

No. 131  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2007

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Senate Chamber, Lansing, Thursday, December 13, 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 present.

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

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

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

Senator Deborah L. Cherry of the 26th District offered the following invocation:

Dear Lord, as we gather here today, we pray that we are ever mindful of opportunities to render our services to fellow citizens and to our community. May we listen to one another intently with the purpose of bettering ourselves in our profession, to humbly accept the responsibilities assigned to us, and continue to strive to make a better world.

We pray for strength and guidance for each day as it comes; for each day's duties and for each day's problems. May we continue to challenge ourselves to give our best always and to carry out our responsibilities with the best of our capabilities. And, Lord, on our last day of session before the holidays, let us pray that it is indeed our last day of session.

We pray that everyone experiences a joyful and peaceful holiday. Amen.

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

### Motions and Communications

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

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10.05 a.m.

11:24 a.m.

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

During the recess, Senators Brown, Clarke, Barcia, Kahn, Clark-Coleman, Brater, Hunter, Cassis and Jacobs entered the Senate Chamber.

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

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

**Senate Bill No. 982**

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

Senator Cropsey moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

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

**Senate Bill No. 43**

**House Bill No. 4044**

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

**Roll Call No. 576**

**Yeas—20**

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

**Nays—16**

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

**Excused—2**

Garcia	Scott
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**Not Voting—0**

In The Chair: Richardville

The Secretary announced that the following official bills were printed on Wednesday, December 12, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>983</b>	<b>984</b>	<b>985</b>	<b>986</b>	<b>987</b>	<b>988</b>	<b>989</b>	<b>990</b>	<b>991</b>	<b>992</b>	<b>993</b>	<b>994</b>	<b>995</b>	<b>996</b>
	<b>999</b>													
<b>House Bill Nos.</b>	<b>5550</b>	<b>5551</b>	<b>5552</b>	<b>5553</b>										

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

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

**Senate Resolution No. 99**  
**Senate Resolution No. 100**

The motion prevailed.

Senator Bishop offered the following resolution:

**Senate Resolution No. 132.**

A resolution commemorating December 16 as Michigan POW/MIA Recognition Day.

Whereas, The United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action; and

Whereas, Many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and numerous prisoners of war died from such treatment; and

Whereas, A large number of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute hardship; and

Whereas, December 16 is the historic first day of the Battle of the Bulge, the largest American-fought battle of World War II, resulting in 23,544 prisoners of war and missing in action, more than any other battle during the war; and

Whereas, Over 100 men of the Michigan 254th Engineer Combat Battalion were killed, captured, or went missing in action during the Battle of the Bulge in World War II; and

Whereas, Of the four Americans serving in the current conflict in Iraq, as well as one serving in Operation Desert Storm, who are listed as missing in action, two of these soldiers, Specialist Ahmed K. Altaie and Private Byron W. Fouty, hail from the state of Michigan; and

Whereas, The sacrifices of Americans still missing and unaccounted for and their families are deserving of our state's recognition and support for continued priority efforts to determine the outcome of those missing Americans; now, therefore, be it

Resolved by the Senate, That December 16 is hereby designated as Michigan POW/MIA Recognition Day. The Governor is encouraged to issue a proclamation calling upon the people of the state of Michigan to recognize this day with appropriate ceremonies and activities; and be it further

Resolved, That Michigan's residents are hereby urged to recognize National POW/MIA Recognition Day, during which all of our nation's prisoners of war and those missing in action, such as Specialist Alex R. Jimenez, Sergeant Keith "Matt" Maupin, and Lieutenant Commander Mike Scott Speicher, who also went missing while serving their country, are recognized for their valor and dedication to the freedom of our nation's citizens and people around the world; and be it further

Resolved, That the National League of Families POW/MIA flag is hereby recognized officially and designated as the symbol of our state's concern and commitment to resolving the fates of Americans still prisoner, missing and unaccounted for, thus ending the uncertainty for their families and the nation.

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 resolution was adopted.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Anderson and Schauer offered the following resolution:

**Senate Resolution No. 133.**

A resolution to urge the Michigan Department of Transportation to add an interchange in the charter township of Canton at I-275 and Warren Road.

Whereas, The western Wayne County region continues to have tremendous growth in residential and commercial development, which is straining the existing infrastructure, particularly the interchange at I-275 and Ford Road; and

Whereas, With the growth of development in the area caused by Michigan's only IKEA store, auto-related suppliers, and other companies at nearby Haggerty Road and Ford Road, the entire area has experienced exponential growth. Canton Township's population in the last several years has increased from 57,040 in 1990 to 76,366 in 2000 and to 92,284 in 2006. The projected population is expected to exceed 100,000 within the next five years; and

Whereas, The presence of Westland Mall on Warren Road east of I-275, the potential development of the Aerotropolis combining Detroit Metropolitan Airport and Willow Run Airport and its future role as a pivotal economic hub for the entire southeastern Michigan area demonstrate clearly the need for improvements. Accessibility to freeways plays a crucial role in supporting the current and projected population and commercial growth as well as upcoming airport developments; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Department of Transportation to add the construction of an interchange at Warren Road and I-275 to the MDOT Five-Year Plan and build this interchange at the earliest possible opportunity; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Transportation, the city of Westland, the charter township of Canton, and the Canton Downtown Development Authority.

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 Transportation.

The motion prevailed.

Senators Clark-Coleman, Clarke, Gleason, Jacobs and Switalski were named co-sponsors of the resolution.

Senator Thomas offered the following concurrent resolution:

**Senate Concurrent Resolution No. 23.**

A concurrent resolution to urge that, beginning immediately, all light bulb replacements in state-owned buildings be compact fluorescent light bulbs.

Whereas, Dramatic increases in energy prices and the state's economic situation have increased the importance of reducing energy costs incurred by state government. The government of the state of Michigan consumes a vast amount of energy, particularly in the operation of state buildings. According to the Michigan Department of Management and Budget, annual utility bills for the executive branch of government alone account for over \$100 million. State building lighting represents a significant chunk of state government energy consumption; and

Whereas, Energy-efficient lighting provides both environmental and fiscal benefits. Compact fluorescent light bulbs preserve precious energy resources, reduce the risks of global warming, and save money. Compact fluorescent light bulbs typically use only a quarter of the energy that an incandescent would and put out only a fraction of the heat that incandescent bulbs put out. Additionally, a compact fluorescent light bulb lasts about 5 to 15 times longer than a standard incandescent bulb. The less electricity a building consumes for lighting and cooling, the less power that must be generated by coal- and natural gas-fired plants that produce carbon dioxide, one of the main gases blamed for global warming. Additionally, using less energy saves money on electricity bills; and

Whereas, Executive Directive 2005-4 directs state agencies to evaluate the feasibility of converting to more energy-efficient lighting systems, including goals for making cost-effective lighting efficiency improvements that reduce electricity costs and maintain illumination quality; and

Whereas, Australia, the Canadian province of Ontario, and many American states have established policies to reduce or prohibit the use of incandescent light bulbs. The Governor of Massachusetts has ordered state agencies to replace incandescent light bulbs with fluorescents to save electricity and cut power-plant emissions blamed for global warming. The Massachusetts Governor's Office estimates that changing 1,000 bulbs in the Massachusetts State House will save \$15,000 a year in electricity usage and reduce carbon dioxide emissions by 56 tons. Incandescent light bulbs have served humanity well; however, it is time to eliminate the use of these inefficient light bulbs; and

Whereas, Surely, it is wise for the state of Michigan to do all it can to protect the environment, conserve energy, and save money. Replacing incandescent light bulbs with compact fluorescent light bulbs is fiscally and environmentally wise; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge that, beginning immediately, all light bulb replacements in state-owned buildings be compact fluorescent light bulbs; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of the state of Michigan, the State Building Authority, and the director of the Department of Management and Budget.

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.

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Energy Policy and Public Utilities.

The motion prevailed.

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

Senator Cropsey offered the following concurrent resolution:

**Senate Concurrent Resolution No. 24.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 13, 2007, it stands adjourned until Thursday, December 27, 2007, at 11:30 a.m. for the Senate and 11:15 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Thursday, December 27, 2007, it stands adjourned without day.

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,

The concurrent resolution was adopted.

**Senate Resolution No. 99.**

A resolution to memorialize the Congress of the United States to ensure that all members of the Armed Forces receive postdeployment health assessments for possible post-traumatic stress disorder and traumatic brain injuries, and that these assessments follow these servicemembers as they transition from active duty to civilian life or reserve duty.

The question being on the adoption of the resolution,

The resolution was adopted.

**Senate Resolution No. 100.**

A resolution to urge the United States Department of Defense to accept records of state screening for post-traumatic stress disorder and traumatic brain injuries in the absence of a federal screening record.

The question being on the adoption of the resolution,

The resolution was adopted.

By unanimous consent the Senate returned to the order of

**Messages from the House**

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

**Senate Bill No. 53**

**House Bill No. 4120**

**Senate Bill No. 511**

**House Bill No. 4507**

**Senate Bill No. 388**

**Senate Bill No. 59**

The motion prevailed.

**Senate Bill No. 174, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54C.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 928, entitled**

A bill to amend 1979 PA 72, entitled "An act to require the governor to report certain tax information with the annual budget message to the legislature," by amending section 3 (MCL 21.273), as amended by 2003 PA 38.

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

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

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

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

**Senate Bill No. 929, entitled**

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 20 (MCL 110.20).

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 930, entitled**

A bill to amend 1991 PA 180, entitled "An act to assist in the financing of stadia or convention facilities; to permit eligible municipalities to impose and collect an excise tax on businesses engaged in the preparation and delivery of

food and beverages for immediate consumption, in leasing or renting motor vehicles in the eligible municipality, and in providing accommodations for dwelling, lodging, or sleeping purposes; to limit the rate of that excise tax; to authorize voter approval in a single ballot question of the excise tax authorized by this act and of certain purposes for which the excise tax is imposed; to provide for the establishment of procedures for the collection, administration, and enforcement of the excise tax; to prescribe the powers and duties of certain state departments and state and local officials; to provide for the disposition and transmittal of the revenues from the tax for stadia or convention facility development and other purposes and authorize the pledge of those revenues; to authorize the appointment of employees and officials of a local governmental unit to an authority to which revenues from the tax may be pledged; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 207.751).

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

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

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

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

#### **Senate Bill No. 931, entitled**

A bill to amend 2003 PA 296, entitled “Michigan early stage venture investment act of 2003,” by amending sections 17, 19, and 23 (MCL 125.2247, 125.2249, and 125.2253), as amended by 2005 PA 102.

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

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

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

The Senate agreed to the full title.

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

#### **Senate Bill No. 932, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8716, 14501, 36109, and 73301 (MCL 324.8716, 324.14501, 324.36109, and 324.73301), section 8716 as amended by 2003 PA 163, section 14501 as amended by 2006 PA 254, section 36109 as amended by 2002 PA 75, and section 73301 as added by 1995 PA 58.

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

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

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

The Senate agreed to the full title.

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

#### **Senate Bill No. 933, 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 11 (MCL 207.561), as amended by 2004 PA 323.

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

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

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

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

#### **Senate Bill No. 934, entitled**

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending section 5 (MCL 141.1155), as amended by 2004 PA 322.

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

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

**Senate Bill No. 935, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2a (MCL 21.142a), as amended by 2002 PA 16.

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

**Senate Bill No. 937, entitled**

A bill to amend 1980 PA 56, entitled "Neighborhood assistance and participation act," by amending section 3 (MCL 125.803), as amended by 1983 PA 104.

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

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

**Senate Bill No. 938, entitled**

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending section 1 (MCL 141.931), as amended by 1987 PA 282.

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

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

**Senate Bill No. 939, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2005 PA 113.

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

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

**Senate Bill No. 940, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish



automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10o (MCL 460.10o), as added by 2000 PA 142.

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

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

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

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

#### **Senate Bill No. 941, entitled**

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 4 (MCL 331.4).

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

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

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

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

#### **Senate Bill No. 942, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 911 and 1062 (MCL 450.1911 and 450.2062), section 911 as amended by 1996 PA 197 and section 1062 as amended by 2005 PA 212.

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.

Senator Cropsy moved that consideration of the following bills be postponed temporarily:

**Senate Bill No. 241**

**Senate Bill No. 243**

The motion prevailed.

#### **Senate Bill No. 450, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 604, 605, 2405, 2411, and 2412 (MCL 339.601, 339.602, 339.604, 339.605, 339.2405, 339.2411, and 339.2412), sections 601 and 602 as amended by 2005 PA 278, section 604 as amended by 1989 PA 261, and sections 2411 and 2412 as amended by 2001 PA 113, and by adding sections 606 and 2404a.

Substitute (H-1).

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

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

**Roll Call No. 577****Yeas—36**

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

**Nays—0****Excused—2**

Garcia                      Scott

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

**Senate Bill No. 451, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142, and by adding section 2975a.

(For text of amendment, see Senate Journal No. 130, p. 2364.)

The question being on concurring in the amendment made to the bill by the House, The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 578****Yeas—36**

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

**Nays—0**

**Excused—2**

Garcia

Scott

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

**Senate Bill No. 452, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 605, 2402, 2404, 2405, and 2411 (MCL 339.601, 339.602, 339.605, 339.2402, 339.2404, 339.2405, and 339.2411), sections 601 and 602 as amended by 2005 PA 278, section 2404 as amended by 1988 PA 463, and section 2411 as amended by 2001 PA 113, and by adding sections 2404b and 2411a.

(For text of amendments, see Senate Journal No. 130, p. 2364.)

The question being on concurring in the amendments made to the bill by the House,  
 The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 579****Yeas—36**

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

**Nays—0****Excused—2**

Garcia

Scott

**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 full title.

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

**Senate Bill No. 453, entitled**

A bill to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments,” by amending section 39 (MCL 338.2239), as amended by 2007 PA 77.

