

No. 43
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, May 6, 2008.

10:00 a.m.

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

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

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

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

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

Bishop Earl Boyea of Catholic Diocese of Lansing offered the following invocation:

O source of all wisdom and goodness, this day we open our hearts to You begging from You, as did Solomon, an abundance of wisdom. We seek it not for glory or advantage or self-satisfaction. Rather, we plead for this spirit-filled gift that we may rule justly, exercising our duties not according to our own pleasure, but according to that good which all men and women seek.

May we seek ourselves' decrease and the well-being of our fellow citizens' increase. At the end of this day, help us to look back with gratitude for Your divine help, and may all our efforts this day be for Your glory. We praise You now and forever and ever. Amen.

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

Senator Cropsey entered the Senate Chamber.

Recess

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

10:33 a.m.

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

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

A quorum of the Senate was present.

Motions and Communications

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

The motion prevailed.

Senator Jacobs' statement is as follows:

As you all know, I was called for jury duty last Thursday. I'm very unhappy that I missed all the excitement that went on, but, nevertheless, had I been here on Roll Call Nos. 277, 278, 279, 280, 281, and 282, I would have voted "no," and on item No. 14 on immediate effect for Senate Bill No. 511, I would have voted "yes."

The following communication was received and read:

Office of the Auditor General

May 1, 2008

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Strategic Fund (MSF), a discretely presented component unit of the State of Michigan, as of and for the period of October 1, 2005 through September 30, 2007.

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:

Office of the State Budget

April 25, 2008

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Sections 18.1350(a) through 18.1350(e) of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 2007.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
Robert L. Emerson
State Budget Director

The communication was referred to the Secretary for record.

The following communication was received:
Michigan Certificate of Need Commission

April 30, 2008

In accordance with Section 22215(4) of the Public Health Code, PA 368 of 1978, as amended, I am forwarding a copy of the Michigan CON Commission's revisions to the CON Review Standards for CT Scanner Services for your review. Listed below is the required "concise summary of the expected impact of the proposed final action."

The proposed language change includes an exemption for non-diagnostic intraoperative guidance tomographic units (such as the O-arm) from the definition of "CT Scanner."

The Commission took final action to approve the revisions at its April 30, 2008 meeting.

The law provides that the Commission is to submit any final standard to the Joint Legislative Committee on CON, as well as to the Governor, for them to consider potential disapproval of the final standards. Legislative disapproval is to be expressed by concurrent resolution, adopted by each house of the Legislature. The statute provides that the Legislature and Governor shall have 45 calendar days to act on any disapproval, provided the 45 days shall include not less than 9 legislative session days. This review period is to start on the day after submission, provided that is a day when there is legislative session in at least one house of the Legislature. If legislative or gubernatorial disapproval does not occur within that time, then this final CON Review Standards for CT Scanner Services will take effect.

If you have any questions, please feel free to contact me at 734-764-2178, or the Commission's staff person, Brenda Rogers at 517-241-3349 or email rogersbre@michigan.gov.

Sincerely,
Ed Goldman
Chairperson

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

May 1, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 2:20 p.m. this date, administrative rule (#08-05-01) for the Department of Management and Budget, State Employees' Retirement Board, entitled "*General Rules*."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 1, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 2:22 pm. this date, administrative rule (#08-05-02) for the Department of Labor and Economic Growth, entitled "*State Employees Retirement Board - General Hearing Rules*."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Michigan Transportation Asset Management Council

May 2, 2008

It is my pleasure to submit to you the 2008 Annual Report of the Transportation Asset Management Council. MCL 247.659a(9) requires the Council to file an annual report with the Legislature and State Transportation Commission by May 2 of each year.

During 2007, the Council surveyed 43,000 miles of federal-aid eligible roads and analyzed the condition of the system. This is the fourth statewide survey of every mile of federal-aid eligible road in Michigan using a common process. This effort was achieved through a cooperative effort of individuals from county road commissions, city engineering staffs, the Michigan Department of Transportation, regional planning agencies, and metropolitan planning organizations.

As we continue this effort over the next several years, it is the intent of the Council to analyze and report to the Legislature and State Transportation Commission on the investments made to this system and the resulting condition. In this way, you will be kept up-to-date on the overall condition of our roads and bridges; how we are spending the public dollars you have entrusted to us; and the system needs for maintaining and preserving our roads and bridges.

This report was approved by the Council on April 18, 2008. We would be pleased to respond to any question you have or make presentations of the report.

Sincerely,
Carmine Palombo, P.E.
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, May 1:
House Bill Nos. 4330 4453 4594 4950 4973 5108 5110 5111 5314 5910

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 1, for her approval the following bill:

Enrolled Senate Bill No. 716 at 10:27 a.m.

The Secretary announced that the following official bills were printed on Thursday, May 1, and are available at the legislative website:

Senate Bill Nos. 1282 1283
House Bill Nos. 6024 6025 6026 6027 6028 6029 6030

The Secretary announced that the following official bills were printed on Friday, May 2, and are available at the legislative website:

House Bill Nos. 6031 6032 6033 6034 6035 6036 6037 6038 6039 6040 6041 6042 6043

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

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

Senate Bill No. 53
House Bill No. 4120
House Bill No. 4507
Senate Bill No. 388
Senate Bill No. 868

The motion prevailed.

Senate Bill No. 751, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2006 PA 622.

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. 1007, entitled

A bill to amend 2001 PA 266, entitled “Grade A milk law of 2001,” by amending sections 2, 3, 4, 5, 6, 7, 20, 30, 31, 33a, 41, 44, 50, 53, 60, 61, 62, 63, 68, and 69 (MCL 288.472, 288.473, 288.474, 288.475, 288.476, 288.477, 288.490, 288.500, 288.501, 288.503a, 288.511, 288.514, 288.520, 288.523, 288.530, 288.531, 288.532, 288.533, 288.538, and 288.539), section 33a as added by 2004 PA 277.

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. 115, entitled

A bill to amend 2003 PA 226, entitled “Joint municipal planning act,” by amending the title and sections 5 and 7 (MCL 125.135 and 125.137).

Substitute (H-2).

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 284

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: President

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

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

The Senate agreed to the title as amended.

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

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. 382

Senate Bill No. 383

Senate Bill No. 943
House Bill No. 5695
Senate Bill No. 1085
Senate Bill No. 1122
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 382, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463.

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. 285

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 383, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2007 PA 77.

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. 286

Yeas—38

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer

Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

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. 943, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 88.

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. 287

Yeas—38

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5695, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 720 (MCL 257.720), as amended by 2003 PA 142.

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. 288

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: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1085, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40107a (MCL 324.40107a), as amended by 2003 PA 242.

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. 289**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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1122, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), as amended by 2006 PA 476.

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. 290**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: President

The Senate agreed to the title of the bill.

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 Jacobs 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 bill:

Senate Bill No. 1211, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 2006 PA 298.

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:

House Bill No. 5085, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82105, and 82114 (MCL 324.82101, 324.82105, and 324.82114), section 82101 as amended by 2005 PA 175, section 82105 as amended by 2005 PA 271, and section 82114 as added by 1995 PA 58, and by adding sections 82105a, 82105b, and 82116a.

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:

House Bill No. 5585, entitled

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," by amending sections 10, 11, 12, 13, 15, 16, 17, 70, 90, 110, 110a, 111, 113, 114, 115, 116, 119, 125, 130, 131, 136, 137, 139, 140, 142, 143, 152, and 159 (MCL 288.570, 288.571, 288.572, 288.573, 288.575, 288.576, 288.577, 288.630, 288.650, 288.670, 288.670a, 288.671, 288.673, 288.674, 288.675, 288.676, 288.679, 288.685, 288.690, 288.691, 288.696, 288.697, 288.699, 288.700, 288.702, 288.703, 288.712, and 288.719), section 110a as added by 2004 PA 282.

Substitute (S-1).

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

Resolutions

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

Senate Concurrent Resolution No. 22

Senate Resolution No. 154

Senate Concurrent Resolution No. 27

The motion prevailed.

Senators Brown, Hardiman, Richardville, Pappageorge, Allen, Jansen, Gilbert, Stamas, Kuipers, Van Woerkom, Garcia, McManus, Cropsey, Birkholz, Kahn, Olshove, Basham and Barcia offered the following resolution:

Senate Resolution No. 187.

A resolution to urge the Michigan Capitol Committee to recommend that a room be set aside in the Capitol to be used as a chapel available to those of all faiths and denominations.

Whereas, Many other states, including Florida, Indiana, Kentucky, and Louisiana, have designated specific areas in their capitols as chapels or meditation rooms; and

Whereas, The United States Capitol also has a designated prayer room; and

Whereas, The Michigan Capitol Committee was created by 1987 PA 123 to make recommendations to the leadership of the House, the Senate, and the Governor on the maintenance of the Capitol and its grounds. This committee, which is comprised of four members of the House of Representatives appointed by the Speaker, four members of the Senate appointed by the Majority Leader, and four members from the Executive Branch appointed by the Governor, may make recommendations to the Speaker, the Majority Leader, and the Governor regarding the implementation of all permanent physical changes to be made in or on the Capitol. Under the provisions of MCL 4.1702, "Such recommendations shall take effect 15 days after the submission to the governor, senate majority leader and speaker of the house of representatives unless rejected in writing by the governor, senate majority leader or speaker of the house of representatives"; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Capitol Committee to recommend to the Speaker of the House of Representatives, the Senate Majority Leader, and the Governor that a room be set aside in the Capitol to be used as a chapel available to those of all faiths and denominations; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan Capitol Committee.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Introduction and Referral of Bills

Senator Jansen introduced

Senate Bill No. 1284, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 201 and 203 (MCL 208.1201 and 208.1203), section 201 as amended by 2007 PA 145.

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

Senators Basham, Anderson, Garcia, Kuipers, Birkholz, Hardiman, Jansen, Jelinek, Gilbert, Clark-Coleman, Scott, Schauer, Prusi, Whitmer, Brater, Thomas and Stamas introduced

Senate Bill No. 1285, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 682c.

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

Senators Allen, Barcia, Garcia and Birkholz introduced

Senate Bill No. 1286, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts," by amending section 1 (MCL 41.801), as amended by 2002 PA 501.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4330, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2006 PA 403.

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. 4453, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 6b of chapter V (MCL 765.6b), as amended by 1994 PA 335.

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. 4594, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 2, 3, and 9 (MCL 432.102, 432.103, and 432.109), sections 2 and 9 as amended by 1999 PA 108 and section 3 as amended by 2006 PA 427.

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 Economic Development and Regulatory Reform.

House Bill No. 4950, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2006 PA 304.

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 Agriculture.

House Bill No. 4973, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 1988 PA 278.

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 Government Operations and Reform.

House Bill No. 5108, 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 5j (MCL 28.425j), as amended by 2004 PA 254.

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. 5110, entitled

A bill to prohibit the sale of certain uncertified cigarettes; to provide standards for testing and fire safety certification of cigarettes; to provide remedies and civil sanctions; to provide for the powers and duties of certain state governmental officers and entities; and to repeal acts and parts of acts.

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

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

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

The motion prevailed.

Senator Clarke's statement is as follows:

This will be good news for a lot of the Republicans here, but my trusty intern, Mr. Tom Choske, who did all the great research on individual market reform, has now decided to retire, since he graduated from Michigan State University. I just want to really thank him because I don't usually ever do this. He's been indispensable for me in terms of all the

policy research and analysis. I know he's going to do a great job for whomever he works for if he chooses to work for someone else.

If everyone could please thank Tom Choske. He's a good Michigan State grad. I appreciate his service to me and to the Legislature.

House Bill No. 5111, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 9 (MCL 205.429), as amended by 2004 PA 474.

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. 5314, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4805 (MCL 600.4805), as amended by 2003 PA 178.

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. 5574, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 13815 (MCL 333.13815), as added by 1990 PA 21.

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 Health Policy.

House Bill No. 5575, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13805, 13807, 13809, 13810, 13811, 13813, 13817, 13819, 13821, 13823, 13825, 13827, 13829, 13830, and 13831 (MCL 333.13805, 333.13807, 333.13809, 333.13810, 333.13811, 333.13813, 333.13817, 333.13819, 333.13821, 333.13823, 333.13825, 333.13827, 333.13829, 333.13830, and 333.13831), sections 13805, 13807, 13809, 13810, and 13811 as added by 1990 PA 21, sections 13813, 13817, 13819, 13823, 13825, 13827, 13829, 13830, and 13831 as added by 1990 PA 18, and section 13821 as amended by 1996 PA 67, and by adding sections 13812, 13820, 13832, and 13833.

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 Health Policy.

House Bill No. 5910, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7j (MCL 722.627j), as amended by 2004 PA 563.

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 Families and Human Services.

Statements

Senators Scott, Whitmer and Clarke 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:

Booker T. Washington wasn't the only prominent African-American leader at the end of the 19th and into the early 20th centuries, but he was also an eloquent and gifted speaker. In one of his well-known speeches near the end of his life, he advised, "Try and make each day as nearly as possible the high watermark of pure, unselfish and useful living." I would like to believe that that is what each of us aspire to do every day in our role here in the Senate—pure, unselfish, and useful living.

One of the best ways you can assure that you will reach those standards is to act to make insurance available, affordable, and fairly-priced for our collective constituents across the state. The day that you pass my legislation will certainly be the high watermark in my legislative mission. Step 1: Move my bills.

Senator Whitmer's statement is as follows:

I rise today to share with colleagues that this week, May 4-10, has been declared Arson Awareness Week by Governor Jennifer Granholm. Arson is a serious crime that affects all of us and can only be stopped when we realize the severe damage it causes to our state and individual communities. The direct costs of arson in 2007, estimated by the Michigan Arson Prevention Committee, reached a staggering \$200 million in Michigan alone. Indirect costs associated with arson, both financial and emotional, include funerals, medical bills, legal work, lost wages, business interruptions, increased insurance premiums, firefighting, and law enforcement costs as well, obviously.

National fire organizations have adopted this year's theme as "No Novelty Lighters," underscoring the importance of passing my legislation that would ban these toylike incendiary devices. National fire incident reporting for 2006 shows that Michigan had 902 fires as the result of children playing with fire. Of the fire service reports submitted, these fires caused injuries to nine citizens, two firefighters, and death to three of our citizens. These lighters make it even easier for kids to play with fire.

Senate Bill No. 1194, which I introduced March 11, 2008, bans novelty lighters in Michigan. Maine has been the first state to act, and I'm hoping we will act soon. It's good public policy. Several of my colleagues on both sides of the aisle have joined me in supporting this, and I really appreciate that. We have made good strides in promoting health and fire safety and doing our best to keep kids out of harm's way. We banned the use of cartoonlike characters like Joe Camel to promote cigarettes. We have developed and instituted stricter guidelines and enforcement of cigarette sales to minors and ID stipulations, and we have implemented child-proof lighters in the majority of those sold today. But with these new novelty lighters, the vast majority of which are produced in China, they do not have those child-proof devices. We have taken a big step backwards. They look like toys and can easily entice the interest of kids of all ages. These lighters do not have child-resistant mechanisms, as required by federal law, and young children could ignite the lighters, posing serious fire and burn hazards.

In closing, I urge all of you to promote fire safety not just this week, but every week. I thank the chairman, the good Senator from the 37th District and my co-sponsor, for his support on this important consumer-safety issue.

Senator Clarke's statement is as follows:

I'm here to make an official statement regarding House Bill Nos. 5282 and 5283 that were discharged from the Committee on Health Policy this past Thursday. I voted against these bills. I stated at the time that as the vice chair I needed more than 40 minutes to be able to review the bills. Here are some of my concerns.

First of all, even though the bill provides to have insurance companies' excess profits refunded to the consumers, the way minimum loss ratio is drafted will allow insurance companies to retain more excess profits instead of refunding these excess profits back to consumers. But, most importantly, I want to address the so-called consumer protections in here, such as shortening the pre-existing condition waiting period from 12 months to six months, banning re-underwriting at renewal of a policy, and protecting a consumer from unfair cancellation of their policy. All of these provisions are good. However, as good as they are, none of them apply to protect our most vulnerable citizens in this state—seniors and the disabled, those who need the Medicare supplemental coverage in order to fill in their gaps for the co-pays and deductibles they must pay under Medicare. Why is that? Specifically in this bill, in the (S-5) version of House Bill No. 5282, the definition of "health benefit plan" expressly excludes Medicare supplemental coverage. It's only through those health benefit plans do people get the consumer protections of these bills. That's not right. That's one reason I voted against it.

Secondly, there are other loopholes in the bills that I believe—and I stand corrected—not only don't apply the consumer protections to people, but actually take them away. It takes away current protections that we have under existing law. For example, Mr. President, I believe that the way these bills are drafted would remove a person's right to renew coverage for treatment as important as the treatment for breast cancer. Currently under the insurance code, a consumer who is insured for these kinds of services under Chapter 34 will have the right to renew that coverage at the individual's option. That option now has been taken away. The insurance code provides that services such as treatment for breast cancer, for getting a mastectomy, those are the services that we are talking about and those are precisely the ones that I state a person no longer has the right to renew their coverage on their own.

Finally, even though the pre-existing condition waiting period has been shortened for commercial insurance from 12 months to six months, I now believe that the shorter six-month waiting period under these bills now applies to coverage for hospital services where it doesn't currently apply right now. So get that. Because of the way these bills are drafted, for a pre-existing condition waiting period, a person is now going to have to wait to be covered for treatment in the hospital under these bills if they were enacted into law. Whereas, right now they wouldn't have to worry about that kind of exclusion of coverage if they go into the hospital.

Mr. President, these are just a few of the important reasons why voting in haste on any legislation as complicated and as important as this is not responsible. We need more time on this important issue to make sure health insurance is affordable and accessible to as many Michigan residents as possible.

Committee Reports

The Committee on Economic Development and Regulatory Reform reported
Senate Bill No. 1243, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending the title and sections 2, 11, 58, 58a, 58b, and 58c (MCL 125.1402, 125.1411, 125.1458, 125.1458a, 125.1458b, and 125.1458c), the title as amended and sections 58, 58a, 58b, and 58c as added by 2004 PA 480 and section 11 as amended by 2004 PA 549, and by adding section 58e; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then 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 and the substitute recommended by the committee were 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, April 30, 2008, at 1:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Wednesday, April 30, 2008, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Basham and Prusi
Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:
Meeting held on Thursday, May 1, 2008, at 9:23 a.m., Room 210, Farnum Building
Present: Senators George (C), Patterson, Sanborn, Allen, Clarke and Gleason
Excused: Senator Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:
Meeting held on Thursday, May 1, 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 Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, May 1, 2008, at 3:00 p.m., Room 402 and 403, Capitol Building
Present: Senators Garcia (C), Cropsey and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:
Meeting held on Friday, May 2, 2008, at 11:00 a.m., Conference Room, Road Commission for Oakland County, 31001 Lahser Road, Beverly Hills
Present: Senator Hardiman (C)
Excused: Senators Cropsey and Anderson

Scheduled Meetings

Agriculture - Thursday, May 8, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Wednesdays, May 7 and May 14, 3:00 p.m., Room 405, Capitol Building (373-2768)

Economic Development - Wednesdays, May 7 and May 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Tuesday, May 13, 2:30 p.m., Room 405, Capitol Building; and Tuesday, May 6, 2:30 p.m., Room 48, Information Technology Operations Center, 7285 Parson Drive, Lansing (373-2768)

History, Arts, and Libraries - Thursdays, May 8, 1:00 p.m. and May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesday, May 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary and Corrections - Wednesday, May 14, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

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

Transportation Department - Thursday, May 15, 12:30 p.m., Room 405, Capitol Building (373-2768)

Campaign and Election Oversight - Wednesday, May 7, 12:00 noon, Room 405, Capitol Building (373-1725)

Economic Development and Regulatory Reform - Wednesday, May 7, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, May 8, 2:30 p.m., Room 110, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, May 8, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, May 8, 11:00 a.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, May 7, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Monday, May 19, 9:00 a.m., Michigan Economic Development Corporation, Conference Room, 20255 Victor Parkway, Suite 180, Livonia (373-0212)

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

Senior Citizens and Veterans Affairs - Wednesday, May 7, 9:00 a.m., Room 100, Farnum Building (373-2413)

State Drug Treatment Court Advisory Committee - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:20 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 7, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate