

**No. 47**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

---

---

Senate Chamber, Lansing, Wednesday, May 14, 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 present.

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

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

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

Pastor E.J. Joier of Bushnell Congregational Church of Detroit offered the following invocation:

O Heavenly Father, God of might and mercy, You who are in everything, everywhere: We call upon You to be with us in a special way at this meeting of the august body of the Michigan State Senate. Gracious Lord, we thank You for the diversity of human beings who surround us on every side. In the ideas, in the hopes, dreams, and struggles of those who share this earthly life, let us find that through this diversity of ideas and points of view, we are made fuller and more alive. Let the wisdom given by knowing You serve us with courage as we offer to share our true unique selves with each other, and may we be the light of Your love to the world.

O Divine Master, grant that we may not so much seek to be consoled, but to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive. It is in pardoning that we are pardoned. It is dying that we are born again to eternal life.

Lord, make this body of leaders instruments of Your peace. Where there is hatred, let there be love; where there is doubt, may they show faith; and those who are in despair, may there be hope. Where Your people are in darkness, Father, help them light the way.

Lord, lead each and every one of us at this formal session of the Michigan State Senate to do what You would have us to do and be who You call us to be. We pray for peace, justice, love, and Your special presence in this state and throughout our land. Amen.

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

### Motions and Communications

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

Senator Garcia entered the Senate Chamber.

Senator Cropsey moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 1308**

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

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Kahn admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:09 a.m.

10:19 a.m.

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

During the recess, Senator Kahn introduced the Saginaw High School Boys Basketball Team, Class A State Champions, Head Coach Lou Dawkins, and Assistant Coach Julian Taylor; and presented them with a Special Tribute. Representative Coulouris and Coach Dawkins responded briefly.

During the recess, Senators Brown, Sanborn and Hunter entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 13:  
**House Bill Nos. 5939 5940 5941**

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

**Enrolled Senate Bill No. 1007 at 2:04 p.m.**

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:24 a.m.

11:51 a.m.

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

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

#### **Senate Bill No. 731, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," (MCL 32.501 to 32.851) by adding section 236.

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.

Senators Sanborn and Patterson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sanborn's statement is as follows:

It is a bittersweet day both in my office and in the chamber for the people of the state of Michigan. I hope you will bear with me because when the chief of staff leaves your office, you can become overwhelmed. You know, for some of us, the chief of staff is probably the person you spend as much time with during the course of your day, month, and the year talking to—after your spouse. I certainly over the past several years have spent, second to my spouse, as much time talking to my chief of staff, and as is the tradition in the Senate, the Senator would normally make some appropriate comments as to the character and dedication of their departing employee. So, with the assistance of the sergeants, Mr. Langley, would you step with me please.

As I told my staff, there is no way I would get through this without becoming overwhelmed with emotion at my chief of staff, Peter Langley, leaving this chamber. I have no intention of being overcome by emotion, or at least I will try not to be, so I am going to be really funny here instead. Peter Langley first came to my office as a constituent aide. His talents displayed earned him the position of legislative aide. His ability to get the job done while putting himself through law school, being the father of three children with his devoted wife Jamie, his ability to do all that earned him the position in my office of chief of staff. Peter's work ethic as his first time as chief of staff has caused him to become one of the best chiefs of staff in Lansing.

Now with that being said, I am going to get to my comments because my staff made me say that stuff. Most of you know Pete as a right-minded individual with a tremendous sense of humor; but in the words of Paul Harvey, "Now you will hear the rest of the story." As my chief of staff, I told Pete I did not want a yes-man. I wanted someone who would tell me exactly what was on his mind. When I was wrong, I wanted to be told that I was wrong. Much to my chagrin, I now realize that he and my wife have been conspiring over the years in an attempt to convince me that I have only been right two times in my life; once when I married her and once when I hired him.

In college, of course, Peter was a rugby player. Working with him often was like playing a game of intellectual rugby because of the way he liked to intellectually spar with you. But, truthfully, Peter's approach to dealing with his Senator was refreshing and frank, and I want to assure you that Peter's approach never one day in his career bordered on insubordination. No, that was pretty much an everyday thing. My incoming chief of staff and I sat down and discussed

him coming on, and we discussed the fact that it was a very challenging endeavor to follow a legend in employment because of the big shoes that they have to fill. Despite his talents and the success that he has experienced in the Senate; despite the stature that he shows because of his contributions made to this chamber and to our state, he has done so with, frankly, very little feet and very little fists. So, for his next employer, I give to this rugby player boxing gloves that we have bought for him—these little tiny boxing gloves.

Now I will talk about his new job briefly. It was brought to my attention that the officials, through official channels, a few weeks ago, the Jackson County Prosecutor filed paperwork against my longtime chief of staff, Peter Langley. I'm sorry, I didn't mean to say against. Because of this paperwork, Peter Langley will be leaving my office and the Senate at the end of this week, and his future will be in the hands of the judges in Jackson County. Within weeks, Peter will be the Peter whom we have grown to know and trust, standing in front of a judge, doing the best he can to make a case for himself. I wish him the best as he does this. I would like to remind everyone of Peter's involvement, in fact, his entire family's involvement with the criminal justice system in this great state of Michigan. So it should not come as a total surprise to this chamber, since his mother, of course, once ruled the yards at Crane Correctional Facility. His brothers both spent time looking through bars in two separate prisons. Clearly, there is something in the Langley blood that draws them to the criminality in this state, and for this I can only say thank you, thank you for his mother for her years of service as the warden in Coldwater, and thank you for his two brothers for their years of service as corrections officers in those prisons.

Finally, I would like to say to Peter Langley, who is leaving to become an assistant prosecutor down in Jackson, thank you for your years of service to this chamber and to the state of Michigan. And with the sergeants' assistance, I would hope that we would give Peter an appropriate send-off.

Senator Patterson's statement is as follows:

I know I am not supposed to use props, but I do have a knife and fork to carve this gentleman. Chief of staff? Incredible. Esquire? Unbelievable. Peter, what was your name again? Until today, I didn't even know what your last name was. Certainly, my remarks should not be considered a reflection of your sartorial splendor, your inhibitions, or your afflictions. You look pretty sharp today, especially your new do.

It has been a pleasure knowing you. I hope never to have my fate in your hands. I know it is only a matter of time before you are back in this chamber as an elected official, or you'll be elected to something because God knows you don't want to work for a living. Bittersweet. Senator Sanborn suggested bittersweet. What's the bitter part of today? You said that you didn't want to be overcome by emotion? Yippee.

And as a final token, I will give these back, and I think we need to retire that chair, slim.

By unanimous consent the Senate proceeded to the order of

### **Third Reading of Bills**

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

**House Bill No. 5174**

**House Bill No. 4557**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5174, entitled**

A bill to allow certain active duty service members to terminate motor vehicle leases; to provide for the rights and responsibilities of the lessees and lessors to those terminated motor vehicle leases; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide penalties; and to provide for the disposition of civil fines.

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. 304**

### **Yeas—38**

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas

Bishop  
Brater  
Brown  
Cassis  
Cherry

Gilbert  
Gleason  
Hardiman  
Hunter  
Jacobs

Olshove  
Pappageorge  
Patterson  
Prusi

Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4557, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as added by 2007 PA 133.

The question being on the passage of the bill,  
Senator Thomas offered the following amendment:

1. Amend page 2, following line 20, by inserting:

**"(H) THE HISTORY, ARTS, AND LIBRARIES FUND CREATED IN THE DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES UNDER SECTION 216 OF 2007 PA 117, WHICH CONTRIBUTIONS SHALL BE USED SOLELY TO FUND GRANTS ADMINISTERED BY THE MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS."**

The question being on the adoption of the amendment,  
Senator Thomas requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 305**

**Yeas—19**

Anderson  
Barcia  
Basham  
Brater  
Cassis

Cherry  
Clark-Coleman  
Clarke  
Gleason  
Hardiman

Hunter  
Jacobs  
Olshove  
Prusi  
Schauer

Scott  
Switalski  
Thomas  
Whitmer

**Nays—18**

Allen  
Birkholz  
Bishop  
Brown  
Crospey

Garcia  
George  
Gilbert  
Jansen  
Jelinek

Kahn  
McManus  
Pappageorge  
Patterson

Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0****Not Voting—1**

Kuipers

In The Chair: Richardville

**Protests**

Senators Allen, George and Birkholz, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Thomas to House Bill No. 4557.

Senator Allen moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Allen’s statement, in which Senators George and Birkholz concurred, is as follows:

As mentioned yesterday, this legislation was introduced by Representative LeBlanc as part of a companion bill to extend the sunset on the income checkoff for military families. The fund provides for grants eligible to the National Guard and Reserve members called to active duty. The Senior Citizens and Veterans Affairs Committee worked on a multitude of issues to assist veterans and service personnel, and those issues should, I believe, stand on their own. These special projects are important, but I do not believe they should be included in this legislation.

In the past week, members have spoken of amendments, about discharge. Members have talked about making tax policy changes that have not been accepted by committee. Members have spoken eloquently about this process, and I believe that this legislation should be introduced. It has a great deal of merit and probably I would be willing to support it if appropriately worded. But I believe that it should go through the committee process. I believe that this should be taken care of through channels, and separate legislation should be introduced. I encourage this body to defeat the amendment.

Senator Thomas moved to reconsider the vote by which the amendment was not adopted.

The question being on the motion to reconsider,

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

On which motion Senator Thomas 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. 306****Yeas—17**

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

**Nays—21**

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

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The question being on the motion to reconsider the vote by which the amendment was not adopted.

The motion did not prevail.

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. 307**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

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

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

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

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

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

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

**House Bill No. 4602, entitled**

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending sections 2 and 5 (MCL 554.72 and 554.75).

**House Bill No. 5909, entitled**

A bill to exclude certain personal property held in trust from the rule against perpetuities and similar rules that potentially affect the duration of trusts.

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

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

**Senate Bill No. 212, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 342.

Substitute (S-8).

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. 727, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 4 (MCL 325.1004), as amended by 2006 PA 601.

Substitute (S-4).

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. 723, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32710 and 32713 (MCL 324.32710 and 324.32713), section 32710 as added by 1995 PA 59 and section 32713 as amended by 2006 PA 33.

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. 859, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32713 (MCL 324.32713), as amended by 2006 PA 33.

Substitute (S-3).

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. 858, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 4 (MCL 325.1004), as amended by 2006 PA 601.

Substitute (S-4).

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

1. Amend page 5, following line 5, by inserting:

**"THIS SUBDIVISION DOES NOT CONFER UPON THE DEPARTMENT ANY AUTHORITY TO REQUIRE A PERSON TO CONNECT OR TO REMAIN CONNECTED TO AN EXISTING DRINKING WATER SUPPLY SYSTEM OWNED BY A POLITICAL SUBDIVISION."**

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



The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1308, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

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:

**Senate Bill No. 212**

**Senate Bill No. 727**

**Senate Bill No. 723**

**Senate Bill No. 859**

**Senate Bill No. 858**

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

The following bill was read a third time:

**Senate Bill No. 212, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32730 and part 342.

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. 308**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

We have before us Senate Bill No. 212 which will allow Michigan to adopt the Great Lakes Compact. The compact will help protect our Great Lakes and all they represent for our manufacturing community, our agriculture community, our tourism community, our environment, and our economy in Michigan. Passage of this compact will allow us to strengthen Michigan's role as a leader in the Great Lakes region and send a powerful message to other states that Michigan remains serious about protecting our waters. Don't mess with our waters.

Key provisions in the bill ensure that Michigan's Legislature will be involved in any changes to the compact in the future and preserves our authority as a state to conduct our own water management program. Michigan's waters deserve to be used in a manner that protects the environment and yet allows the water to be used for a variety of effective and necessary means that allow our economy to continue to flourish and grow. We protect our waters, one of our greatest natural resources, but we also protect the people who rely on this resource for their livelihood.

The compact specifically references the right of private property and public water rights and clearly states that they cannot be altered. It also clarifies that water withdrawals originating within this state are to be regulated solely under state law without intervention from the Great Lakes Council and other states or the federal government. The longer we wait to adopt the compact, the more likely it is that Congress will move toward a federal approach to water management. That water management approach could end up benefiting the nation's dryer regions at the expense of those who live in the Great Lakes region.

Senate Bill No. 212 is meant to fully ratify the compact in Michigan, and I urge your adoption of Senate Bill No. 212.

The following bill was read a third time:

**Senate Bill No. 727, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 17 (MCL 325.1017), as amended by 2006 PA 37.

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. 309**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Basham's statement is as follows:

This bill changes some regulations affecting water bottlers. This bill lowers the reporting threshold again from 250,000 gallons per day to 200,000 gallons per day. Above this threshold, the water bottler must submit an application to the DEQ containing an evaluation of the environmental and hydrological conditions that exist. The water bottler must predict the effects of their withdrawals based on the information that they have provided to the DEQ. The DEQ can approve an application only if it meets the criteria set forth in Senate Bill No. 860.

This bill is part of the comprehensive system of protections we envision resulting from passage of the Great Lakes Compact, and I would urge members to support it.

The following bill was read a third time:

**Senate Bill No. 723, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32801 and 32803 (MCL 324.32801 and 324.32803), section 32801 as added by 2003 PA 148 and section 32803 as amended by 2006 PA 34.

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. 310**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 859, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32713 (MCL 324.32713), as amended by 2006 PA 33.

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. 311****Yeas—38**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 858, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 4 (MCL 325.1004), as amended by 2006 PA 601.

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. 312****Yeas—38**

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

**Nays—0****Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Concurrent Resolution No. 22**

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 189****Senate Resolution No. 190****Senate Resolution No. 191**

The resolution consent calendar was adopted.

Senator Clarke offered the following resolution:

**Senate Resolution No. 189.**

A resolution declaring May 2008 as Asian Pacific American Heritage Month in the state of Michigan.

Whereas, The state of Michigan is fortunate to be home to more than 200,000 residents of Asian and Pacific Island descent; and

Whereas, Asian Pacific Americans comprise one of the fastest-growing populations in both the state and the nation; and

Whereas, The tremendous diversity of the Asian and Pacific Island regions has brought to Michigan people representing more than 30 countries, 16 major ethnic groups, 9 languages, and numerous belief systems; and

Whereas, Citizens of Asian and Pacific Island descent in each generation have enhanced our culture, quality of life, and economic vitality through leadership, commitments to knowledge and advancement, and dedication to their communities; and

Whereas, The state of Michigan and the United States of America have been enriched by the contributions of Asian Pacific Americans to all facets of life, including the arts, sciences, business, education, and philanthropy; and

Whereas, The culture and contributions of our Asian and Pacific Island residents will continue to grow in significance as more Asian Pacific Americans choose to make Michigan their home and as our economy becomes increasingly intertwined with the economies throughout Asia; and

Whereas, Asian Pacific Americans, through advocating issues of justice and equality, continue to break down the barriers of discrimination, indifference, and intolerance, thereby opening doors for all Asian Pacific Americans; and

Whereas, Asian Pacific American residents are proudly served in Michigan by many dedicated organizations, including the Governor's Advisory Council on Asian Pacific American Affairs, the Asian Pacific American Chamber of Commerce, the Council of Asian Pacific Americans, Asian American Citizens for Justice, the Asian Pacific American Women's Association, the Mid-Michigan Asian Pacific American Association, the Asian Center, and the Michigan Asian Pacific American Bar Association; and

Whereas, The state of Michigan takes pride in its cultural diversity and welcomes the opportunity to honor our Asian Pacific American residents for their lasting, expanding imprint upon our state; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare May 2008 as Asian Pacific American Heritage Month in the state of Michigan. We encourage all citizens to celebrate the individual and collective contributions of Asian Pacific Americans to this state and to this country.

Senators Anderson, Barcia, Brater, Cherry, Clark-Coleman, Cropsey, Garcia, Gleason, Jacobs, Pappageorge, Scott, Switalski, Van Woerkom and Whitmer were named co-sponsors of the resolution.

Senator McManus offered the following resolution:

**Senate Resolution No. 190.**

A resolution to commemorate the members of the Michigan Optometric Association on the InfantSEE® program.

Whereas, The most critical stages of vision development occur in the first year of a child's life; and

Whereas, Undetected eye and vision problems can lead to permanent vision impairment or loss of life; and

Whereas, One in 10 children is at risk from undiagnosed eye and vision problems; and

Whereas, One in 30 children will be affected by amblyopia, a leading cause of vision loss in people younger than 45 years; and

Whereas, Undetected vision problems can contribute to a decrease in a child's quality of life and may lead to developmental and behavioral difficulties which impede classroom learning, as well as increase the costs to society; and

Whereas, Early detection of vision problems is the best way to treat and prevent permanent vision impairment; and

Whereas, Member optometrists of the American Optometric Association and The Vision Care Institute of Johnson & Johnson Vision Care, Inc., have partnered to create InfantSEE®, a public health program to provide a one-time, no-cost eye assessment for infants six to twelve months of age; now, therefore, be it

Resolved by the Senate, That we hereby commend the profession of optometry and the members of the Michigan Optometric Association for dedicating their expertise and services to the infants of Michigan; and be it further

Resolved, That we encourage parents to schedule an InfantSEE® assessment for their infants.

Senators Allen, Anderson, Barcia, Brater, Cassis, Cherry, Cropsey, Garcia, Gleason, Jacobs, Jelinek, Pappageorge, Schauer, Scott, Switalski, Van Woerkom and Whitmer were named co-sponsors of the resolution.

Senator Kahn offered the following resolution:

**Senate Resolution No. 191.**

A resolution recognizing the 60th Anniversary of the state of Israel.

Whereas, On 29 November 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine to establish a Jewish state; and

Whereas, On 14 May 1948, the people of Israel proclaimed their independence, creating the sovereign state of Israel, and the government of the United States of America established full diplomatic relations with Israel; and

Whereas, For more than 2,000 years, there has been a continuous Jewish presence in the land comprising the modern state of Israel, and the desire of its people to establish an independent, modern Jewish state is an outgrowth of that existence; and

Whereas, The state of Israel established a homeland for Jewish people following the Nazi slaughter of more than 6 million Jews in the Holocaust during World War II; and

Whereas, Israel has prospered for 60 years and has been blessed with great political and cultural leaders from David Ben-Gurion and Golda Meir, to Menachem Begin and Yitzhak Rabin, to Benjamin Netanyahu and Ariel Sharon; and

Whereas, The modern state of Israel has rebuilt itself and moved forward to develop a thriving democracy, bringing forth a vibrant economic, political, cultural, and intellectual society in the heart of the Middle East, despite constant terrorist threat and unjustified diplomatic and economic boycott; and

Whereas, Israel has developed an advanced economy on the forefront of research and development in the areas of the high-tech industry and renewable sources of energy; and

Whereas, Israel strives for universal peace with security and dignity for itself and its neighbors; and

Whereas, The United States and Israel have for six decades maintained a special relationship based on the mutual values of democratic freedom, common strategic interests, and the moral bonds of friendship and respect; and

Whereas, The connection between the state of Israel and the state of Michigan continues to strengthen, with developments such as the Michigan-Israel Business Bridge which promotes economic and business partnerships between the states; and

Whereas, The people of Michigan feel a strong affinity for the Israeli people based on these shared beliefs and continues to regard Israel as an ally and important strategic partner; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize the historic significance of the 60th Anniversary of the establishment of the free, independent, and sovereign state of Israel as a homeland for the Jewish people; and be it further

Resolved, That we commend the people of Israel for their unprecedented achievement and success in building a new democratic society in the heart of the Middle East, despite all odds against it, including unwarranted persecution and hostility from their neighbors; and be it further

Resolved, That we reaffirm our long bond of friendship and cooperation, and we commit to strengthening those ties and our support for Israel's right to exist and defend itself against threats to its security; and be it further

Resolved, That we extend Michigan's warmest congratulations and best wishes to the state of Israel and its people for continued success and prosperity and security for now and in the future; and be it further

Resolved, That a copy of this resolution be transmitted to Israeli Ambassador Sallai Meridor as an expression of its respect and admiration for Israel's accomplishments and for its best wishes for a continued peaceful and prosperous existence.

Senators Allen, Brater, Cropsey, Jacobs, Jelinek, Pappageorge, Schauer, Scott, Stamas and Whitmer were named co-sponsors of the resolution.

**Senate Resolution No. 154.**

A resolution to urge the Great Lakes states to resist changes to the Great Lakes-St. Lawrence River Basin Water Resources Compact and to adopt the compact as presented in December 2005.

The question being on the adoption of the resolution,

The resolution was adopted.

**Senate Concurrent Resolution No. 27.**

A concurrent resolution to urge the Great Lakes states to resist changes to the Great Lakes-St. Lawrence River Basin Water Resources Compact and to adopt the compact as presented in December 2005.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Scott and Kahn 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:

In 1986, a magnificent and eloquent Nigerian dramatist named Wole Soyinka was awarded the Nobel Prize in literature. He was also a political activist who at one time had spent several years as a political prisoner. Upon receiving his award, he observed, "The greatest threat to freedom is the absence of criticism." He spoke both as a writer and an activist, for he realized that it is only through criticism, through challenging the system, whether literary or political, that change can occur.

I understand that. That's why I continue my criticism of the current insurance system in Michigan. And if the inequality and injustice of this system continues, it threatens the freedom of thousands of Michigan drivers and homeowners. I cannot emphasize more how unjust it is to require a product that is unaffordable for the majority.

So I will continue to criticize; I will continue to challenge; I will continue to protest; and I will continue to demand that you move my bills.

Senator Kahn's statement is as follows:

We have a consent agenda and there is Senate Resolution No. 191 to consider supporting. This resolution recognizes the 60th Anniversary of the state of Israel and states:

"Whereas, On 29 November 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine to establish a Jewish state; and

Whereas, On 14 May 1948, the people of Israel proclaimed their independence, creating the sovereign state of Israel, and the government of the United States of America established full diplomatic relations with Israel; and

Whereas, For more than 2,000 years, there has been a continuous Jewish presence in the land comprising the modern state of Israel, and the desire of its people to establish an independent, modern Jewish state is an outgrowth of that existence; and

Whereas, The state of Israel established a homeland for Jewish people following the Nazi slaughter of more than 6 million Jews in the Holocaust during World War II; and

Whereas, Israel has prospered for 60 years and has been blessed with great political and cultural leaders from David Ben-Gurion and Golda Meir, to Menachem Begin and Yitzhak Rabin, to Benjamin Netanyahu and Ariel Sharon; and

Whereas, The modern state of Israel has rebuilt itself and moved forward to develop a thriving democracy, bringing forth a vibrant economic, political, cultural, and intellectual society in the heart of the Middle East, despite constant terrorist threat and unjustified diplomatic and economic boycott; and

Whereas, Israel has developed an advanced economy on the forefront of research and development in the areas of the high-tech industry and renewable sources of energy; and

Whereas, Israel strives for universal peace with security and dignity for itself and its neighbors; and

Resolved by the Senate, That the members of this legislative body recognize the historic significance of the 60th Anniversary of the establishment of the free, independent, and sovereign state of Israel as a homeland for the Jewish people; and be it further

Resolved, That we commend the people of Israel for their unprecedented achievement and success in building a new democratic society in the heart of the Middle East, despite all odds against it, including unwarranted persecution and hostility from their neighbors; and be it further

Resolved, That we reaffirm our long bond of friendship and cooperation, and we commit to strengthening those ties and our support for Israel's right to exist and defend itself against threats to its security; and be it further

Resolved, That we extend Michigan's warmest congratulations and best wishes to the state of Israel and its people for continued success and prosperity and security for now and in the future; and be it further

Resolved, That a copy of this resolution be transmitted to Israeli Ambassador Sallai Meridor as an expression of its respect and admiration for Israel's accomplishments and for its best wishes for a continued peaceful and prosperous existence."

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators Richardville and Kahn introduced

#### **Senate Bill No. 1313, entitled**

A bill to create a lien against real property for unpaid commercial real estate broker's commissions and services; and to provide remedies.

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

### **Committee Reports**

The Committee on Commerce and Tourism reported

#### **Senate Bill No. 975, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 3 (MCL 207.773), as amended by 2005 PA 339.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

#### **Senate Bill No. 976, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2006 PA 661.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

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 Commerce and Tourism submitted the following:

Meeting held on Tuesday, May 13, 2008, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter



The Committee on Transportation reported

**Senate Bill No. 1308, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Van Woerkom, Basham and Gleason

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 Transportation submitted the following:

Meeting held on Tuesday, May 13, 2008, at 1:06 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Van Woerkom, Basham and Gleason

Excused: Senator Kahn

#### Scheduled Meetings

**Agriculture** - Thursday, May 15, 9:00 a.m., Room 110, Farnum Building (373-1635)

#### Appropriations -

##### Subcommittees -

**General Government** - Tuesday, May 20, 3:00 p.m., Room 405, Capitol Building (373-2768)

**History, Arts, and Libraries** - Thursday, May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Human Services Department** - Thursday, May 15, 12:45 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Judiciary and Corrections** - Wednesday, May 21, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursday, May 15, 3:00 p.m., Rooms 402 and 403, Capitol Building and Wednesday, May 21, 1:00 p.m., Room 210, Farnum Building (373-2768)

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

**Education** - Thursday, May 15, 2:30 p.m., Room 110, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, May 15, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Finance** - Thursday, May 15, 11:00 a.m., Room 110, Farnum Building (373-1758)

##### Subcommittee -

**Michigan Business Tax Impact Assessment** - Thursday, May 15, 3:00 p.m., Oakland University, Elliott Hall, Room 242, 2200 N. Squirrel Road, Rochester; Friday, May 16, 1:30 p.m., Saginaw Valley State University, Wickes Hall, Marble Lecture Room-115, 7400 Bay Road, University Center; and Monday, May 19, 11:00 a.m., The University Center at Gaylord, Room U111-112, 80 Livingston Boulevard, Gaylord (373-1854)

**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)

**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 1:16 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, May 15, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate