

No. 62
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, June 29, 2010.

10:00 a.m.

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

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

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

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

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

Senator Thomas M. George of the 20th District offered the following invocation:

Heavenly Father, thank You for the warmth of the sun and the longer days of summer. Thank You for the beauty we see all around us and the opportunity to go outside and enjoy Your creation, our beautiful state.

Warm our souls with the awareness of Your presence, and light our paths with Your word and counsel. As we enjoy Your creation, create in us a pure heart and a hunger and thirst for You. Amen.

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

Senators Jacobs and Whitmer entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

10:47 a.m.

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

During the recess, Senators McManus, Gilbert, Richardville, Clarke, Garcia, Nofs, Pappageorge, Van Woerkom, Jelinek, Bishop, Hardiman, Birkholz, Cassis, Kahn, Kuipers and Jansen entered the Senate Chamber.

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

The following communications were received:
Department of State

Administrative Rules Notices of Filing

June 16, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Natural Resources and Environment and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-060-NE (Secretary of State Filing #10-06-03) on this date at 3:22 p.m. for the Department of Natural Resources and Environment, entitled "Associated Equipment on Vessels."

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

June 23, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-008-LG (Secretary of State Filing #10-06-04) on this date at 12:07 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Construction Code - Part 9A. Mechanical Code."

These rules take effect 120 days after filing with the Secretary of State.

June 23, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Treasury and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-066-TY (Secretary of State Filing #10-06-05) on this date at 12:09 p.m. for the Department of Treasury, entitled "Charitable Gaming."

These rules take effect 7 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 24:

House Bill Nos. 5548 6157

The Secretary announced the enrollment printing, certification and filing with the Secretary of State on Thursday, June 24, of the following joint resolution:

Enrolled Senate Joint Resolution V at 3:20 p.m.

The Secretary announced that the following official bills were printed on Thursday, June 24, and are available at the legislative website:

Senate Bill Nos. 1398 1399 1400 1401 1402 1403 1404 1405
House Bill Nos. 6283 6284 6285 6286 6287 6288 6289

The Secretary announced that the following official bills were printed on Friday, June 25, and are available at the legislative website:

House Bill Nos. 6290 6291 6292 6293 6294

Messages from the Governor

The following message from the Governor was received:

Date: June 25, 2010
Time: 7:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 763 (Public Act No. 102), being

An act to amend 1931 PA 328, entitled "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," by repealing sections 11 and 12 (MCL 750.11 and 750.12).

(Filed with the Secretary of State on June 25, 2010, at 10:42 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

June 24, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 46 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1046:

Board of Health and Safety Compliance and Appeals

Mr. Scott M. Wagner of 19625 Clement Road, Northville, Michigan 48167, county of Wayne, succeeding Michael Carey, whose term has expired, is appointed to represent management in the construction industry, for a term commencing June 24, 2010 and expiring March 18, 2013.

June 24, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421:

Michigan State Housing Development Authority

Mr. Robert S. Sher, an Independent, of 3208 Bloomfield Shore Drive, West Bloomfield, Michigan 48323, county of Oakland, succeeding Archie Clark, who has resigned, is appointed for a term commencing June 24, 2010 and expiring March 10, 2011.

June 24, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to office under Section 25 of 1951 PA 51, MCL 247.675:

Michigan Truck Safety Commission

Mr. Paul J. Millenbach of 117 Moran Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, succeeding Robert McFarland, whose term has expired, is appointed to represent private motor carriers, for a term commencing June 24, 2010 and expiring August 4, 2011.

Mr. Timothy R. Kaltenbach of 512 Bartlett Street, Lansing, Michigan 48915, county of Ingham, is reappointed to represent the general public, for a term expiring August 4, 2011.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

June 28, 2010

Please be advised that I have accepted the resignation of Coffiann U. Hawthorne as a member of the Strategic Economic Investment and Commercialization Board effective June 25, 2010. At the time of her resignation, Ms. Hawthorne's appointment remained before the Michigan Senate pursuant to Const. 1963, Art. 5, § 6.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations.

Messages from the House

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1315, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18223 (MCL 333.18223), as amended by 1986 PA 174.

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.

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. 335

Yeas—37

Allen
Anderson

Clark-Coleman
Clarke

Jacobs
Jansen

Patterson
Prusi

Barcia	Cropsey	Jelinek	Richardville
Basham	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Scott
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Nofs	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer
Cherry			

Nays—0

Excused—1

Stamas

Not Voting—0

In The Chair: President

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

Senator Cropsey moved that the following bills be placed at the head of the Third Reading of Bills calendar:
House Bill No. 4406
House Bill No. 4986
The motion prevailed.

The following bill was read a third time:

House Bill No. 4406, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835), as amended by 2002 PA 562.

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. 336

Yeas—37

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

Nays—0

Excused—1

Stamas

Not Voting—0

In The Chair: President

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

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

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

“An act to 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. 4986, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2009 PA 16.

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. 337

Yeas—37

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

Nays—0

Excused—1

Stamas

Not Voting—0

In The Chair: President

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

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

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 5573, entitled

A bill to amend 1941 PA 359, entitled “An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 247.64), as amended by 2003 PA 321.

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 41

The motion prevailed.

Senator Brown offered the following resolution:

Senate Resolution No. 167.

A resolution commemorating June 29, 2010, as Dairy Foods Awareness Day in the state of Michigan.

Whereas, The mission of the Michigan Dairy Foods Association is to support and promote activities designed to improve and maintain the general well-being of the dairy processing industry; and

Whereas, The Michigan Dairy Foods Association is a trade and membership service organization representing all aspects of the dairy processing industry in Michigan. The association's primary purposes are to assure that a strong environment exists for the creation and maintenance of sound public policy as it relates to all aspects of the dairy processing industry in Michigan; to enhance the position, prestige, and competitive ability of the association's members; and to provide educational programs to enhance members' abilities to process and market fine dairy products, packaged waters, and juices in Michigan and throughout the world; and

Whereas, Dairy Foods Awareness Day was established by the Michigan Dairy Foods Association to demonstrate the importance of the dairy processing industry in Michigan and to promote the 3-A-Day concept of three servings of calcium-rich dairy products per day, which helps ensure a healthy diet. We salute the people of the Michigan Dairy Foods Association for their efforts to expand our awareness and knowledge of the dairy processing industry; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate June 29, 2010, as Dairy Foods Awareness Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of Dairy Foods Awareness Day as evidence of our esteem.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Barcia, Birkholz, Clarke, Gleason, Hardiman, Pappageorge, Richardville, Scott and Switalski were named co-sponsors of the resolution.

Senator Birkholz offered the following resolution:

Senate Resolution No. 168.

A resolution to urge the Great Lakes states and Ontario and the federal governments of the United States and Canada to ban permanently all directional drilling for oil and gas beneath the Great Lakes.

Whereas, The ongoing oil spill disaster in the Gulf of Mexico has dramatized the risks that accompany technological advances in oil exploration and remind us of our limitations in dealing with accidents of this magnitude. The encroaching destruction of sensitive fisheries, marshlands, and habitat is taking a huge toll on an entire way of life for many families; and

Whereas, The oil spill, which continues to defy containment, also serves as an object lesson of the need to ensure that such a tragedy never takes place in the Great Lakes. Apart from the many ways in which the experience in the Gulf of Mexico would be a harbinger of similar devastation to the Great Lakes, such an occurrence would be even worse if the same spill took place in the source of fresh water for tens of millions of Americans and Canadians. The nature of lakes would also present grave problems that could be felt for generations; and

Whereas, It is imperative that the strongest possible steps be taken to protect the lakes. The impact of the existing United States federal statute banning offshore and directional drilling beneath the Great Lakes should be strengthened by similar provisions at every level—state, provincial, and federal. There must be permanent bans in place across the board, representing a unified commitment. For the eight Great Lakes states, constitutional protections, along with the ban at the federal level, would be the strongest measures to put place, and similar steps need to be taken by the provincial government of Ontario and the Canadian federal government; now, therefore, be it

Resolved by the Senate, That we urge the Great Lakes states and provinces and the federal governments of the United States and Canada to ban permanently all directional drilling for oil beneath the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the governors and legislatures of the Great Lakes states, the Legislative Assembly of Ontario, the Office of the Prime Minister of Canada, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Barcia, Clarke, Gleason, Pappageorge, Richardville and Switalski were named co-sponsors of the resolution.

Senators Pappageorge and Birkholz offered the following resolution:

Senate Resolution No. 169.

A resolution to urge the inclusion of a ban on new oil and gas drilling beneath the Great Lakes in the Great Lakes Water Quality Agreement and to call for a study and assessment of the impact and risk from existing drilling operations on the Great Lakes.

Whereas, The Great Lakes Water Quality Agreement has coordinated U.S. and Canadian efforts to protect water quality in the Great Lakes for nearly 40 years. The agreement acknowledges that the Great Lakes are a shared resource, and activities on either side of the border can affect how people and businesses use the lakes on both sides of the border; and

Whereas, The recent oil spill in the Gulf of Mexico demonstrates the disastrous potential consequences of drilling for oil and gas beneath the Great Lakes. A similar accident in the Great Lakes would foul water quality over large areas, devastating billion-dollar fishing, boating, and tourism industries and the millions of jobs associated with them. Great Lakes residents would face additional risks because the Great Lakes serve as drinking water for millions of people; and

Whereas, The risk to Great Lakes water quality outweighs the economic benefit from tapping oil and gas reserves beneath the Great Lakes. The Great Lakes are far too valuable to far too many people, and the gulf situation clearly demonstrates that a catastrophic spill can happen despite precautions; and

Whereas, The United States has banned offshore and directional drilling in and under the Great Lakes, but Canada has not followed suit. There are more than 500 natural gas wells on the Lake Erie bottomlands under Canadian jurisdiction, and Canada continues to allow new offshore drilling for natural gas in the Great Lakes and directional drilling beneath the Great Lakes for both oil and gas. The Great Lakes will not be truly protected from a potential disaster until Canada agrees to provide similar protection; now, therefore, be it

Resolved by the Senate, That we urge the inclusion of a ban on new oil and gas drilling beneath the Great Lakes in the Great Lakes Water Quality Agreement and to call for a study and assessment of the impact and risk from existing drilling operations on the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Secretary of State, the Canadian Minister of Foreign Affairs, the Council of Great Lakes Governors, and the members of the Michigan congressional delegation.

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

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Barcia, Clarke, Gleason, Richardville and Switalski were named co-sponsors of the resolution.

Senators Richardville, Birkholz and Whitmer offered the following concurrent resolution:

Senate Concurrent Resolution No. 48.

A concurrent resolution to urge the inclusion of a ban on new oil and gas drilling beneath the Great Lakes in the Great Lakes Water Quality Agreement and to call for a study and assessment of the impact and risk from existing drilling operations on the Great Lakes.

Whereas, The Great Lakes Water Quality Agreement has coordinated U.S. and Canadian efforts to protect water quality in the Great Lakes for nearly 40 years. The agreement acknowledges that the Great Lakes are a shared resource, and activities on either side of the border can affect how people and businesses use the lakes on both sides of the border; and

Whereas, The recent oil spill in the Gulf of Mexico demonstrates the disastrous potential consequences of drilling for oil and gas beneath the Great Lakes. A similar accident in the Great Lakes would foul water quality over large areas, devastating billion-dollar fishing, boating, and tourism industries and the millions of jobs associated with them. Great Lakes residents would face additional risks because the Great Lakes serve as drinking water for millions of people; and

Whereas, The risk to Great Lakes water quality outweighs the economic benefit from tapping oil and gas reserves beneath the Great Lakes. The Great Lakes are far too valuable to far too many people, and the gulf situation clearly demonstrates that a catastrophic spill can happen despite precautions; and

Whereas, The United States has banned offshore and directional drilling in and under the Great Lakes, but Canada has not followed suit. There are more than 500 natural gas wells on the Lake Erie bottomlands under Canadian jurisdiction, and Canada continues to allow new offshore drilling for natural gas in the Great Lakes and directional drilling beneath the Great Lakes for both oil and gas. The Great Lakes will not be truly protected from a potential disaster until Canada agrees to provide similar protection; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the inclusion of a ban on new oil and gas drilling beneath the Great Lakes in the Great Lakes Water Quality Agreement and to call for a study and assessment of the impact and risk from existing drilling operations on the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Secretary of State, the Canadian Minister of Foreign Affairs, the Council of Great Lakes Governors, and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution, Senator Cropsey moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Barcia, Clarke, Gleason, Pappageorge and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Kahn and Birkholz introduced

Senate Joint Resolution Z, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 31 to article V, to prohibit the drilling of a well for the exploration or production of oil or natural gas within the waters of the state, including the Great Lakes, or beneath the bottomlands of the Great Lakes.

The joint resolution was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Basham and Anderson introduced

Senate Bill No. 1406, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12601 and 12603 (MCL 333.12601 and 333.12603), as amended by 2009 PA 188; and to repeal acts and parts of acts.

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

Senators Nofs and Allen introduced

Senate Bill No. 1407, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16347, 18401, 18411, 18413, and 18421 (MCL 333.16347, 333.18401, 333.18411, 333.18413, and 333.18421), section 16347 as added by 1993 PA 79, sections 18401, 18413, and 18421 as amended by 2004 PA 308, and section 18411 as amended by 2006 PA 408, and by adding sections 18423, 18425, and 18427.

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

Senator Gilbert introduced

Senate Bill No. 1408, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 235 (MCL 257.235), as amended by 2002 PA 652.

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

House Bill No. 4627, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4151, 4153, 4155, and 4165 (MCL 500.4151, 500.4153, 500.4155, and 500.4165), as added by 2006 PA 399, and by adding sections 4158, 4159, 4160, 4161, and 4162 and chapter 41B; and to repeal acts and parts of acts.

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

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

House Bill No. 5548, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

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

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

House Bill No. 6038, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7403, and 7404 (MCL 333.7212, 333.7403, and 333.7404), as amended by 2002 PA 710.

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

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

House Bill No. 6157, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2010 PA 17.

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

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

House Bill No. 6226, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7403 and 7404 (MCL 333.7403 and 333.7404), as amended by 2002 PA 710.

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

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

South Dakota educator Michael Nedelsky said, "Moral responsibility is not just a matter of avoiding harm to others; it also means helping people in need." We have a responsibility to fix the auto insurance system that state government created.

As a legislator, I strive every day to do the best for my constituents and anyone who comes to me with a problem that they cannot solve. As a legislator, that is my responsibility, and as legislators, it is our responsibility to reform auto insurance, and fix the inequities that now exist for far too many Michigan drivers.

There are many Michigan citizens who are struggling to keep their jobs, to find new jobs if they have been laid off, and to keep their families together and food on their table. The last thing these hardworking citizens need is an auto insurance bill that unfairly charges them more for their policy.

We know what the problem is, and we know how to fix it. We need to pass auto insurance reform legislation now so that everyone will pay a fair price for a fair auto insurance policy.

Senator Gilbert's statement is as follows:

I would like to give you a status report on the DRIC hearings. One week ago today, the Transportation Committee held its sixth hearing on the DRIC. We took final testimony at that meeting, bringing the total testimony time to ten hours. Now this is not quite as long as the longest tennis match in history, but it's a substantial amount of testimony nonetheless.

We held hearings in 2006 as well, so this is not a new issue. It is one with which I am familiar. Yet after all this time and all of these meetings, questions remain. In fact, I wonder if the hearings haven't produced more questions than answers. For example, security concerns still need to be addressed. In addition, there are questions on how Canada's financial contribution to a bridge project would work. Would it be a gift? A loan? What are the ramifications? If it is a loan, would that trigger the constitutional requirements of a two-thirds vote by the Legislature? We are examining all of these issues and more.

As chair of the Transportation Committee, it has been my earnest desire to be open and even-handed as I have presided over the DRIC hearings. I pledged that I would take testimony from every individual wishing to provide it, and I have fulfilled that promise. But it has been a frustrating process. Sometimes it seems that the committee gets conflicting information. The Department of Transportation tells us one thing, and the next day, the other side contradicts them, and vice versa.

The legislation before us is House Bill No. 4961. This measure was introduced in May 2009, but we didn't receive the bill in the Senate until a full year later, just this past May. For years, the House worked on the proposal, and we were not privy to how or why certain changes were made to the bill. But now after a year's work by the House, the Senate is expected to ram this measure through in a matter of weeks. Mr. President, to do so would be highly irresponsible. I imagine my colleagues on both sides of the aisle would agree or maybe not.

Therefore, the committee will continue to sort through all sorts of details that we have been provided to make an informed decision based on the data. We will not be rushed in our judgment. I have pledged to work with my colleagues on both sides of the aisle, as well as with the Department of Transportation and all interested parties, to continue to address this issue.

But let me make one thing very clear. My top priority throughout all of this is to protect the Michigan taxpayer. I will not support any legislation on DRIC from this body that will leave the taxpayer on the hook for one single dime. Let me repeat. I cannot support any DRIC proposal that would require Michigan residents to foot the bill through taxes. The risks are simply too costly. I hope others share this view.

I look forward to working with my colleagues on this issue in the coming week.

Senator Basham's statement is as follows:

I agree with everything the good chair of the Transportation Committee just said. One of the things that I absolutely agree with is when he said he would not be rushed. I would never want to rush an undertaker.

I appreciate his willingness to hold hearings on this most important issue to our state and to our country. I especially appreciated the testimony of transport minister John Baird who came before our committee a week ago. But I do remember John Baird saying that this was not a loan. This was Canada putting up the money that Michigan would have put up had it been able to and then Canada getting its money back through tolls.

So when people talk about loans, this is not a loan from Canada to the Michigan Legislature. I heard that in committee from the highest transportation official in the country of Canada, and I just wanted to clear that up. The one thing, even though I agree with everything he said, and I agree with his openness to take up this most important issue, I want him to note that if he trusts what John Baird said, it was pretty significant. It is not a loan. It is the same arrangement that actually Michigan did with Canada with the Blue Water Bridge back in 1938. So this is nothing new.

Also Canada has been our partner, even in the war in Afghanistan and suffered losses also. They have also been our partner in transportation and commerce. They are our partner in many things and will continue to be.

I support, again, the comments from the good chair, as the minority vice chair.

Committee Reports

The Committee on Appropriations reported

Senate Concurrent Resolution No. 40.

A concurrent resolution to memorialize Congress to enact pending legislation to grant permanent lawful resident status to Ibrahim Parlak.

(For text of resolution, see Senate Journal No. 43, p. 771.)

With the recommendation that the concurrent resolution be adopted.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 23, 2010, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Brater, Cherry, Clark-Coleman and Scott

Excused: Senator Barcia

The Committee on Agriculture and Bioeconomy reported

Senate Bill No. 1396, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 8 (MCL 285.68), as amended by 2002 PA 80; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture and Bioeconomy reported

Senate Bill No. 1397, entitled

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending the title and sections 3, 7, 9, 15, 17, and 21 (MCL 285.313, 285.317, 285.319, 285.325, 285.327, and 285.331), sections 3 and 15 as amended by 2008 PA 140.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, June 24, 2010, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz and Whitmer

Excused: Senator Gleason

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 1308, entitled

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 14, 15, 17, and 20 (MCL 445.1574, 445.1575, 445.1577, and 445.1580), section 14 as amended by 2000 PA 239 and section 17 as amended by 1983 PA 188, and by adding sections 14a and 14b.

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.

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 1309, entitled

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 2, 3, 4, 5, 6, 11, 12, and 13 (MCL 445.1562, 445.1563, 445.1564, 445.1565, 445.1566, 445.1571, 445.1572, and 445.1573), sections 2, 3, 5, and 13 as amended by 1998 PA 456, section 4 as amended by 2000 PA 240, and sections 6, 11, and 12 as amended by 1983 PA 188.

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.

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:
Meeting held on Thursday, June 24, 2010, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Sanborn (C), Richardville, Gilbert, Thomas and Jacobs
Excused: Senators Allen and Hunter

The Committee on Education reported

Senate Bill No. 1077, entitled

A bill to provide for, and facilitate the providing of, firefighter training programs to certain individuals through sponsors affiliated with certain other entities; and to prescribe standards for examinations.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

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

The Committee on Education reported

Senate Bill No. 1196, entitled

A bill to amend 1967 PA 291, entitled "An act to authorize state universities and colleges to enact parking, traffic and pedestrian ordinances and to provide for the enforcement of the ordinances; and to dispose of fines collected," by amending section 2a (MCL 390.892a), as amended by 1998 PA 441.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 1284, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280d.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

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

The Committee on Education reported

Senate Bill No. 1402, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1163.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 24, 2010, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

The Committee on Health Policy reported

Senate Bill No. 1242, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3539 (MCL 500.3539), as amended by 2005 PA 306, and by adding chapter 37A.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Allen, Patterson, Sanborn, Gleason and Jacobs

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 1243, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 401e, 402b, 608, 609, 610, 612, and 613 (MCL 550.1401e, 550.1402b, 550.1608, 550.1609, 550.1610, 550.1612, and 550.1613), section 401e as added by 1996 PA 516, section 402b as amended by 1999 PA 7, section 608 as amended by 1991 PA 73, and section 609 as amended by 2003 PA 59, and by adding sections 220, 409b, and 419c.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Allen, Patterson, Sanborn, Gleason and Jacobs

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, June 23, 2010, at 3:03 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Clarke

The Committee on Banking and Financial Institutions reported

House Bill No. 6097, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7704 (MCL 500.7704), as amended by 2006 PA 671.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Nofs and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, June 23, 2010, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Richardville (C), Sanborn, Cassis, Nofs and Olshove

Excused: Senator Hunter

Absent: Senator Clarke

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, June 24, 2010, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, June 24, 2010, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C) and Cropsey

Excused: Senator Barcia

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, July 1, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, June 30, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Finance - Thursday, July 1, 11:00 a.m., Room 110, Farnum Building (373-1758)

Natural Resources and Environmental Affairs - Wednesday, June 30, 1:00 p.m., Room 110, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Friday, July 23, 9:00 a.m., Conference Room 1S69, 1st Floor, Michigan Hall of Justice Conference Center, 925 West Ottawa Street, Lansing (373-0212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:20 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, June 30, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate