronger rights for patients to seek legal recourse when they have been harmed in the medical system. Should that end? I think not. The same special interest groups pushing for this package, i.e., less strict state standards, champion drug immunity just because our state standard is stricter.

Clean water, obviously, is an issue that all of us should stand up and fight for. The state of Michigan does have stronger clean water laws than the federal government.

Firefighter safety—federal OSHA rules did not directly address the protection of firefighters. So Michigan took the lead and now we create stronger protections for our firefighters, our first responders, than the federal government requires. Blood-borne pathogens—in going back to 1993 with the rise of HIV cases, Michigan adopted a blood-borne pathogen standard that was the best in the nation, and the federal government has adopted Michigan as its model. This was again a Michigan program.

Drinking water, of course, again, Michigan has a much stronger public health standard than does the federal government. Certainly, when it comes to water source diversions, water diversion is an issue we have fought for on both sides of the aisle. Michigan has a much stronger position than the federal government.

These are just a few examples of where Michigan residents have a better understanding of what Michigan citizens deserve and how they can be kept safe. I think it is irresponsible and reckless and will damage the public safety of the citizens of Michigan if we allow the federal government and bureaucrats in Washington, D.C., Maryland, and Virginia to dictate to us how we should live our lives. For these reasons, I am going to oppose the legislation in this package, and I hope that my colleagues would join me in standing up for our state's sovereignty and our ability to make and manage our own rules.

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

The motion prevailed.

Senator Cassis' statement is as follows:

I rise to applaud the work that has gone into bringing Senate Bill No. 434 before us today. I would like to just say that in answer to my friend and colleague from the 14th District, middle of the pack in Michigan is not good enough. Reforms are needed now in order to be able to compete for jobs with those states that have already been outlined as the best states to do business with by CNBC and by *Forbes* magazine.

What do they cite as being an attractive entrepreneurial environment which will create jobs and keep those that are there? One of the primary factors always cited is the cost of doing business in your state. We want to strike a balance between environmental protections, and, of course, our state is known for that, along with being friendly to attract businesses. When they have to go through an insatiable amount of time in the permitting process, that results in precious time lost and money spent unnecessarily through delays. That, my friends, sends a very wrong message to those who want to do business in our state.

I do urge support for this substitute. I think it represents a positive balance and will put our state in a much better position to be actively competitive, which is sorely needed.

The following bill was read a third time:

Senate Bill No. 431, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 39 (MCL 24.239), as amended by 2004 PA 23.

The question being on the passage of the bill,

Senator Kuipers offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

Roll Call No. 260 Yeas—20

Allen Cropsey Jelinek Patterson Birkholz George Kahn Richardville Gilbert **Kuipers** Sanborn Bishop Brown Hardiman McManus Stamas Van Woerkom Cassis Jansen Pappageorge

Nays—16

Anderson Cherry Hunter Scott
Barcia Clark-Coleman Jacobs Switalski

BashamClarkeOlshoveThomasBraterGleasonPrusiWhitmer

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 13, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3 and 45 (MCL 24.203 and 24.245), section 3 as amended by 1988 PA 277 and section 45 as amended by 2004 PA 491, and by adding section 45b.

The question being on the passage of the bill,

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

Roll Call No. 261 Yeas—20

Allen Cropsey Jelinek Patterson Richardville Birkholz George Kahn Bishop Gilbert **Kuipers** Sanborn Brown Hardiman McManus Stamas Van Woerkom Cassis Jansen Pappageorge

Nays—16

Anderson Cherry Hunter Scott Barcia Clark-Coleman Jacobs Switalski Basham Clarke Olshove Thomas Brater Gleason Prusi Whitmer

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 435, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

The question being on the passage of the bill,

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

Roll Call No. 262 Yeas—20

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

Nays—16

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Thomas
Brater	Gleason	Prusi	Whitmer

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

This bill has a very important oversight function that belongs to the Legislature. Our job does not end when we pass a law that is 5, 10, or 20 pages. After that law is passed, there are hundreds of pages of regulations. It is our responsibility to check those rules and regulations to make sure they have not changed the intent of the law or unnecessarily burdened businesses and local governments.

We really can't do that if we don't pay any attention to the rules. This bill says that we are going to institute an orderly process for reviewing existing and new rules. And if you believe in the separation of powers and what the Legislature is empowered to do, we need to have a review of rules.

To vote "no" on this is to say that you don't care. We have to pay attention to implementation of the laws we pass, so I would urge a "yes" vote on this particular bill.

The following bill was read a third time:

Senate Bill No. 438, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1505.

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. 263

Yeas—21

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

Nays—15

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

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 439, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

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. 264 Yeas—21

Allen Cropsey Jelinek Patterson Barcia George Kahn Richardville Birkholz Gilbert **Kuipers** Sanborn Bishop Hardiman McManus Stamas Brown Van Woerkom Jansen Pappageorge

Cassis

Nays—15

Anderson Clark-Coleman Jacobs Switalski Basham Clarke Olshove Thomas

[No. 53

Brater Gleason Prusi Whitmer Cherry Hunter Scott

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

K-12, School Aid, Education - Senator Stamas replacing Senator Garcia.

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Clarke as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 219, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

House Bill No. 4184, entitled

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

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill: Senate Bill No. 470, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 1029.

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. 204, entitled

A bill to amend 1985 PA 148, entitled "Self-service storage facility act," by amending sections 4 and 5 (MCL 570.524 and 570.525), as amended by 2000 PA 443.

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. 428, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 12, and 12a (MCL 125.2152, 125.2162, and 125.2162a), section 2 as amended by 2007 PA 200, section 12 as amended by 2000 PA 248, and section 12a as amended by 2008 PA 105.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

- 1. Amend page 8, line 16, after "township." by inserting "HOWEVER, FOR PURPOSES OF CREATING AND OPERATING A CERTIFIED ALTERNATIVE ENERGY PARK, MUNICIPALITY INCLUDES TOWNSHIPS THAT ARE NOT URBAN TOWNSHIPS.".
- 2. Amend page 20, line 18, after "subsection" by inserting "FOR A CERTIFIED TECHNOLOGY PARK AND NOT MORE THAN 1 AUTHORITY UNDER THIS SUBSECTION FOR A CERTIFIED ALTERNATIVE ENERGY PARK".

The Senate agreed to the substitute, as amended, 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. 493, entitled

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

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.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 642, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 24a (MCL 38.1624a), as added by 2004 PA 83.

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

Senator Switalski introduced

Senate Bill No. 643, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 474. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Switalski introduced

Senate Bill No. 644, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2006 PA 443.

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

Senator Switalski introduced

Senate Bill No. 645, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1315. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Sanborn, Richardville, Gilbert, Allen, Gleason, Patterson and Van Woerkom introduced Senate Bill No. 646, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by amending the title, as amended by 2002 PA 304, and by adding chapter 43; and to repeal acts and parts of acts.

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. 4221, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 2008 PA 406.

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. 4222, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 2001 PA 201.

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. 4456, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2007 PA 31.

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. 4501, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 1 (MCL 28.421), as amended by 2008 PA 407.

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. 4502, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 223 (MCL 750.222 and 750.223), section 222 as amended by 2001 PA 135 and section 223 as amended by 1992 PA 221.

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. 4985, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 48.

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 Campaign and Election Oversight.

House Bill No. 5037, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2951 (MCL 600.2951), as added by 1982 PA 186.

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. 5038, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," (MCL 28.421 to 28.435) by adding section 3.

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 Cropsey, Scott, Jansen and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's statement is as follows:

I'm doing what I can to ensure that members have budget information in a timely manner. Yesterday, we had an amendment come up and I didn't get the amendments relative to the Attorney General's budget until just a few minutes before we had to vote on them. But I've researched those amendments a bit more since then. I have copies of the MIOSHA and item pricing laws here with me, and I rise to respond to those amendments offered yesterday.

One amendment was offered that would require the Attorney General to report the number of complaints received involving MIOSHA. By law, starting in Michigan Compiled Law 401.1013 and throughout the MIOSHA law, DELEG and DCH are the enforcers of workplace safety and health, so the best place to obtain information about MIOSHA is from MIOSHA itself. By law, the Attorney General must refer MIOSHA complaints and is not involved in the complaint process. So the amendment offered yesterday was legally flawed to begin with, and frankly, embarrassing to begin with and was wisely rejected by this body.

The second amendment would require the Attorney General to report names and addresses of special Attorney General appointments. I have good news—if the sponsor of the amendment goes to the Attorney General's website, they already list all of the special Attorney General payments by name. What is not listed is appointments paid directly by the other state departments and agencies, primarily labor and workers comp, transportation, and revenue and collections. I would encourage the sponsor of this yet another flawed amendment to amend the appropriate budgets of those state departments, or better yet, encourage the Governor to practice transparency in government, just like the Attorney General already does.

The third amendment would have required the Attorney General to report investigations into complaints on the item pricing act. More good news—the item pricing act itself—MCL 445.352, grants all investigation authority to the Department of Agriculture, so this was a third legally flawed and embarrassing amendment that we wisely rejected.

The flawed amendments illustrate how important it is to do our homework first. If any member wants to offer similar amendments in the future, I'd encourage them to call the Attorney General first for valid legal advice. And if any member of the minority party feels uncomfortable calling the Attorney General, I'm offering to call on their behalf, so that the sponsor of future amendments will not be embarrassed by trying to get us to vote on legally flawed amendments. We really need to put amendments onto our budget bills that are legally sound and not legally flawed.

Senator Scott's statement is as follows:

You cannot escape the responsibility of tomorrow by evading it today. These words spoken by President Abraham Lincoln still resonate with us today. For too long, we have put off our responsibility to do something to help our constituents with the high cost of auto insurance. The problem has not gone away because people are still complaining about paying high prices for insurance when they have perfectly decent driving records. We were all voted into office to solve problems facing this state and our constituents. Until we have an open, serious debate about ways to cut the cost of car insurance, we will be dodging our responsibilities.

Auto insurance reform is one of those important issues that hits people in their wallets and purses. The cost of this required insurance can be the breaking point for some families and individuals. So this issue isn't going away. You can go on ignoring it and dismissing my daily pleas for action, but sooner or later, we will have to take action. The smart thing, I believe, would be to deal with this now.

What could be better in these trying economic times than to give people true rate reform that will save them money and let them use that money on equally important needs? Fixing this problem is our responsibility, and we should not be putting it off for someone else to deal with.

Senator Jansen's statement is as follows:

I rise to let the body know how I would have voted yesterday on two roll call votes. I was in my district yesterday to support a significant announcement that Farmers Insurance Group is expanding its Caledonia facility, which is in my district. I was with the honorable Governor of Michigan for the announcement. This means 1,600 new jobs and about \$84 million in investment in a new facility. I was honored to be a part of that important and collaborative effort to expand this company in Caledonia, and I bring kudos to Farmers Insurance Group.

On Roll Call No. 247, I would have voted to concur with the House substitute for Senate Bill No. 280. On Roll Call No. 248, I would have voted "yes" to adopt Senate Resolution No. 62.

Senator Cassis' statement is as follows:

My colleagues, have you heard of Destination ImagiNation? Destination ImagiNation is the world's largest creative problem-solving program and competition for kindergarten through college-aged students. It includes teams from 50 states and 40 countries. Today, I am very proud to introduce to you a group of young people, third graders, from Dulson Elementary School in South Lyon. Their team managers are with them, Melissa Lambert and Steve Lambert, and 7 of the 15 students who are here participated in this Destination ImagiNation competition. They placed third in our state and 12th in the nation. I am very proud of them and that is why we are going to be presenting to all of these outstanding young people a Special Tribute this morning.

I think my colleagues will find this very interesting. The team created an original play that takes place in an Egyptian museum. The security guards do a final check when they notice that the structure on display needs some adjustments, and they take it to the back of the room to work on it. After they leave, the exhibits come to life and give the audience a history lesson in ancient Egyptian history. They see a mummy that is a boring white and they paint it into a modern, abstract masterpiece. The security guards are putting weight on the structure while the play is going on. As a former world history teacher, I think this is an exemplary example of exceptional creativity, and we are sure that the skills these young people have already learned will carry them into the future.

You are our future problem solvers and have already learned that it takes a team to come up with the best ideas and to implement those ideas. You are the leaders of our future, and we in the State Senate today salute you. Please would my colleagues join me in recognizing this outstanding group of young people today.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Monday, June 15, 2009, at 9:00 a.m., Margherio Conference Center, Mazurek Medical Education Commons, Wayne State University School of Medicine, 320 E. Canfield Street, Detroit

Present: Senators George (C), Clarke and Jacobs

Excused: Senators Sanborn, Patterson, Allen and Gleason

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Joint meeting held on Monday, June 15, 2009, at 10:00 a.m., Wayne State University, Engineering Development Center Auditorium, 5050 Wayne Anthony Drive, Detroit

Present: Senators Allen (C) and Clarke

Excused: Senators Gilbert, Stamas and Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, June 16, 2009, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Jelinek and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following: Meeting held on Tuesday, June 16, 2009, at 1:25 p.m., Senate Hearing Room, Ground Floor, Boji Tower Present: Senator Kahn (C), Pappageorge, George, Stamas, Cherry, Barcia and Switalski

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following: Meeting held on Tuesday, June 16, 2009, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building Present: Senators Stamas (C), George, Hardiman, Kahn, Barcia, Anderson and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following: Meeting held on Tuesday, June 16, 2009, at 2:30 p.m., Room 100, Farnum Building Present: Senators Allen (C) and Clarke Excused: Senators Gilbert, Stamas and Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following: Meeting held on Tuesday, June 16, 2009, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower Present: Senator Cropsey (C), Kahn and Brater

Scheduled Meetings

Appropriations - Thursday, June 18, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Education - Thursday, June 18, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, June 18, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, June 18, 11:00 a.m., Room 110, Farnum Building (373-1758)

Hunting, Fishing and Outdoor Recreation - Thursday, June 18, 1:00 p.m., Room 100, Farnum Building (373-1777)

Legislative Commission on Government Efficiency - Friday, June 19, 12:00 noon, Room 426, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Thursday, June 25 (CANCELED); Friday, June 26, 9:00 a.m., Oakland County Executive Office Building, Waterford Room, 1st Floor, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursdays, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Michigan Law Revision Commission - Wednesday, June 24, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn. The motion prevailed, the time being 11:26 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 18, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI Secretary of the Senate