Substitute (H-3).

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

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

**Roll Call No. 580**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Garcia	Scott
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**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 as amended.

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

**Senate Bill No. 410, entitled**

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending the title and sections 101, 102, 201, 202, 203, 205, 301, 302, 303, 307, 308, 312, 319, 320, and 401 (MCL 484.1101, 484.1102, 484.1201, 484.1202, 484.1203, 484.1205, 484.1301, 484.1302, 484.1303, 484.1307, 484.1308, 484.1312, 484.1319, 484.1320, and 484.1401), the title as amended by 1994 PA 36, sections 102 and 303 as amended by 1999 PA 80, section 201 as amended by 1999 PA 78, section 205 as amended by 1998 PA 23, sections 301 and 401 as amended by 2006 PA 249, section 308 as amended by 1994 PA 29, section 319 as added by 1989 PA 36, and section 320 as amended by 1998 PA 122, and by adding sections 401a, 401b, 401c, 401d, and 401e.

The House of Representatives has substituted (H-9) the bill.

The House of Representatives has passed the bill as substituted (H-9), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates," by amending the title and sections 101, 102, 201, 202, 203, 205, 301, 302, 303, 307, 308, 312, 319, 320, and 401 (MCL 484.1101, 484.1102, 484.1201, 484.1202, 484.1203, 484.1205, 484.1301, 484.1302, 484.1303, 484.1307, 484.1308, 484.1312, 484.1319, 484.1320, and 484.1401), the title and section 308 as amended by 1994 PA 29, sections 102 and 303 as amended by 1999 PA 80, section 201 as amended by 1999 PA 78, section 205 as amended by 1998 PA 23, sections 301 and 401 as amended by 2006 PA 249, section 319 as added by 1989 PA 36, and section 320 as amended by 1998 PA 122, and by adding sections 401a, 401b, 401c, 401d, and 401e.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

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

Senator Brown offered the following amendment to the substitute:

- 1. Amend page 25, line 4, after "charge" by inserting "COLLECTED UNDER THIS SECTION".

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 581**

**Yeas—33**

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

**Nays—3**

Cassis	Kuipers	Sanborn
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**Excused—2**

Garcia	Scott
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**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 as amended.

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

**Senate Bill No. 411, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 402, 403, 404, 405, 406, 407, 408, 412, 413, 502, 504, 601, 602, 605, 712, 714, 716, and 717 (MCL 484.1402, 484.1403, 484.1404, 484.1405, 484.1406, 484.1407, 484.1408, 484.1412, 484.1413, 484.1502, 484.1504, 484.1601, 484.1602, 484.1605, 484.1712, 484.1714, 484.1716, and 484.1717), sections 403, 404, 405, and 406 as amended by 1999 PA 81, sections 407 and 412 as added by 1999 PA 78, section 408 as amended by 2006 PA 74, section 413 as added and section 717 as amended by 2006 PA 249, section 601 as amended and section 605 as added by 1999 PA 80, section 602 as amended by 2004 PA 515, and sections 712, 714, and 716 as added by 1999 PA 79; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-7) the bill.

The House of Representatives has passed the bill as substituted (H-7), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 582****Yeas—33**

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

**Nays—3**

Cassis	Kuipers	Sanborn
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**Excused—2**

Garcia	Scott
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**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 full title.

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

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

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

**Senate Bill No. 982, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437). The bill 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

**Senate Bill No. 982**

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

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

**Senate Bill No. 731**

**Senate Bill No. 981**

**Senate Bill No. 982**

The motion prevailed.

The following bill was read a third time:

**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 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. 583**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Garcia	Scott
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**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. 981, 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 the title and section 11 (MCL 247.661), the title as amended by 2004 PA 384 and section 11 as amended by 2002 PA 639.

The question being on the passage of the bill,

Senator Basham offered the following amendment:

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

**“(F) IF THE APPROPRIATION TO THE MACKINAC BRIDGE AUTHORITY IN SECTION 11(1)(E) SHOULD CAUSE THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO DELAY OR ELIMINATE STATE ROAD AND BRIDGE PROJECTS, THOSE PROJECTS SHALL BE SELECTED FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION’S NORTHERN REGION.”** and renumbering the remaining subsections.

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 584**

**Yeas—21**

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

**Nays—15**

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

**Excused—2**

Garcia	Scott
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**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. 982, entitled**

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

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. 585**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Garcia	Scott
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**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

**Recess**

Senator Cropsey moved that the Senate recess until 1:15 p.m.

The motion prevailed, the time being 12:40 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 1:18 p.m.

1:43 p.m.

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

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

**Senate Bill No. 410, entitled**

A bill to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates," by amending the title and sections 101, 102, 201, 202, 203, 205, 301, 302, 303, 307, 308, 312, 319, 320, and 401 (MCL 484.1101, 484.1102, 484.1201, 484.1202, 484.1203, 484.1205, 484.1301, 484.1302, 484.1303, 484.1307, 484.1308, 484.1312, 484.1319, 484.1320, and 484.1401), the title and section 308 as amended by 1994 PA 29, sections 102 and 303 as amended by 1999 PA 80, section 201 as amended by 1999 PA 78, section 205 as amended by 1998 PA 23, sections 301 and 401 as amended by 2006 PA 249, section 319 as added by 1989 PA 36, and section 320 as amended by 1998 PA 122, and by adding sections 401a, 401b, 401c, 401d, and 401e.

The House of Representatives has concurred in the Senate amendments to the House Substitute (H-9).

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

By unanimous consent the Senate returned 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 Jansen as Chairperson.

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

**House Bill No. 4870, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 447 (MCL 750.447), as amended by 2004 PA 404.

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

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

**House Bill No. 4869, entitled**

A bill to amend 2004 PA 403, entitled "Michigan boxing regulatory act," by amending sections 1, 10, 11, 20, 21, 22, 31, 32, 33, 34, 35, 47, 48, 51, 53, 54, 55, 56, 57, and 58 (MCL 338.3601, 338.3610, 338.3611, 338.3620, 338.3621, 338.3622, 338.3631, 338.3632, 338.3633, 338.3634, 338.3635, 338.3647, 338.3648, 338.3651, 338.3653, 338.3654, 338.3655, 338.3656, 338.3657, and 338.3658), sections 11, 31, 33, 34, 47, 48, and 54 as amended by 2005 PA 49.

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.

Senator Thomas moved that Senator Gleason be temporarily excused from the balance of today's session.  
The motion prevailed.

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:

**House Bill No. 4869**

**House Bill No. 4870**

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

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

**House Bill No. 4132**

**House Bill No. 4399**

**House Bill No. 4936**

**House Bill No. 4869**

**House Bill No. 4870**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4132, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

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. 586**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Garcia	Gleason	Scott
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**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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit

the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Senator Gleason entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4399, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5485.

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. 587**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Garcia	Scott
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**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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit

the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4936, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 5478 and 5479; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 588**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Garcia	Scott
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**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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of

federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4869, entitled**

A bill to amend 2004 PA 403, entitled “Michigan boxing regulatory act,” by amending sections 1, 10, 11, 12, 20, 21, 22, 31, 32, 33, 34, 35, 47, 48, 51, 53, 54, 55, 56, 57, and 58 (MCL 338.3601, 338.3610, 338.3611, 338.3612, 338.3620, 338.3621, 338.3622, 338.3631, 338.3632, 338.3633, 338.3634, 338.3635, 338.3647, 338.3648, 338.3651, 338.3653, 338.3654, 338.3655, 338.3656, 338.3657, and 338.3658), sections 11, 31, 33, 34, 47, 48, and 54 as amended by 2005 PA 49.

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. 589**

**Yeas—23**

Allen	Gilbert	McManus	Sanborn
Anderson	Hardiman	Olshove	Schauer
Barcia	Hunter	Pappageorge	Stamas
Bishop	Jacobs	Patterson	Thomas
Cherry	Jansen	Prusi	Whitmer
Clarke	Kahn	Richardville	

**Nays—13**

Basham	Cassis	George	Kuipers
Birkholz	Clark-Coleman	Gleason	Switalski
Brater	Cropsey	Jelinek	Van Woerkom
Brown			

**Excused—2**

Garcia	Scott
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**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 not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

**Protest**

Senator Van Woerkom, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4869 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Van Woerkom’s statement is as follows:

I am concerned about the direction we are going in, in the name of sport. Even though we do allow boxing, we allow karate. We allow different types of martial arts here in the state of Michigan. I have seen some of these matches and they are pretty rough. I would just as soon draw the line, I guess, where we are at. I am concerned where the direction is going to be five or ten years from now. If we do this, what do we do next to be entertained? We have hockey, we have football, and we have boxing—all of those have afforded the opponents many injuries, even some deaths. With this sport, there has been a death, on November 30, from a martial arts entertainer, who had a blood clot down in Texas. The reaction in the newspaper was, “Well, you know the promoter had a license from the state of Texas and this is just one of the outcomes.” I guess we can expect that from a sport like this.

I would say let’s draw the line here in the state of Michigan. If they want to do it in other states, fine. I know it’s almost heresy here to say let’s not take those kinds of jobs here in the state of Michigan. I guess it is, in fact, a jobs killer if we don’t take those jobs here in Michigan. I say let’s draw the line. Let’s not bring this to our state.

The following bill was read a third time:

**House Bill No. 4870, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 447 (MCL 750.447), as amended by 2004 PA 404.

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. 590**

**Yeas—23**

Allen	Gilbert	McManus	Sanborn
Anderson	Hardiman	Olshove	Schauer
Barcia	Hunter	Pappageorge	Stamas
Bishop	Jacobs	Patterson	Thomas
Cherry	Jansen	Prusi	Whitmer
Clarke	Kahn	Richardville	

**Nays—13**

Basham	Cassis	George	Kuipers
Birkholz	Clark-Coleman	Gleason	Switalski
Brater	Cropsey	Jelinek	Van Woerkom
Brown			

**Excused—2**

Garcia	Scott
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**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 not concurred in, 2/3 of the members serving not voting therefor.

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  
**Statements**

Senator Gleason stated that had he been present earlier today when the vote was taken on the passage of the following bill, he would have voted “yea”:

**House Bill No. 4132**

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

The motion prevailed.

Senator Thomas’ statement is as follows:

Mr. President, the Honorable Martha G. Scott is not here today, but still she has asked us to talk about insurance. Mary Ann Williams once said, “Where we see the negative, we call forth more negative, and where we see the positive, we call forth more positive. Having won and lost and now win more soberly; having tasted the bitter, I know savor the sweet.”

Let us make life sweeter for everyone in Michigan and pass serious insurance reform. Peter Drucker once said, “Effective leadership is not about making speeches or being liked; leadership is defined by results, not attributes.”

Let’s get some results for the people of Michigan and pass real insurance reform soon. In between a tasty helping of Jell-O pudding, Bill Cosby once said, “In order to succeed your desire for success, should be greater than your fear of failure.”

My friends, let’s not be afraid to help the people in the state of Michigan succeed by passing real insurance reform.

Senator Switalski’s statement is as follows:

Colleagues, our year together is ending. Please accept this humble poem as my way of wishing you happy holidays. It’s much easier than sending you all Christmas cards.

I appreciate the good taste of many who begged me, implored me, not to sing. To those of you who urged instead, a medley from the Caucquettes. I join you in extending an invitation to those charming and melodious performers.

But now let me turn to a review of “My Favorite Year.” Colleagues, we have been present at the creation. For decades to come, 2007 will be the focus of fiscal debate. Accordingly, nothing less than the language of Homeric epic will suffice to tell the tale of this miraculous year:

“Annus Mirabilis, A Fiscal Odyssey  
Sing, Goddess, the Wrath of Constituencies displeased,  
As Solons took budgets in both hands and squeezed.  
Then, weary with cuts, dropped the red budget axe  
And seized its hated rival, the increase in tax.

Heroes searched for a cure to the Plague economic  
Hit on Revenue, Cuts and Reforms as the tonic—  
That many brave Pols to the Fate of Recalls sent  
While their bodies by *Perks the Pig* were rent.

Say then, What Cause first locked the parties in strife?  
Some say it was term limits that shortened our life.  
Or exuberant tax cuts. Or government waste.  
Whatever it was, we Chronic Deficits faced.

Granholtz threw down the Gauntlet at her State of the State.  
Said she “*Sales Tax on Services will be Structurally Great.*”  
The blown away ‘Crats cast their votes for fair Jenny  
Even Fiscal Conservatives, like two-penny Denny.



But with just sixteen votes, it was never enough.  
Lawmakers decided to chew on this stuff.  
Insurmountable problems, an abundance of critics.  
Tempting solutions that hid pitfalls and gimmicks.

Like Damocles' Sword, one hung over our head.  
SBT Abolition, by Brooks Patterson led.  
No replacement in sight, and the deadline grew near.  
Two billion buck shortfall, and collapse appeared clear.

'Fore we even got started, a *Red Torrent* intervened  
A billion plus bucks from '07 to be weaned.  
"No tax increase," we vowed, with a laser-like focus,  
'Stead used mirrors, and smoke, and slick *Hocus Pocus*.

*Poof!* The budget was balanced. Then how could it jive  
That '08 rouged up by a bill seven-five?  
One-time fixes were culprits, there was now no excuse.  
So we solemnly vowed to abolish their use.

First Surprise of the Summer, a quick compromise struck.  
And a new MBT deal emerged from the muck.  
Rivals Cassis and Bieda, after pulling out hair  
Got us *Revenue Neutral*, with six months to spare.

A bi-partisan deal, inspiring to all  
Gave us hope as we turned to the '08 shortfall.  
There was lots of bad feeling, and loads of mistrust  
Angry words to the Press in which rivals were cussed.

Under cover of darkness, 'neath the Capitol Dome,  
A cabal met in secret, in a Senator's home.  
Resurrected the Service Tax, which six worked to tailor  
A concept designed by Valde the Impaler.

But nobody liked it, so t'was fast set aside  
'Cuz the House of Reps promised to deliver a tide—  
Of votes for the Income Tax, but all they could muster  
Was a lot of false starts, and a big heap of bluster.

The Summer boiled on, amid heightening fears  
That the State would establish a Sin Tax on Beers.  
Then came the three nights the House Board remained open.  
Tho' Dillon had promised 4.6, he was jokin'.

You need five six for four six but they always were short.  
So late Sunday Morning Andy had to abort.  
Wags crowed, "Dill ain't up to fillin' his roles."  
Next week he closed five hundred mill in loopholes.

The House had moved Revenue. But Bishop was cool.  
He'd won eight hundred million, *in cuts*, through his Rule.  
We fought, push-pull, parry-thrust, shot and rebound  
As we staggered, unwilling, to a Lansing *Shutdown*.

The *Shutdown* would start on October the 1st.  
The way we were battlin', the World thought the worst.  
Would we all go down, our accomplishments: none  
A bunch of thick Morons who *couldn't git 'r done*.

Looking back now, Hindsight makes you wise.  
 We all *had to know* it would take *Compromise*.  
 Needed Tax and Reform, so we had to have Cuts  
 Slashed four thirty-three million, no ifs, ands, or buts.

Then took up Reforms, the vote would be tight.  
 When you're cutting bennies, it's always a fight.  
 Health Care and Pensions for teachers were trimmed.  
 Future prospects for Me, Buzz, and Schauer were dimmed.

My Republican colleagues, to their Word remained true.  
 In return for Reforms, now the Revenue grew.  
 Birkholz, Van Woerkom, Garcia and George  
 Jel'nek and Kuipers took the heat of the Forge.

The end was a blur, in those hours past midnight.  
 I know, in my heart, that we did, what was right.  
 It got a bit crazy when we put up IE.  
 I wish I'd just gone to the back for a...tea.

Month later, the last few departments were done.  
 Traded Service for Surcharge, *still under the gun!*  
 But together we posted the ultimate score:  
 A bi-partisan tax vote of 34-4.

I'll leave it to others to explain the great lessons  
 Of Wisdom emerging from those late-night sessions.  
 But know this: Center aisle is where deals get done.  
 And being part of solutions is a whole lot of fun."

Merry Christmas to all.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator Cropsey moved that the Committee on Finance be discharged from further consideration of the following bills:  
**House Bill No. 5105, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500.

**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 450a.

**House Bill No. 5125, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 433 (MCL 208.1433).

**House Bill No. 5126, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435).

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. 5105**

**House Bill No. 5409**

**House Bill No. 5125**

**House Bill No. 5126**

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

Senator Cropsey moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

**House Bill No. 4506**

The motion prevailed.

By unanimous consent the Senate returned 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 Jansen 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. 5125, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 433 (MCL 208.1433).

**House Bill No. 5126, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435).

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:

**House Bill No. 5105, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500.

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:

**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 450a. 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. 5105**

**House Bill No. 5409**

**House Bill No. 5125**

**House Bill No. 5126**

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

The following bill was read a third time:

**House Bill No. 5105, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500.

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. 591****Yeas—32**

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

**Nays—4**

Brown	Jacobs	Patterson	Sanborn
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**Excused—2**

Garcia	Scott
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**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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 permit the imposition and collection by cities of an excise tax levied on or measured by income; to permit the collection and administration of the tax by the state; to provide the procedure including referendums for, and to require the adoption of a prescribed uniform city income tax ordinance by cities desiring to impose and collect such a tax; to limit the imposition and collection by cities and villages of excise taxes levied on or measured by income; to prescribe the powers and duties of certain state and municipal agencies, departments, and officials; to establish the city income tax trust fund; to provide for appeals; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

**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 450a.

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. 592****Yeas—35**

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

Bishop  
Brater  
Brown  
Cherry

Gleason  
Hardiman  
Hunter  
Jacobs

Olshove  
Pappageorge  
Patterson  
Prusi

Thomas  
Van Woerkom  
Whitmer

**Nays—1**

Cassis

**Excused—2**

Garcia

Scott

**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5125, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 433 (MCL 208.1433).

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. 593**

**Yeas—36**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Clarke  
Cropsey  
George  
Gilbert  
Gleason  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge  
Patterson

Prusi  
Richardville  
Sanborn  
Schauer  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—2**

Garcia

Scott

**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5126, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 435 (MCL 208.1435).

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. 594**

**Yeas—36**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Clarke  
Cropsey  
George  
Gilbert  
Gleason  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge  
Patterson

Prusi  
Richardville  
Sanborn  
Schauer  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—2**

Garcia

Scott

**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 5138**

**House Bill No. 5139**

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

The following communication was received and read:

Office of the Senate Majority Leader

December 12, 2007

Pursuant to Section 223 of 122 P.A. 2007, I hereby appoint Senator Michelle McManus and Senator Gerald Van Woerkom to the workgroup on long-term funding for the Department of Natural Resources.

Thank you for your prompt consideration of this matter.

Sincerely,  
Senator Michael D. Bishop  
Majority Leader  
State Senate, 12th District

The communication was referred to the Secretary for record.

By unanimous consent the Senate returned 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 Jansen as Chairperson.

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

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

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

**House Bill No. 5412, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 453. 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 amendment, the following bill:

**House Bill No. 5138, entitled**

A bill to amend 2000 PA 161, entitled “Michigan education savings program act,” by amending sections 2, 3, 4, 5, 7, 9, 11, 12, and 15 (MCL 390.1472, 390.1473, 390.1474, 390.1475, 390.1477, 390.1479, 390.1481, 390.1482, and 390.1485), sections 2, 7, and 9 as amended by 2004 PA 387 and section 3 as amended by 2001 PA 215.

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

1. Amend page 6, line 16, after “exceed” by striking out “1.5%” and inserting “2.0%”.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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. 5139, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

Substitute (S-2).

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

By unanimous consent the Senate 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. 5412**

**House Bill No. 5413**

**House Bill No. 5138**

**House Bill No. 5139**

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

Senator Cropsey moved that Senators Birkholz and Sanborn be excused from the balance of today’s session.

The motion prevailed.

The following bill was read a third time:

**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 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. 595**

**Yeas—33**

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

**Nays—0**

**Excused—4**

Birkholz	Garcia	Sanborn	Scott
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**Not Voting—1**

Cassis

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,”.

The Senate agreed to the full title.

The following bill was read a third time:

**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 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. 596**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Birkholz	Garcia	Sanborn	Scott
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**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5138, entitled**

A bill to amend 2000 PA 161, entitled “Michigan education savings program act,” by amending sections 2, 3, 4, 5, 7, 9, 11, 12, and 15 (MCL 390.1472, 390.1473, 390.1474, 390.1475, 390.1477, 390.1479, 390.1481, 390.1482, and 390.1485), sections 2, 7, and 9 as amended by 2004 PA 387 and section 3 as amended by 2001 PA 215.

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. 597**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Birkholz	Garcia	Sanborn	Scott
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**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 create the Michigan education savings program; to provide for education savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax credits or deductions; and to provide for penalties and remedies,”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5139, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2007 PA 94.

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. 598**

**Yeas—33**

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

**Nays—1**

Kuipers

**Excused—4**

Birkholz	Garcia	Sanborn	Scott
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**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 returned to the order of

**Messages from the House**

**Senate Bill No. 271, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 722.115), as amended by 2006 PA 580, and by adding sections 5h, 5i, 5j, and 5k.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 599****Yeas—34**

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

**Nays—0****Excused—4**

Birkholz	Garcia	Sanborn	Scott
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**Not Voting—0**

In The Chair: Richardville

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

**Senate Bill No. 794, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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

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

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

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

**Senate Bill No. 242, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 206 (MCL 125.3102 and 125.3206).

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 returned to consideration of the following bill:

**Senate Bill No. 241, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations;

to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 1, 2a, 2b, 3c, 3d, 3e, 5, 5f, 5g, 9a, and 11b (MCL 722.111, 722.112a, 722.112b, 722.113c, 722.113d, 722.113e, 722.115, 722.115f, 722.115g, 722.119a, and 722.121b), section 1 as amended by 2005 PA 202, section 2a as amended by 1998 PA 440, section 2b as added by 2004 PA 531, section 3c as added by 1993 PA 219, section 3d as added by 1993 PA 218, section 3e as added by 2002 PA 717, sections 5 and 5f as amended by 2006 PA 580, section 5g as added by 2005 PA 128, section 9a as amended by 2004 PA 315, and section 11b as added by 2002 PA 645.

Substitute (H-1).

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

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

**Roll Call No. 600**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Birkholz	Garcia	Sanborn	Scott
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**Not Voting—0**

In The Chair: Richardville

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

By unanimous consent the Senate returned to consideration of the following bill:

**Senate Bill No. 243, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2005 PA 134.

Substitute (H-1).

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

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

**Roll Call No. 601**

**Yeas—34**

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

Basham  
Bishop  
Brater  
Brown  
Cassis  
Cherry

George  
Gilbert  
Gleason  
Hardiman  
Hunter  
Jacobs

Kuipers  
McManus  
Olshove  
Pappageorge  
Patterson

Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—4**

Birkholz

Garcia

Sanborn

Scott

**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 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

**Introduction and Referral of Bills**

Senators Richardville, Kahn, George, Pappageorge, Gilbert, Sanborn, Birkholz, McManus, Allen, Van Woerkom, Kuipers, Jansen, Hardiman, Cassis, Stamas and Brown introduced

**Senate Bill No. 1001, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2591 (MCL 600.2591), as added by 1986 PA 178.

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

Senators Richardville, Kahn, Birkholz, George, Pappageorge, Gilbert, McManus, Allen, Van Woerkom, Kuipers, Jansen, Hardiman, Stamas and Brown introduced

**Senate Bill No. 1002, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2443.

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

Senators Richardville, Basham, Pappageorge and Birkholz introduced

**Senate Bill No. 1003, entitled**

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

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

Senator Anderson introduced

**Senate Bill No. 1004, entitled**

A bill to authorize local units of government to fingerprint applicants or licensees in certain occupations for the purpose of receiving criminal history record information from the department of state police and the federal bureau of

investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

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

Senators Jansen, Gilbert, Bishop and Pappageorge introduced

**Senate Bill No. 1005, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 111, 113, and 410 (MCL 208.1111, 208.1113, and 208.1410), sections 111 and 113 as amended by 2007 PA 145.

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

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 3:14 p.m.

4:56 p.m.

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

By unanimous consent the Senate returned to the order of

**Messages from the House**

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

**Senate Bill No. 513**

**Senate Bill No. 944**

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

**Senate Bill No. 98, 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 House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

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

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

**Senate Bill No. 368, entitled**

A bill to amend 1846 RS 14, entitled "Of county officers," (MCL 48.35 to 48.48) by adding section 40a. The House of Representatives has passed the bill and ordered that the bill be given immediate effect. The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 540, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 552 (MCL 750.552). The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title. The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 678, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 6 (MCL 129.96), as added by 1997 PA 196. The House of Representatives has passed the bill and ordered that the bill be given immediate effect. The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 925, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 395 (MCL 18.1395), as amended by 2007 PA 2. 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.

Senator Cropsey moved that Senator Patterson be excused from the balance of today's session. The motion prevailed.

**Senate Bill No. 513, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503, 11505, 11506, and 11514 (MCL 324.11503, 324.11505, 324.11506, and 324.11514), sections 11503 and 11506 as amended by 1998 PA 466 and section 11514 as amended by 2005 PA 243, and by adding section 11521.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 11502, 11503, 11505, 11506, and 11514 (MCL 324.11502, 324.11503, 324.11505, 324.11506, and 324.11514), section 11502 as amended by 2004 PA 35, sections 11503 and 11506 as amended by 1998 PA 466, and section 11514 as amended by 2005 PA 243, and by adding section 11521.

The question being on concurring in the substitute made to the bill by the House, The substitute was concurred in, a majority of the members serving voting therefor, as follows:



**Roll Call No. 602**

**Yeas—33**

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

**Nays—0**

**Excused—5**

Birkholz	Patterson	Sanborn	Scott
Garcia			

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

**Senate Bill No. 944, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 450.  
The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the substitute made to the bill by the House,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 603**

**Yeas—32**

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

**Nays—1**

Cassis

**Excused—5**Birkholz  
Garcia

Patterson

Sanborn

Scott

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

**Senate Bill No. 730, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 6, 504, 524, 605, 701, 1296, 1311, 1311g, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1752, 1756, 1757, and 1761 (MCL 380.4, 380.6, 380.504, 380.524, 380.605, 380.701, 380.1296, 380.1311, 380.1311g, 380.1321, 380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751, 380.1752, 380.1756, 380.1757, and 380.1761), section 4 as amended by 2005 PA 61, sections 6, 701, and 1724 as amended by 2003 PA 299, sections 504 and 1701a as amended by 1994 PA 416, section 524 as added by 2003 PA 179, section 605 as amended by 1985 PA 86, section 1311 as amended by 1999 PA 23, section 1311g as amended by 2007 PA 21, section 1321 as amended by 1990 PA 163, section 1723 as amended by 2004 PA 415, and section 1752 as added by 2006 PA 186.

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,  
 Senator Clark-Coleman offered the following amendment to the substitute:

1. Amend page 6, line 24, by striking out all of section **504C**.

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 to the substitute was not adopted, a majority of the members not voting therefor, as follows:

**Roll Call No. 604****Yeas—13**Anderson  
Barcia  
Basham  
BraterCherry  
Clark-Coleman  
ClarkeHunter  
Olshove  
PrusiSchauer  
Thomas  
Whitmer**Nays—20**Allen  
Bishop  
Brown  
Cassis  
CropseyGeorge  
Gilbert  
Gleason  
Hardiman  
JacobsJansen  
Jelinek  
Kahn  
Kuipers  
McManusPappageorge  
Richardville  
Stamas  
Switalski  
Van Woerkom**Excused—5**Birkholz  
Garcia

Patterson

Sanborn

Scott

**Not Voting—0**

In The Chair: Richardville

Senator Olshove offered the following amendment to the substitute:

1. Amend page 5, line 7, after “contract.” by inserting “**A PUBLIC SCHOOL ACADEMY SHALL NOT LOCATE, RELOCATE, OR OPERATE AT A SITE WITHOUT PRIOR APPROVAL OF THE CITY, VILLAGE, OR TOWNSHIP IN WHICH IT INTENDS TO OPERATE.**”.

The amendment to the substitute was not adopted.

Senator Thomas requested the yeas and nays.

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

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

**Roll Call No. 605****Yeas—15**

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

**Nays—18**

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

**Excused—5**

Birkholz	Patterson	Sanborn	Scott
Garcia			

**Not Voting—0**

In The Chair: Richardville

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

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

**Roll Call No. 606****Yeas—24**

Allen	Clarke	Jacobs	Pappageorge
Barcia	Cropsey	Jansen	Richardville

Bishop	George	Jelinek	Stamas
Brater	Gilbert	Kahn	Switalski
Brown	Gleason	Kuipers	Van Woerkom
Cassis	Hardiman	McManus	Whitmer

**Nays—9**

Anderson	Clark-Coleman	Olshove	Schauer
Basham	Hunter	Prusi	Thomas
Cherry			

**Excused—5**

Birkholz	Patterson	Sanborn	Scott
Garcia			

**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 not concurred in, 2/3 of the members serving not voting therefor.  
Senator Cropsey requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

**Roll Call No. 607****Yeas—24**

Allen	Clarke	Jacobs	Pappageorge
Barcia	Cropsey	Jansen	Prusi
Bishop	George	Jelinek	Richardville
Brown	Gilbert	Kahn	Stamas
Cassis	Gleason	Kuipers	Switalski
Cherry	Hardiman	McManus	Van Woerkom

**Nays—7**

Basham	Clark-Coleman	Olshove	Thomas
Brater	Hunter	Schauer	

**Excused—5**

Birkholz	Patterson	Sanborn	Scott
Garcia			

**Not Voting—2**

Anderson

Whitmer

In The Chair: Richardville

Senator Cropsey moved to reconsider the vote by which the House substitute was concurred in. The question being on the motion to reconsider, Senator Cropsey moved that further consideration of the bill be postponed for today. The motion prevailed.

**Protests**

Senators Thomas and Clark-Coleman, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 730 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Thomas’ statement is as follows:

Regretfully, I will be voting “no” on this bill. To legislators with districts specifically impacted by the charter school provisions of this bill, from changes to the House, objected under concerns of local control, and yet, this chamber did not give them and their issues, I believe, the proper hearing. So I think a concurrence vote that perhaps will dramatically change the way charters are operating in those particular school districts, it is not fair to those districts, and certainly, to the members who have brought the issues to us.

To be fair, I support charter schools. I have enjoyed a wonderful relationship with the University of Preparatory Academy in Detroit, and I think they do great work. However, I believe that a more deliberate fashion is appropriate in weighing all of those consequences that might come out of this and is more appropriate than on the last day of session, submitting amendments under concurrence votes. For that, I will be voting “no,” and I hope members will be doing the same.

Senator Clark-Coleman’s statement is as follows:

Mr. President, I supported Senate Bill No. 730 when it was before the Senate earlier this year. The House has added a provision to this bill regarding transfer of charter school pupils and property. Now my problem is that this issue was not debated in any committee, nor has it received any public commitment from those who would be affected by this. My amendment simply removes the language inserted by the House regarding the transfer of charter school pupils. I would hope that my colleagues support this amendment.

This issue has been raised at the last minute on the last day of session. This is a substantial, public policy change that could have unintended consequences that are detrimental to our local communities, our children, and to our school districts around the state.

I urge your support for my amendment.

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

The motion prevailed.

Senator Gleason’s statement is as follows:

I know this became more of a complicated issue than I initially intended it to be and I apologize for that. I think we have some intimate concerns that need to be addressed today. I am very proud that I could have a piece of legislation that could be used as a vehicle for two members on the other side of the aisle. I think that should be an indication that we are willing and always able to work in a bipartisan fashion. I know there was discussion earlier today whether we would even take up this legislation. Now I’d think a little bit more about disabled Michigianians and some others too. But I think it is vitally important that we at least speak to them in the fashion that they would ask and that we should dually respect.

So I would like to thank the leadership for understanding the sensitivity of a minor word “handicap” that may not mean anything to any of us in this chamber, but it means an awful lot to millions of Michigianians.

I'd like to congratulate Representative Ball and Senator Valde Garcia for representing their area to the ultimate by seeing a local issue and utilizing the legislative process to make sure that their businesses back in their districts, that none of us will associate with in an intimate or in a regional matter. But we are willing and able to reach out and help others in a timely fashion.

Mr. President, I thank you and the others and the leadership who found a way to help other members of this and the other chamber as well.

Senator Cropsey moved to reconsider the vote by which consideration of the following bill was postponed for today:  
**Senate Bill No. 59**

The motion prevailed.

The question being on the motion that further consideration of the bill be postponed for today,  
Senator Cropsey withdrew the motion.

**Senate Bill No. 59, 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 9c.

Substitute (H-5).

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

Senator Gilbert offered the following substitute to the House substitute:

Substitute (S-4).

The question being on the adoption of the substitute,

Senator Gilbert offered the following amendment to the substitute:

1. Amend page 3, line 15, by striking out all of subsection (3) and renumbering the remaining subsections.

The amendment to the substitute was adopted.

The substitute, as amended, was adopted.

Senator Cropsey moved that Senator George be excused from the balance of today's session.

The motion prevailed.

The question being on concurring in the House substitute, as substituted,

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

**Roll Call No. 608**

**Yeas—32**

Allen  
Anderson

Cherry  
Clark-Coleman

Jacobs  
Jansen

Prusi  
Richardville

Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Kahn	Stamas
Bishop	Gilbert	Kuipers	Switalski
Brater	Gleason	McManus	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer

**Nays—0**

**Excused—6**

Birkholz	George	Sanborn	Scott
Garcia	Patterson		

**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.

By unanimous consent the Senate returned 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 Jansen as Chairperson.

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

**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 bill 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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

**House Bill No. 5460**

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

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

**House Bill No. 4979**

**House Bill No. 5460**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4979, 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 sections 1g and 9a (MCL 247.651g and 247.659a), section 1g as added by 1997 PA 79 and section 9a as amended by 2002 PA 499.

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. 609**

**Yeas—31**

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

**Nays—0**

**Excused—6**

Birkholz	George	Sanborn	Scott
Garcia	Patterson		

**Not Voting—1**

Basham

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. 5460, entitled**

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

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. 610**

**Yeas—31**

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

**Nays—0**

**Excused—6**

Birkholz	George	Sanborn	Scott
Garcia	Patterson		

**Not Voting—1**

Cassis

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,"

The Senate agreed to the full title.

**Committee Reports**

The Committee on Economic Development and Regulatory Reform reported

**Senate Bill No. 982, entitled**

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

With the recommendation that the bill pass.

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

Alan Sanborn  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, December 12, 2007, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Homeland Security and Emerging Technologies reported

**Senate Resolution No. 122.**

A resolution to urge state departments, universities, community colleges, and local units of government not to invest or deposit any funds in any business, legal, or governmental entity or institution that is engaged in business with known state sponsors of terror or has facilities in these countries.

(For text of resolution, see Senate Journal No. 112, p. 1738.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to urge state departments, public universities, public community colleges, and local units of government not to invest or deposit any funds in any business, legal, or governmental entity or institution that is engaged in business with known state sponsors of terror or has facilities in these countries.

Whereas, In recent years, there have been numerous terrorist attacks in locations such as New York, Washington, D.C., Madrid, London, and Yemen, as well as in Iraq and Afghanistan. The United States Secretary of State has determined that certain countries have repeatedly provided support for acts of international terrorism, and such a country is known as a state sponsor of terror. State and local funds should not be invested in companies that do business or have facilities in countries that have been identified by the United States Secretary of State as state sponsors of terror; and

Whereas, A number of states have taken steps to urge or to prohibit investment or deposit of funds in companies that do business or have facilities in countries that have been identified as state sponsors of terror. It is important that states place pressure on such countries to stop supporting terrorism. Support of terrorism represents a grave threat to the security of the United States and to the residents of the state of Michigan. In the same manner, state and local agencies should not invest or deposit funds in countries which have been identified as state sponsors of terror. Thirty-one states are considering legislation or resolutions and sixteen states have passed divestment legislation; now, therefore, be it

Resolved by the Senate, That we urge state departments, public universities, public community colleges, and local units of government not to invest or deposit any funds in any business, legal, or governmental entity or institution that is engaged in business with known state sponsors of terror or has facilities in these countries; and be it further

Resolved, That copies of this resolution be transmitted to state departments, public universities, public community colleges, and local government associations.

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Concurrent Resolution No. 21.**

A concurrent resolution to urge state departments, universities, community colleges, and local units of government not to invest or deposit any funds in any business, legal, or governmental entity or institution that is engaged in business with known state sponsors of terror or has facilities in these countries.

(For text of resolution, see Senate Journal No. 112, p. 1739.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to urge state departments, public universities, public community colleges, and local units of government not to invest or deposit any funds in any business, legal, or governmental entity or institution that is engaged in business with known state sponsors of terror or has facilities in these countries.

Whereas, In recent years, there have been numerous terrorist attacks in locations such as New York, Washington, D.C., Madrid, London, and Yemen, as well as in Iraq and Afghanistan. The United States Secretary of State has determined

that certain countries have repeatedly provided support for acts of international terrorism, and such a country is known as a state sponsor of terror. State and local funds should not be invested in companies that do business or have facilities in countries that have been identified by the United States Secretary of State as state sponsors of terror; and

Whereas, A number of states have taken steps to urge or to prohibit investment or deposit of funds in companies that do business or have facilities in countries that have been identified as state sponsors of terror. It is important that states place pressure on such countries to stop supporting terrorism. Support of terrorism represents a grave threat to the security of the United States and to the residents of the state of Michigan. In the same manner, state and local agencies should not invest or deposit funds in countries which have been identified as state sponsors of terror. Thirty-one states are considering legislation or resolutions and sixteen states have passed divestment legislation; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge state departments, public universities, public community colleges, and local units of government not to invest or deposit any funds in any business, legal, or governmental entity or institution that is engaged in business with known state sponsors of terror or has facilities in these countries; and be it further

Resolved, That copies of this resolution be transmitted to state departments, public universities, public community colleges, and local government associations.

Cameron Brown  
Chairperson

To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Joint Resolution J, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 5 and 6 of article VIII and section 19 of article IX, to prohibit the investment of certain public funds in companies engaged in business with known state sponsors of terror.

With the recommendation that the joint resolution be adopted.

Cameron Brown  
Chairperson

To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The joint resolution was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 846, entitled**

A bill to prohibit the investment of certain state money or other assets in companies with certain types of business operations in countries designated as state sponsors of terror; to require divestment of any current investments in those companies; and to provide for the powers and duties of certain state and local governmental officers and entities.

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.

Cameron Brown  
Chairperson

To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

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

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 847, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2000 PA 307.

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.

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

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

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 848, entitled**

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 5 (MCL 35.605), as amended by 2002 PA 53.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 503b.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 850, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 124 and 142 (MCL 389.124 and 389.142), section 124 as amended by 1997 PA 135 and section 142 as amended by 1997 PA 23.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 851, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 7a.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 852, entitled**

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 7 (MCL 12.257), as amended by 2007 PA 50.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 853, entitled**

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2005 PA 119.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 854, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 5.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 855, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 41 (MCL 432.41), as amended by 1997 PA 72.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**Senate Bill No. 856, entitled**

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending sections 9 and 11 (MCL 390.1429 and 390.1431).

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Homeland Security and Emerging Technologies reported

**House Bill No. 5143, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 251 (MCL 32.651), as amended by 1988 PA 246.

With the recommendation that the bill pass.

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

Cameron Brown  
Chairperson

## To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, December 11, 2007, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville, Pappageorge, Hunter and Olshove

Excused: Senator Thomas

The Committee on Finance reported

**Senate Bill No. 967, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 450.

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.

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, McManus and Jansen

Nays: Senators Prusi, Jacobs and Whitmer

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

The Committee on Finance reported

**Senate Bill No. 999, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 253.

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.

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, McManus and Jansen

Nays: Senators Prusi, Jacobs and Whitmer

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

The Committee on Finance reported

**House Bill No. 5138, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 3, 4, 5, 7, 9, 11, 12, and 15 (MCL 390.1472, 390.1473, 390.1474, 390.1475, 390.1477, 390.1479, 390.1481, 390.1482, and 390.1485), sections 2, 7, and 9 as amended by 2004 PA 387 and section 3 as amended by 2001 PA 215.

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**House Bill No. 5139, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

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.

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

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 Finance submitted the following:

Meeting held on Wednesday, December 12, 2007, at 2:15 p.m., Room 210, Farnum Building

Present: Senators Cassis (C), Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, December 12, 2007, at 3:05 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Senator Cropsy moved that the Senate adjourn.

The motion prevailed, the time being 5:52 p.m.

Pursuant to Senate Concurrent Resolution No. 24, the President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, December 27, 2007, at 11:30 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate