

No. 129
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Tuesday, December 11, 2007.

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 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—excused
Olshove—present

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

Senator Bill Hardiman of the 29th District offered the following invocation:

Father God, we thank You for Your goodness. We thank You for Your love that You have shown to us by giving us this day. We thank You for bringing us here safely; some cannot say that. We ask You to be with all those who are on the road and all those who have had troubles.

Father God, we thank You for being with us throughout this year, Lord God, and it has been an intense year and a challenging year. Father, we ask that You bless the people of this great state, Lord God. Those who are prospering now and those who are not prospering, Lord God, be with them and guide them and lead them in the pathway that they should go. Counsel them as You watch over them, Lord.

Father, with those who are in this chamber, even as Senators, Lord God, give us Your wisdom and insight today, and help us to make wise decisions in accordance with Your will, that we might live in peace and prosper, O God. Bless all those in leadership, Lord God. We invoke Your presence today.

Father, during this special time of the year, what a wonderful time, as many of us celebrate the birth of Christ and others celebrate Hanukkah and other seasons, we ask that You would be with us each and every one. We thank You for this time, and we thank You for Your love and Your precious, precious holy gift.

Now, Father, we come from different backgrounds, different walks of life, different places in this state, but we are all Your children and You love us each and every one. We even come from different faiths, but, Father, I come before You and I ask these blessings in the precious name of Jesus Christ. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

Recess

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

10:39 a.m.

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

During the recess, Senators Birkholz, Barcia, Basham, Brown, Bishop, Kuipers, Pappageorge, Van Woerkom, Jelinek, Jansen, George, Stamas, Kahn, Cassis and Garcia entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senators Hunter, Gilbert and Allen entered the Senate Chamber.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

December 5, 2007

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 4:47 p.m. this date, administrative rule (07-12-03) for the Department of Community Health, entitled "*Dental X-Ray Installations*." These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 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 communication was referred to the Secretary for record.

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

December 7, 2007

Enclosed is a copy of the following audit report:
Performance audit of the Motor Fuel Quality and Quantity Inspections and Enforcement Efforts, Laboratory Division,
Department of Agriculture.

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 6:

House Bill Nos. 4163 4816 5032 5193 5259 5356 5357 5358 5409 5412 5413 5460 5484 5485
5487 5488 5489 5491 5492 5493 5494 5496 5497

The Secretary announced the enrollment printing and presentation to the Governor on Friday, December 7, for her approval the following bills:

Enrolled Senate Bill No. 845 at 10:06 a.m.
Enrolled Senate Bill No. 593 at 10:08 a.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, December 6, and are available at the legislative website:

Senate Bill Nos. 946 947 948 949 950 951 952 953 954 955 956 967 981 982
House Joint Resolution JJ

The Secretary announced that the following official bills were printed on Friday, December 7, and are available at the legislative website:

Senate Bill Nos. 957 958 959 960 961 962 963 964 965 966 968 969 970 971
972 973 974 975 976 977 978 979 980
House Bill Nos. 5531 5532 5533 5534 5535 5536 5537 5538 5539 5540 5541 5542 5543 5544
5545 5546 5547 5548 5549

Senator Cropsey moved that Senator McManus be excused from today’s session.
The motion prevailed.

Senator Cropsey moved that the Committee on Judiciary be discharged from further consideration of the following bills:

House Bill No. 4550, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2006 PA 518.

House Bill No. 4551, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 50 (MCL 750.50), as amended by 1998 PA 405.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4550
House Bill No. 4551

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

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

Messages from the Governor

Senator Cropsy 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: December 10, 2007

Time: 9:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 757 (Public Act No. 146), being

An act to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 2, 9, and 14 (MCL 207.552, 207.559, and 207.564), section 2 as amended by 2007 PA 12, section 9 as amended by 2006 PA 436, and section 14 as amended by 2007 PA 39.

(Filed with the Secretary of State on December 10, 2007, at 9:58 a.m.)

Date: December 10, 2007

Time: 9:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 799 (Public Act No. 147), being

An act to amend 1984 PA 22, entitled “An act to establish the Michigan civilian conservation corps; to prescribe the powers and duties of certain state officers, agencies, and departments; to create and provide for the use of an endowment fund; and to provide for an appropriation,” by amending the title and section 12a (MCL 409.312a), the title as amended by 1994 PA 394 and section 12a as amended by 2002 PA 57.

(Filed with the Secretary of State on December 10, 2007, at 10:00 a.m.)

Date: December 10, 2007

Time: 9:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 845 (Public Act No. 148), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” (MCL 205.91 to 205.111) by adding section 3e.

(Filed with the Secretary of State on December 10, 2007, at 10:02 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

December 6, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 4 of 1973 PA 196, MCL 15.344:

Board of Ethics

Mr. H. Lynn Jondahl, a Democrat, of 4709 Woodcraft, Okemos, Michigan 48864, county of Ingham, reappointed for a term expiring February 7, 2011.

December 6, 2007

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Executive Order 2001-3, MCL 18.41:

Director of the Department of Information Technology

Mr. Kenneth D. Theis of 6535 South Airport Road, St. Johns, Michigan 48879, county of Clinton, succeeding Teresa M. Takai, appointed for a term commencing January 1, 2008 and expiring at the pleasure of the Governor.

December 7, 2007

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 88I of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088I:

Strategic Economic Investment and Commercialization Board

Mr. John M. Dunn, Ed.D., of 1903 West Michigan Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, succeeding Diether Haenicke, whose term has expired, representing Western Michigan University, for a term commencing December 7, 2007 and expiring December 31, 2010.

Mr. George F. Vande Woude, Ph.D., of 9451 Bailey Drive, N.E., Ada, Michigan 49301, county of Kent, appointed to represent the Van Andel Institute, for a term commencing December 7, 2007 and expiring December 31, 2010.

Ms. Mary Sue Coleman, Ph.D., of 815 South University, Ann Arbor, Michigan 48109, county of Washtenaw, reappointed to represent the University of Michigan, for a term commencing January 1, 2008 and expiring December 31, 2011.

Mr. Michael J. Jandernoa of 8805 Olive Shore Avenue, West Olive, Michigan 49460, county of Ottawa, reappointed to represent qualified businesses or persons with business, technology, or financial experience related to competitive edge technology, for a term expiring December 31, 2010.

Mr. Glenn D. Mroz, Ph.D., of 18970 East Canal Road, Houghton, Michigan 49931, county of Houghton, reappointed to represent Michigan Technological University, for a term expiring December 31, 2010.

Mr. Michael Rao, Ph.D., of 1214 Forest Lane, Mount Pleasant, Michigan 48858, county of Isabella, reappointed to represent a public university in Michigan other than Michigan State University, the University of Michigan, Wayne State University, Western Michigan University, or Michigan Technological University, for a term commencing January 1, 2008 and expiring December 31, 2011.

Mr. Irvin D. Reid, Ph.D., of 451 West Kirby Mall, Detroit, Michigan 48202, county of Wayne, reappointed to represent Wayne State University, for a term commencing January 1, 2008 and expiring December 31, 2011.

Mr. Kenneth Rogers of 8803 Cedar Drive, Clarkston, Michigan 48348, county of Oakland, reappointed to represent Automation Alley, a Michigan nonprofit corporation incorporated on May 21, 1998, for a term commencing January 1, 2008 and expiring December 31, 2011.

Ms. Lou Anna Simon, Ph.D., 6280 Skyline Drive, East Lansing, Michigan 48823, county of Ingham, appointed to represent Michigan State University, for a term commencing January 1, 2008 and expiring December 31, 2011.

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

The motion prevailed.

Senate Bill No. 910, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 6 and 9 (MCL 207.806 and 207.809), section 6 as amended by 2003 PA 248 and section 9 as amended by 2000 PA 144.

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, Lieutenant Governor Cherry, designated Senator Garcia as Chairperson.

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

House Bill No. 4711, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15 (MCL 125.2665), as amended by 2006 PA 32.

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. 4712, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 13 (MCL 125.2663), as amended by 2006 PA 467.

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. 346, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 66.

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. 485, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter IX (MCL 769.1), as amended by 1999 PA 87.

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. 294, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2006 PA 554.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 23, by striking out all of subdivision (M) and inserting:

"(M) "UNDERSERVED AREA" MEANS AN AREA DETERMINED BY THE MICHIGAN DEPARTMENT OF AGRICULTURE THAT CONTAINS A LOW OR MODERATE INCOME CENSUS TRACT AND A BELOW AVERAGE SUPERMARKET DENSITY, AN AREA THAT HAS A SUPERMARKET CUSTOMER BASE

WITH MORE THAN 50% LIVING IN A LOW INCOME CENSUS TRACT, OR AN AREA THAT HAS DEMONSTRATED SIGNIFICANT ACCESS LIMITATIONS DUE TO TRAVEL DISTANCE.”.

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:
House Bill No. 4550, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2006 PA 518.

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. 4551, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 50 (MCL 750.50), as amended by 1998 PA 405.

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 rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

- House Bill No. 4550**
- House Bill No. 4551**

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

The following bill was read a third time:

House Bill No. 4550, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2006 PA 518.

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. 547

Yeas—36

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

Nays—0

Excused—2

McManus

Thomas

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4551, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 50 (MCL 750.50), as amended by 1998 PA 405.

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. 548

Yeas—36

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

Nays—0

Excused—2

McManus

Thomas

Not Voting—0

In The Chair: President

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 99

Senate Resolution No. 100

The motion prevailed.

Senators Cassis, Brown, Kahn, Basham, Anderson, Schauer and George offered the following resolution:

Senate Resolution No. 129.

A resolution opposing the proposed Triangle Project and urging the developers in good faith to discontinue the project in light of Michigan’s struggling economy and limited revenue and expressing the intent of the Senate not to appropriate any money for the lease after the state of Michigan takes possession of the building.

Whereas, The proposal for the new Department of State Police headquarters location is known as the Triangle Project and will be located at the corner of Grand Avenue and Kalamazoo Street in Lansing; and

Whereas, The downtown facility has been controversial since it was first proposed in 2002. The initial project would have housed both the Department of State Police and the Department of Military and Veterans Affairs. The scaled-back current version of the project was approved by the Joint Capital Outlay Subcommittee in March 2007 and given final signoff by the State Administrative Board in August 2007; and

Whereas, The current State Police headquarters is located at an adequate facility owned by Michigan State University and is leased for \$1 a year. The new building would cost an estimated \$92 million over the period of the 25-year lease; and

Whereas, The original intent of the Triangle Project was to consolidate State Police operations at one central location. This project fails to consolidate the Emergency Operations Center, the Fusion Center, and warehouse facilities and does not incorporate adequate space for a staging area and a helicopter pad that are available at the current location; and

Whereas, It is irresponsible for the state to continue to pursue this project at a time when citizens and businesses have had to bear the financial burden of two tax increases. Michigan has been fiscally challenged in the following ways: Michigan’s October 2007 unemployment rate of 7.7 percent was the highest in the nation and 64 percent higher than the national rate of 4.7 percent. Since June 2000, Michigan has lost nearly 500,000 jobs representing 9.5 percent of our payroll. Michigan per capita personal income relative to the nation is at a historic low. In 2006, the Michigan per capita income was only 92 percent of the U.S. per capita income, which marks the lowest level since 1929. Michigan is in its seventh straight year of job losses, which is worse than the Great Depression; and

Whereas, There is a provision in the lease for canceling the lease during any period of possession of the property by the lessee, which possession will not occur until 2009, if the lessor is notified in writing as soon as the lessee learns that one of the following occur: (1) there is a specific prohibition arising out of the appropriation process using funds for the lease, or (2) the legislature fails to appropriate funds for the purpose of paying rent under the lease; and

Whereas, The Triangle Project provides for the construction of a facility in a very confined urban space. In light of the potential terrorist challenges we face today, it does not make sense to risk the dangers posed by placing such an important security facility in a very confined urban space and an exposed area; now, therefore, be it

Resolved by the Senate, That we urge the developers in good faith to discontinue the project in light of Michigan’s struggling economy and limited revenue; and be it further

Resolved, That it is the intent of the Senate not to appropriate any money for the lease after the state of Michigan takes possession of the building; and be it further

Resolved, That copies of this resolution be transmitted to the Department of State Police and to the Governor of Michigan.

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.

House Concurrent Resolution No. 36.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Jackson Community College relative to the Jackson Community College Health Program Expansion and Information Commons.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Jackson Community College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Jackson Community College Health Program Expansion and Information Commons (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Jackson Community College Health Program Expansion and Information Commons shall not exceed \$18,100,000 (the Authority share is \$7,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$10,600,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$7,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$505,000 and \$660,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Jackson Community College, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,
Senator Cropsey moved that the concurrent resolution be referred to the Committee on Appropriations.
The motion prevailed.

Senators Barcia, Brater, Clark-Coleman, Clarke, Gleason, Pappageorge, Schauer and Switalski were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 58.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and West Shore Community College relative to the West Shore Community College New Student Learning Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of West Shore Community College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the West Shore Community College New Student Learning Center (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the West Shore Community College New Student Learning Center shall not exceed \$7,899,400 (the Authority share is \$3,949,500, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$3,949,700), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$3,949,500, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$263,000 and \$344,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of West Shore Community College, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Barcia, Brater, Clark-Coleman, Clarke, Gleason, Pappageorge and Switalski were named co-sponsors of the concurrent resolution

House Concurrent Resolution No. 61.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan Student Activities Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the University of Michigan Student Activities Building (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the University of Michigan Student Activities Building project shall not exceed \$8,500,000 (the Authority share is \$5,751,600, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$2,748,300), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$5,751,600, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$394,000 and \$516,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of the University of Michigan, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Barcia, Brater, Clark-Coleman, Clarke, Gleason, Pappageorge, Schauer and Switalski were named co-sponsors of the concurrent resolution

Introduction and Referral of Bills

Senators Clarke, Patterson, Richardville, Allen, Kahn, Prusi, Pappageorge and Schauer introduced
Senate Bill No. 983, entitled

A bill to create certain property rights in attributes of an individual that have commercial value; to recognize transfer of those rights; to provide exceptions for certain purposes and entities; and to provide remedies.

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

Senators Anderson, Prusi, Olshove, Gleason, Hunter, Barcia, Cherry, Schauer, Thomas, Scott, Brater, Basham and Whitmer introduced

Senate Bill No. 984, 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 bill was read a first and second time by title and referred to the Committee on Commerce and Tourism.

Senators Stamas, Gilbert, Sanborn, Allen, Prusi, McManus and Birkholz introduced

Senate Bill No. 985, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 10p.

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

Senators Gilbert, Stamas, Sanborn, Prusi, McManus and Birkholz introduced

Senate Bill No. 986, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies

necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2006 PA 178.

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

Senators Gleason, Whitmer, Basham, Clarke, Scott, Barcia, Birkholz, Garcia, Cherry, Anderson, Olshove, Prusi, Clark-Coleman, Jacobs, Hunter, Schauer, Patterson, Gilbert, Pappageorge, Switalski, Cropsey and Thomas introduced

Senate Bill No. 987, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9311 (MCL 333.9311) and by adding sections 9316, 9317, and 9318; 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 Health Policy.

Senators George and Birkholz introduced

Senate Bill No. 988, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1350a.

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

Senators Kuipers and George introduced

Senate Bill No. 989, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2170.

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

Senators Sanborn, George and Birkholz introduced

Senate Bill No. 990, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1332 (MCL 600.1332), as amended by 2004 PA 12.

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

Senators Cropsey, George, Garcia and Birkholz introduced

Senate Bill No. 991, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1350a.

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

Senators Kahn, George, Garcia and Birkholz introduced

Senate Bill No. 992, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

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

Senators George and Birkholz introduced

Senate Bill No. 993, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1332 (MCL 600.1332), as amended by 2004 PA 12.

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

Senator George introduced

Senate Bill No. 994, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1344, 2529, and 8371 (MCL 600.1344, 600.2529, and 600.8371), section 1344 as amended by 2002 PA 739, section 2529 as amended by 2004 PA 205, and section 8371 as amended by 2005 PA 151.

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

Senator George introduced

Senate Bill No. 995, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1350b; 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 Judiciary.

Senator George introduced

Senate Bill No. 996, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2004 PA 205 and section 8371 as amended by 2005 PA 151.

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

House Bill No. 4163, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12601, 12603, 12611, 12613, 12614, 12905, and 12915 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, 333.12905, and 333.12915), sections 12601 and 12613 as amended by 1988 PA 315, sections 12603 and 12611 as amended by 1993 PA 217, section 12614 as added by 1988 PA 296, section 12905 as amended by 1993 PA 242, and section 12915 as amended by 1982 PA 526, and by adding sections 12606, 12606a, and 12606b; and to repeal acts and parts of acts.

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.

Senator Basham moved that the bill be referred to the Committee on Health Policy.

On which motion Senator Basham 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 17; nays 17), the Lieutenant Governor voted "yea."

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

Roll Call No. 549

Yeas—17

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

Nays—17

Allen	Garcia	Jelinek	Patterson
Birkholz	Gilbert	Kahn	Richardville

Bishop
Brown
Cropsey

Hardiman
Jansen

Kuipers
Pappageorge

Stamas
Van Woerkom

Excused—2

McManus

Thomas

Not Voting—2

Cassis

Sanborn

In The Chair: President

Senator Cropsey moved to reconsider the vote by which the bill was referred to the Committee on Health Policy.
The motion prevailed.

Senator Whitmer 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. 550

Yeas—19

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Hardiman

Jansen
Jelinek
Kahn
Kuipers
Pappageorge

Patterson
Richardville
Stamas
Van Woerkom

Nays—16

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Schauer
Scott
Switalski
Whitmer

Excused—2

McManus

Thomas

Not Voting—1

Sanborn

In The Chair: President

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:22 a.m.

11:31 a.m.

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

The question being on the motion to refer the bill to the Committee on Health Policy,
The motion did not prevail.

Senator Cropsey requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 551

Yeas—17

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

Nays—19

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

Excused—2

McManus	Thomas
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Not Voting—0

In The Chair: President

House Bill No. 4816, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4107 (MCL 289.4107), as amended by 2007 PA 113.

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. 5032, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102, 103, 202, 208, 301, 401, 407, 601, 604, 606, and 702 (MCL 125.3102, 125.3103, 125.3202, 125.3208, 125.3301, 125.3401, 125.3407, 125.3601, 125.3604, 125.3606, and 125.3702).

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

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

The President pro tempore, Senator Richardville, assumed the Chair.

House Bill No. 5193, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 22, 30b, and 30c (MCL 205.22, 205.30b, and 205.30c), section 22 as amended by 1993 PA 13, section 30b as added by 1986 PA 58, and section 30c as amended by 2002 PA 616.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21529; 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 Health Policy.

House Bill No. 5356, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 108, 109, 123, 201, 211, 217, 241, 251, 545a, 564a, 564b, 762, 1002, and 1060 (MCL 450.1108, 450.1109, 450.1123, 450.1201, 450.1211, 450.1217, 450.1241, 450.1251, 450.1545a, 450.1564a, 450.1564b, 450.1762, 450.2002, and 450.2060), sections 108, 211, and 241 as amended and section 545a as added by 1989 PA 121, sections 109 and 251 as amended by 1993 PA 91, sections 123 and 564b as amended by 2001 PA 57, sections 217, 564a, and 762 as amended by 1997 PA 118, and section 1060 as amended by 2007 PA 83, and by adding sections 745 and 746; 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 Economic Development and Regulatory Reform.

House Bill No. 5357, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending sections 2, 3, 4, and 13 (MCL 450.222, 450.223, 450.224, and 450.233), section 2 as amended by 1998 PA 48, section 4 as amended by 2000 PA 335, and section 13 as amended by 2001 PA 58.

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. 5358, entitled

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

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. 5409, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 451.

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. 5412, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 453. 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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5413, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2007 PA 145.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5460, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 305 (MCL 208.1305).

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5484, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 268, 350d, and 367b (MCL 18.1268, 18.1350d, and 18.1367b), section 268 as added by 1988 PA 237, section 350d as added by 1988 PA 504, and section 367b as amended by 1999 PA 8.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5485, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 2004 PA 321.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5487, entitled

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and

counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies,” by amending section 1 (MCL 125.651), as amended by 1996 PA 338.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5488, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 9 and 10 (MCL 125.2689 and 125.2690), section 10 as amended by 2005 PA 164.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5489, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 224, 440a, 443, 476a, 476b, 1239, 2352, 2954, 3390, and 5208 (MCL 500.224, 500.440a, 500.443, 500.476a, 500.476b, 500.1239, 500.2352, 500.2954, 500.3390, and 500.5208), section 224 as amended by 2001 PA 143, section 440a as added and section 443 as amended by 1990 PA 256, section 476a as amended by 1998 PA 121, sections 476b, 2352, 2954, and 3390 as added by 1987 PA 261, section 1239 as added by 2001 PA 228, and section 5208 as amended by 2002 PA 146.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5491, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 19 (MCL 421.19), as amended by 2002 PA 192.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5492, entitled

A bill to amend 2002 PA 593, entitled “Michigan next energy authority act,” by amending section 5 (MCL 207.825).

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5493, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 352 and 391 (MCL 418.352 and 418.391), as amended by 1984 PA 46.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5494, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7hh and 8a (MCL 211.7hh and 211.8a), section 7hh as added by 2004 PA 252 and section 8a as amended by 1998 PA 537.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5496, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 1a (MCL 211.181a), as added by 2004 PA 324.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5497, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790), as amended by 2004 PA 251.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

Statements

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

Senator Scott's statement is as follows:

There is an old Congolese proverb that says, "The teeth are smiling, but is the heart?" I see a lot of smiles directed towards me, especially this time of year when there seems to be a lot more to smile about. And I hear lots of pleasant talk and lots of words about peace on Earth and goodwill towards all. But I rise today to ask a simple question, is your heart smiling? Is your conscience clear? Have you done all you can to promote justice and fairness to all this year? Your teeth are smiling, but is your heart?

Senator Jansen's statement is as follows:

I'd like to, for the record, rise to indicate that I would have voted on several bills that passed this chamber on December 6, 2007. If I may, for an explanation, I was in my district with many friends and my parents and a lot of local officials expanding Pine Rest Christian Hospital and creating a new facility for integrating health with mental health.

If I had been here, on Senate Bill No. 679, Roll Call No. 529, I would have voted "yes"; on Senate Bill No. 815, Roll Call No. 530, I would have voted "yes"; on Senate Bill Nos. 928-942, Roll Call Nos. 531-545, I would have voted "yes"; and, finally, on Senate Bill No. 944, Roll Call No. 546, I would have voted "yes."

Senator Basham's statement is as follows:

I didn't see any compassion coming across the aisle today, except for one member on the other side of the aisle. He's a commonsensical kind of a guy. In fact, he is a state doctor and I appreciate him putting public health above partisan politics. So I would like to personally thank the Senator from the 20th District, and shame on those folks who don't put public health in front of politics in this state.

The reason I'm talking, I prominently placed a grinch on my desk. It's not just because I wouldn't wear the hat of the former Senator who occupied that seat—Chris Dingell—I think it's certainly appropriate because of the vote that we took here today to block a vote that would lead to good public health policy. When, in fact, in Michigan, 3,000 people die a year in Michigan as a result of secondhand smoke, there are thousands of chemicals, 200 are poisonous, 43 are cancer-causing. Other states, like 32 states, have gone smoke-free. Other countries like Ireland have gone smoke-free; Ontario has gone smoke-free, and Michigan won't even have a proper debate and a vote on this issue.

I've been trying to deal with this issue for ten years, and it is a shame that we hide good public health policy and send a bill that is well-intentioned and well-meaning to a committee to die, and, I guess, die along with those people who have emphysema, asthma, and heart attacks. That's what this bill is doing. I think it's a shame that the majority party made an issue that should be about public health a partisan issue. When a Democratic House can take up a bill like this and deal with it, then certainly a Republican-controlled Senate should deal with it also.

So, members, it's time to take off the gloves, and if you really care about public health, if you really care about secondhand smoke, if you truly want to give the citizens of Michigan a Christmas present, then we should certainly be dealing with clean air—when, in fact, the U.S. Surgeon General said there is no safe amount of secondhand smoke. You don't have to read his 700-page opinion; you can read a 70-page analysis if you want. He says there is no safe amount of secondhand smoke. Shame on this chamber for not dealing with this issue.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that the following bill, now on the order of the order of General Orders, be referred to the Committee on Government Operations and Reform:

Senate Bill No. 218, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 2006 PA 436.

The motion prevailed.

Committee Reports

The Committee on Families and Human Services reported

Senate Bill No. 170, entitled

A bill to provide for assistance payments to certain guardians of minors; to establish the rights and responsibilities of certain guardians; and to provide for duties and responsibilities of certain state departments and agencies.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman 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 Families and Human Services submitted the following:

Meeting held on Thursday, December 6, 2007, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

Scheduled Meetings

Appropriations -

Subcommittee -

Community Health Department - Thursday, December 13, 1:00 p.m., Room 110, Farnum Building (373-2768)

Commerce and Tourism - Wednesday, December 12, 9:00 a.m., and Thursday, December 13, 1:00 p.m., Room 100, Farnum Building (373-2413)

Economic Development and Regulatory Reform - Wednesday, December 12, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, December 12, 2:00 p.m., Room 210, Farnum Building (373-1758)

Health Policy - Wednesday, December 12, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 11:51 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, December 12, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

