

No. 71
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, August 24, 2010.

10:00 a.m.

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

The roll was called by the Assistant Secretary of the Senate, who announced that a quorum was present.

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

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

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

Senator Wayne Kuipers of the 30th District offered the following invocation:

Father, we give You thanks for a new day. We pray that You would remind each one of us that this day is a gift from You; that You give it to us to use for Your honor and glory to continue the work that You lay out for each of us.

Guide our deliberations today, we pray. Help us to remember those who have sent us here to do the work that You have called us to do. We ask for Your blessing on our debates and our discussions. We pray that in all things, we will honor You.

As always, we pray for the men and women who are serving this country in our armed forces. We know that many of them are placed in situations of great danger each day and ask that You would protect them, defend them, and bless their families back home.

Please watch over us this day. Guide and direct all of our activities. We ask in Jesus' name. Amen.

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

Motions and Communications

Senators Jelinek, Gilbert, Pappageorge, Bishop, Jansen, Cherry, Garcia, McManus and Allen entered the Senate Chamber.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolution be postponed for today:

Senate Resolution No. 172

The motion prevailed.

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

Senate Bill No. 1354, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1062 and 1068 (MCL 600.1062 and 600.1068), section 1062 as amended by 2006 PA 620 and section 1068 as added by 2004 PA 224.

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

Senator Anderson moved that Senators Gleason, Hunter and Clarke be temporarily excused from today's session.

The motion prevailed.

Senator Anderson moved that Senator Thomas 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 10:06 a.m.

10:50 a.m.

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

During the recess, Senators Clarke, Gleason and Hunter entered the Senate Chamber.

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

Senate Bill No. 1354

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

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Tuesday, September 7, at 12:00 noon.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, August 19:
House Bill Nos. 5036 5819 6247 6248

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, August 19, for her approval the following bills:

Enrolled Senate Bill No. 795 at 3:15 p.m.

Enrolled Senate Bill No. 1324 at 3:17 p.m.

The Secretary announced that the following official bills were printed on Thursday, August 19, and are available at the legislative website:

Senate Bill No. 1464

House Bill Nos. 6372 6373

The Secretary announced that the following official bills were printed on Friday, August 20, and are available at the legislative website:

House Bill Nos. 6374 6375 6376 6377 6378 6379 6380 6381 6382 6383 6384 6385 6386 6387

Messages from the Governor

The following messages from the Governor were received:

Date: August 23, 2010

Time: 10:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 215 (Public Act No. 146), being

An act to amend 1975 PA 164, entitled “An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking;” by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 18.301, 18.302, 18.303, 18.304, 18.305, and 18.306), sections 2 and 4 as amended by 2004 PA 94.

(Filed with the Secretary of State on August 23, 2010, at 11:22 a.m.)

Date: August 23, 2010

Time: 11:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1324 (Public Act No. 153), being

An act to provide for the procedure for allocation, reallocation, and waiver of federal bond limitations under certain bond programs; and to prescribe certain powers and duties of certain state agencies and public officers.

(Filed with the Secretary of State on August 23, 2010, at 11:36 a.m.)

Respectfully,
 Jennifer M. Granholm
 Governor

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

Senate Bill No. 1163

The motion prevailed.

The following messages from the Governor were received and read:

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office pursuant to Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279:

Commission of Agriculture

Ms. Audrey M. Herioux, a Democrat, of 2423 17th Road, Bark River, Michigan 49807, county of Delta, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2014.

Mr. Todd J. Regis, a Democrat, of 2034 Jeffrey Court, Jackson, Michigan 49203, county of Jackson, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2014.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Carrot Committee

Mr. Steven D. Bouwkamp of 13412 South Spruce Avenue, Grant, Michigan 49327, county of Newaygo, is reappointed to represent fresh growers, for a term expiring October 31, 2011.

Mr. Ryan P. Malburg of 936 West Jackson Road, Hart, Michigan 49420, county of Oceana, is reappointed to represent process growers, for a term commencing November 1, 2010 and expiring October 31, 2013.

Mr. Richard P. Oomen of 2211 East Minke Road, Hart, Michigan 49420, county of Oceana, is reappointed to represent fresh growers, for a term commencing November 1, 2010 and expiring October 31, 2013.

August 20, 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 state office under Sections 16121 and 16421 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.16421:

Michigan Board of Chiropractic

Mr. Thomas M. Klapp, D.C., of 5053 Eric Court, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding Patricia A. Odette, whose term will expire, is appointed to represent licensed chiropractors, for a term commencing January 1, 2011 and expiring December 31, 2014.

Mr. Jeffrey L. Eisman, D.C., of 5958 St. James Drive, West Bloomfield, Michigan 48322, county of Oakland, is reappointed to represent licensed chiropractors, for a term commencing January 1, 2011 and expiring December 31, 2014.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 302 and 1202 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.1202:

Michigan Board of Cosmetology

Mr. Theodore Lakkides of 3941 Lotus Drive, Waterford, Michigan 48329, county of Oakland, is reappointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2014.

Ms. Kathryn W. Spiller of 5665 Lessandro Street, Saginaw, Michigan 48603, county of Saginaw, is reappointed to represent licensed cosmetologists, for a term commencing January 1, 2011 and expiring December 31, 2014.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 2402 of The Insurance Code of 1956, 1956 PA 218, MCL 500.2402:

Data Collection Agency Governing Board

Mr. John W. Schrock of 1042 West Colonial Park Drive, Grand Ledge, Michigan 48837, county of Eaton, is reappointed to represent the executive branch of state government, for a term commencing January 1, 2011 and expiring December 31, 2011.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Onion Marketing Program Committee

Mr. Glenn J. Leap of 389 118th Avenue, Martin, Michigan 49070, county of Allegan, is reappointed to represent growers at-large, for a term expiring August 16, 2013.

Mr. Mark J. Nail of 21705 O Drive North, Marshall, Michigan 49068, county of Calhoun, is reappointed to represent growers at-large, for a term expiring August 16, 2013.

Mr. Eric J. Schreur of 4501 New Holland Street, Hudsonville, Michigan 49426, county of Ottawa, is reappointed to represent growers at-large, for a term expiring August 16, 2013.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Plum Marketing Program Committee

Mr. Martin J. Daly of 3750 West Jackson Road, Hart, Michigan 49420, county of Oceana, is reappointed to represent growers from Central Michigan, for a term expiring July 1, 2013.

Mr. Paul J. Rood, Jr., of 72723 C.R. 378, Covert, Michigan 49043, county of Van Buren, is reappointed to represent growers from Southern Michigan, for a term expiring July 1, 2013.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 2 of 1970 PA 29, MCL 290.422:

Michigan Potato Industry Commission

Mr. Timothy P. Wilkes of 4760 West Lincoln Road, Alma, Michigan 48801, county of Gratiot, succeeding Carl Kruger, whose term has expired, is appointed to represent process shippers and processors, for a term commencing August 20, 2010 and expiring July 1, 2013.

Mr. Duane L. Andersen of 6682 Birch Shore Drive, Lakeview, Michigan 48850, county of Montcalm, is reappointed to represent chip growers, for a term expiring July 1, 2013.

Mr. Patrick J. DuRussel of 315 Ann Arbor Street, Manchester, Michigan 48158, county of Washtenaw, is reappointed to represent fresh growers, for a term expiring July 1, 2013.

Mr. Dennis E. Hanson of 3595 26th Road, Cornell, Michigan 49818, county of Delta, is reappointed to represent seed growers, for a term expiring July 1, 2013.

Mr. Greg E. Iott of 4637 Cool Road, Kalkaska, Michigan 49646, county of Kalkaska, is appointed to represent seed growers, for a term expiring July 1, 2013.

Mr. Brian R. Sackett of 5961 80th Avenue, Mecosta, Michigan 49332, county of Mecosta, is reappointed to represent chip growers, for a term expiring July 1, 2013.

Mr. Randall D. Styma of 4567 Mud Lake Road, Posen, Michigan 49776, county of Presque Isle, is reappointed to represent fresh growers, for a term expiring July 1, 2013.

Mr. Timothy L. Young of 12950 West Lake Montcalm Road, Coral, Michigan 49322, county of Montcalm, is reappointed to represent growers at-large, for a term expiring July 1, 2013.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 16121 and 18221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18221:

Michigan Board of Psychology

Mr. Christopher J. Flores of 1502 Brookwood Avenue, Flint, Michigan 48503, county of Genesee, is reappointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2014.

Mr. James A. Gualdoni of 2370 Ventura Drive, Wolverine Lake, Michigan 48390, county of Oakland, is reappointed to represent the general public, for a term commencing January 1, 2011 and expiring December 31, 2014.

August 20, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to office pursuant to Section 9 of 2008 PA 554, MCL 141.1359:

Regional Convention Facility Authority Board of Directors

Mr. Larry D. Alexander of 4685 Rambling Drive, Troy, Michigan 48098, county of Oakland, is reappointed for a term commencing September 1, 2010 and expiring August 31, 2016.

August 20, 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 78102 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.78102:

Michigan State Waterways Commission

Mr. Michael J. Bryanton of 523 Bainbridge Drive, #42, East Lansing, Michigan 48823, county of Ingham, succeeding Carol Oakley, whose term has expired, is appointed for a term commencing August 20, 2010 and expiring September 18, 2012.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

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 Scott 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. 1354, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1062 and 1068 (MCL 600.1062 and 600.1068), section 1062 as amended by 2006 PA 620 and section 1068 as added by 2004 PA 224.

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:

Senate Bill No. 1373, 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.

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I stand before you with mixed emotions. I have a wonderful task. I have a wonderful staff person from my office who is moving on in her career. Lindsey Koorndyk, this lovely lady you see standing next to me, started in my office in January 2008. Following an internship, she was hired part-time for a while as she finished her degree. She graduated from Michigan State University in 2009 with a degree in communications. She started full-time after graduation, and she has worked in my office as director of communications. She is now going to work with Lansing executive offices at Capitol Affairs.

While I am so thrilled and pleased that she is moving forward to another wonderful position, I am going to miss her. She comes from an awesome family. I have known her father Dan for quite some time, and he is a longtime friend. She is very capable, and I know that Lindsey is going to accomplish great things in life. As you can see right now, her smile can light up a room.

I am going to miss her. I will miss her presence, commitment, and energy, but I send her forward with God's rich blessings. I would like you to help me thank Lindsey for her time, but before I do, I would like to mention that three other Koorndyks are in the chamber today: Lindsey's mother Mary, sister Meghan, and grandmother Lola Koorndyk. Please help me to thank Lindsey for her time here and also welcome her family.

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:

Senate Bill No. 1373

Senate Bill No. 1354

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. 1373

Senate Bill No. 1354

House Bill No. 5295

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1373, 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 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. 400**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	Stamas
Brater	Gleason	Nofs	Switalski
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer
Cherry			

Nays—0**Excused—1**

Thomas

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. 1354, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1062 and 1068 (MCL 600.1062 and 600.1068), section 1062 as amended by 2006 PA 620 and section 1068 as added by 2004 PA 224.

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. 401**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	Stamas
Brater	Gleason	Nofs	Switalski
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer
Cherry			

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5295, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 261 (MCL 208.1261).

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. 402**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	Stamas
Brater	Gleason	Nofs	Switalski
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer
Cherry			

Nays—0**Excused—1**

Thomas

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, 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.

Senators Bishop, George and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bishop's statement is as follows:

Today is another special day. We are winding down on this legislative session and have a number of very fine employees, part of our Senate team, our family, who are moving on seeking brighter and better pastures. The gentleman standing to my left is someone most of you know and have had the opportunity to work with. He has been an important part of our family here in the Senate, and I stand today to recognize Mr. Jonathan J. Schmidt who has been working in the Senate Majority Policy Office. I would like to say a few words about him, whom I have been able to get to know through the years.

His knowledge in his area of expertise, which is not an easy area of the law, but a very important part of the public policy we pass in this state. Jonathan has been with the Senate since January 2007. After graduating cum laude from Bethany Lutheran College with his Bachelor of Arts, he subsequently went to the Thomas J. Cooley Law School, where he received his juris doctorate and passed the bar exam.

In 2007, Jonathan started his Senate Majority Policy Office career as a law clerk and quickly became much a part of our research and writing team. He proved that he has great skills in that category with regard to public policy. Jonathan's integrity and efficiency showed in each successful completed assignment.

In 2008, Jonathan accepted the position of policy advisor for health policy, where he worked with Senator Tom George, Senator Roger Kahn, and their respective committees. Anyone who know these two gentlemen know that it is a tough task to work with those two gentlemen and deal with the very difficult matters of public policy in each one of their committees.

During his tenure, Jonathan has put his mark on implementing legislation for Michigan's constitutional stem cell research provision and state health care reform, and he became the expert on all facets of those areas. We are grateful to have had him. He was always a source of information for us, always had answers for us, and always willing to update on those issues.

He was instrumental in organizing a series of public hearings on the access to and affordability of health care and was integral in formulating policy to update laws regarding local health departments, regulation of the health professions oversight boards, legislation to protect the mentally ill, and modernizing the prescribing and dispensing of pharmaceuticals.

Jonathan has truly made a valuable contribution to the citizens of this state and certainly to this chamber as a member of the Senate family. He has worked tirelessly to approach his job in a very dedicated way. I know him personally, and I wish him well. I look forward to hearing great things about him in the future. I hope that my colleagues will help me to congratulate and thank Jonathan J. Schmidt for his work in the Senate.

Senator George's statement is as follows:

I just wanted to add my remarks to Senator Bishop's for Senator Kahn and I, the two physicians. It's been great to have a lawyer who knows about health care to keep us pointed in the right direction. Jonathan has a 14-month-old son who's not here, but he'll be able to tell him someday that, "Yeah, I was the health policy advisor during all that great debate over health care. I helped guide the Senate through all the mine fields and through all the questions that came up."

Of course, this really helped us design policies that touch on the most important thing in Michigan, and that is our people and the health of our people. So I also want to thank Jonathan for his assistance and wish him well as he goes off into a new direction. Thanks, Jonathan.

Senator Kahn's statement is as follows:

Jonathan, I, too, want to join in the chorus of people who have you to thank, as do the people of the state of Michigan. The DCH budget is a big budget—\$13 billion and growing. Our ability to look at the policies that are contained within that vast expenditure was enhanced greatly by the work that you've provided, the work you did willingly, and the sensitivity you had to the needs of our people. You will be missed. Godspeed in your new career. The Blues are lucky.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 41

Senate Resolution No. 168

Senate Resolution No. 169

Senate Concurrent Resolution No. 48

The motion prevailed.

Senate Concurrent Resolution No. 52.

A concurrent resolution relative to secondary road patrol funds for counties, cities, and villages.
The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Van Woerkom introduced

Senate Bill No. 1465, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 2007 PA 102.

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

Senator McManus introduced

Senate Bill No. 1466, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 10 (MCL 423.210).

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

Senator McManus introduced

Senate Bill No. 1467, entitled

A bill to prohibit employers from placing certain conditions on employment; to grant rights to employees; to impose duties and responsibilities on certain state and local officers; to make certain agreements unlawful; and to provide remedies and penalties.

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

Senators Garcia, Kahn, Barcia, Prusi, Jansen and Cropsey introduced

Senate Bill No. 1468, entitled

A bill to amend 1966 PA 291, entitled "Firefighters training council act," by amending section 9 (MCL 29.369), as amended by 2006 PA 213.

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

Senators Hunter and Basham introduced

Senate Bill No. 1469, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 16a, 44a, and 76a (MCL 780.766a, 780.794a, and 780.826a), as amended by 2006 PA 461.

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

Senators Hunter and Basham introduced

Senate Bill No. 1470, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XV (MCL 775.22), as amended by 2003 PA 102.

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

Senators Hunter and Basham introduced

Senate Bill No. 1471, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 29 of chapter XIII (MCL 712A.29), as amended by 2003 PA 74.

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

Senator Hunter introduced

Senate Bill No. 1472, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending section 4 (MCL 780.904), as amended by 2008 PA 396.

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

Senators Hunter and Basham introduced

Senate Bill No. 1473, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending section 4 (MCL 18.354), as amended by 2008 PA 390.

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

Senators Anderson, Olshove and Prusi introduced

Senate Bill No. 1474, entitled

A bill to provide for certain license sanctions against the holders of certain licenses; to provide certain powers and duties for certain state agencies; to provide for sanctions against employers for actions regarding the employment of undocumented workers; and to provide remedies.

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

House Bill No. 5036, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2977.

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. 5819, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20135 (MCL 324.20135), as amended by 1995 PA 71.

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 Natural Resources and Environmental Affairs.

House Bill No. 6247, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 4 (MCL 168.4), as amended by 2003 PA 302.

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

The bill was read a first and second time by title.

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

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

House Bill No. 6248, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 642a (MCL 168.642a), as amended by 2005 PA 71.

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

The bill was read a first and second time by title.

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

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

Statements

Senators Scott, George and Clark-Coleman 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:

There is an old English saying that goes like this: "Every little bit helps." That saying has never been truer than now, as many Michigan families continue to work their way through a difficult economy.

We can help these families by acting on auto insurance reform and giving many drivers across Michigan at least a little financial relief on one of their monthly bills. If a person does not have a bad driving record, then it does not make a lot of sense to charge them high rates just because of where they live or because they don't have a credit history because they don't use credit cards.

Many families right now need every penny they have just to keep a roof over their heads and food on the table. They don't need an unfairly-high insurance premium to complicate their finances. No one wants to get rid of auto insurance. We just want to make it fair for all Michigan drivers.

Please join me today and commit to passing auto insurance reform that will make it fair and affordable for drivers across the state.

Senator George's statement is as follows:

I rise to draw members' attention to an article that I had distributed to their desks. It is entitled "Pension Fraud by New Jersey is Cited by S.E.C." It's an article taken from the *New York Times*, and it was published last week. It relates to the Securities and Exchange Commission bringing a lawsuit against the state of New Jersey for fraudulently issuing municipal bonds. If you read the article, you will see that the state is accused of shielding from investors facts about the state's fiscal situation from 2001 through 2007.

Of course, when they issue these bonds on the bond market, they are accompanied by a prospectus showing the state's financial status. In what they failed to reveal is they had not fully funded benefits for teachers and state employees. They cited instead a benefit enhancement fund, which, in fact, did not exist. The article goes on to mention that the pension funds had been deprived of contributions for so long that it had become nearly impossible now for the state to catch up.

It says the state needs to come up with billions of dollars every year, something it cannot do without raising taxes, cutting public services, or going even deeper into debt. Governor Christie has now been forced to make cuts in education spending and other areas in hopes at improving the state's finances. The case concluded with the S.E.C. issuing a cease and desist order against the state, which the state accepted. There were no fines or penalties imposed.

I point this out because I think it is just another bellwether sign of what's happening in our economy. It prompts the question as to whether or not the federal government and its policies toward municipal bonds allowing states and governments to issue bonds, in which the investors don't pay taxes on the interest—whether that creates and undoes incentive for states and local governments to go into further debt. It makes it easier to loan money, much like the federal government made it easier for people to buy houses that they could not afford.

So this is a very serious question that we have to ask. In duping the investors, New Jersey has caused harm in this market. They lied to investors about their financial status. If those investors had known, they may not have bought those bonds, or they might have commanded a higher rate of return.

Also they harmed the citizens of New Jersey because they have committed them and encumbered them with additional debt in addition to paying for the pensions that were mentioned. They also have the additional debt to pay off, which may hamper the state's ability to provide core services for the decades to come.

So, colleagues, I commend this to your reading. I don't suggest in any way that Michigan is in the same situation, but I think it is a warning to us all that we need to be very careful about debt and its ability to weaken government.

Senator Clark-Coleman's statement is as follows:

I rise to express my voting intention for several votes that I missed last week. I was absent on Wednesday and Thursday because I was out of town. I was in Portland, Oregon, for the National Education Commission of the States. I was there as the education commissioner for the state of Michigan. This group meets with all the commissioners from around the country to come up with solutions to help states in dealing with educational issues.

Had I been present, I would have voted "yes" on Roll Call Nos. 392-397, as well as Roll Call No. 399. I would have voted "no" on Roll Call No. 398.

Committee Reports

The Committee on Finance reported

Senate Bill No. 77, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2008 PA 198.

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, Pappageorge, Jansen, Jacobs and Cherry

Nays: None

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. 5680, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 253 (MCL 206.253), as added by 2008 PA 287.

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, Jansen, Jacobs and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, August 19, 2010, at 11:55 a.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs and Cherry

Excused: Senator Whitmer

Scheduled Meetings

Finance - Thursday, August 26, 11:00 a.m., Room 110, Farnum Building (373-1758)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:33 a.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, September 7, 2010, at 12:00 noon.

CAROL MOREY VIVENTI
Secretary of the Senate

