

No. 96  
STATE OF MICHIGAN  
**Journal of the Senate**  
94th Legislature  
REGULAR SESSION OF 2007

---

---

Senate Chamber, Lansing, Thursday, September 27, 2007.

10:00 a.m.

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

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

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

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

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

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

Father God, we thank You, Lord, for Yourself. We thank You for Your goodness. You've given us so many wonderful things. We thank You for life and liberty. We thank You for faith, family, and friends. We thank You for this awesome state, Lord God. We even thank You for the responsibility that we've been given. But, Father, we realize and we understand that we can't do it alone. We ask You for wisdom. We ask You for revelation. We ask You for the knowledge to make wise decisions for the people of this great state.

Father, we realize that people are hurting. We want to make it better. Father, help us to lay down those things which would hinder us from making the right decisions and to come together in unity to move this state forward. Father, I ask You to bless each and everyone. Bless our Governor in that same way with wisdom and insight. Bless the leaders in the House and all those Representatives there. Father, I thank You for this great body right here, my colleagues. I ask You to bless us.

Now, Father, we thank You for this day. We thank You for this opportunity. Father, speaking of revelation, I look forward to the day that Michigan will be a model that the nation will look to. It seems difficult to see right now, but I still see it. We ask You to help us to lead this state there.

Father, we come from different backgrounds, different walks of life, even different faiths; You love us all. I ask these things in the precious name of Jesus Christ. Amen.

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

### Motions and Communications

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

Senator Cropsey moved that Senators Cassis and Jansen be temporarily excused from today's session.  
The motion prevailed.

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:

**Senate Bill No. 799**

**House Bill No. 4842**

**House Bill No. 4865**

**House Bill No. 4866**

**House Bill No. 4668**

**House Bill No. 5242**

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

Senator Cropsey moved that rule 2.106 be suspended to allow conference committees to meet during Senate session.  
The motion prevailed, a majority of the members serving voting therefor.

Senators Cassis and Jansen entered the Senate Chamber.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, September 26, for her approval the following bills:

**Enrolled Senate Bill No. 655 at 3:03 p.m.**

**Enrolled Senate Bill No. 656 at 3:05 p.m.**

**Enrolled Senate Bill No. 657 at 3:07 p.m.**

**Enrolled Senate Bill No. 676 at 3:09 p.m.**

The Secretary announced that the following official bills were printed on Wednesday, September 26, and are available at the legislative website:

**Senate Bill Nos. 816 817**

**House Bill Nos. 5262 5263 5264 5265 5266 5267**

### Messages from the Governor

The following message from the Governor was received and read:

September 26, 2007

Pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657, I respectfully submit for consideration and confirmation by the Senate, the following appointments to state office:

**Michigan Corn Marketing Program Committee**

Mr. Edward T. Breitmeyer of 8881 Davis Road, Buckley, Michigan 49620, county of Grand Traverse, succeeding Frank J. Lipinski, whose term has expired, representing District 9 growers, for a term commencing September 26, 2007 and expiring March 5, 2010.

Mr. Richard L. Dobbins of 13677 Cornell Road, Concord, Michigan 49237, county of Jackson, succeeding Bruce D. Noel, whose term has expired, representing District 5 growers, for a term commencing September 26, 2007 and expiring March 5, 2010.

Mr. Larry M. Nobis of 1980 North Lowell Road, St. Johns, Michigan 48879, county of Clinton, succeeding Scott J. Lonier, whose term has expired, representing District 6 growers, for a term commencing September 26, 2007 and expiring March 5, 2010.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations and Reform.

The following message from the Governor was received and read:

September 26, 2007

Due to an error on the September 25, 2007 letter filed with your office pursuant to Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421, please be advised of the following correction appearing in bold print:

**Michigan State Housing Development Authority**

Mr. Bernard S. Gliberman, an Independent, of 5050 Greensward Court, West Bloomfield, Michigan 48322, county of Oakland, succeeding Mary M. Fowlie, who has resigned, for a term commencing September 25, 2007 and expiring March 10, **2010**.

Sincerely,  
Jennifer M. Granholm  
Governor

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

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

**Senate Bill No. 436**

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

**House Concurrent Resolution No. 30.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Western Michigan University relative to the Western Michigan University Brown Hall Renovations/Addition.

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

Whereas, The site for the Western Michigan University Brown Hall Renovations/Addition (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members

elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Western Michigan University Brown Hall Renovations/Addition shall not exceed \$14,800,000 (the Authority share is \$9,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$5,300,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$9,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$633,000 and \$828,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Jelinek and Scott were named co-sponsors of the concurrent resolution.

### **House Concurrent Resolution No. 31.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Macomb Community College relative to the Macomb Community College Health Sciences and Technology Classroom Building.

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

Whereas, The site for the Macomb Community College Health Sciences and Technology Classroom Building (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Macomb Community College Health Sciences and Technology Classroom Building shall not exceed \$12,000,000 (the Authority share is \$5,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$6,000,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$5,999,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$404,000 and \$528,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Jelinek and Scott were named co-sponsors of the concurrent resolution.

### **House Concurrent Resolution No. 32.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Macomb Community College relative to the Macomb Community College Emergency Services Training Center.

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

Whereas, The site for the Macomb Community College Emergency Services Training Center (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Macomb Community College Emergency Services Training Center shall not exceed \$8,683,000 (the Authority share is \$3,272,300, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$5,410,500), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$3,272,300, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$218,000 and \$285,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Jelinek and Scott were named co-sponsors of the concurrent resolution.

#### **House Concurrent Resolution No. 34.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Alpena Community College relative to the Alpena Community College Instructional Addition/Renovation.

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

Whereas, The site for the Alpena Community College Instructional Addition/Renovation (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Alpena Community College Instructional Addition/Renovation shall not exceed \$4,105,500 (the Authority share is \$1,667,300, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$2,438,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$1,667,300, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$111,000 and \$145,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Jelinek and Scott were named co-sponsors of the concurrent resolution.

### **House Concurrent Resolution No. 35.**

A concurrent resolution approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects, Phase I, Phase II, Group E, Special Maintenance Projects (the "Facility").

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires that before a lease between the State of Michigan (the "State") and the State Building Authority (the "Authority") that is only for capital maintenance improvements is executed, the general form of the lease shall be approved by a concurrent resolution concurred in by a majority of the members elected to and serving in each house of the Michigan Legislature, with the votes and names of the members voting thereon entered in the journal. The description of the property to be leased and the rental to be paid by the State shall be approved by the State Administrative Board; and

Whereas, Providing capital maintenance improvements to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Department of Management and Budget State Facility Preservation Projects, Phase I, Phase II, Group E, Special Maintenance Projects shall not exceed \$47,296,000 (the Authority share is \$47,296,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$47,296,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$3,636,000 and \$4,605,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz and Scott were named co-sponsors of the concurrent resolution.

### **House Concurrent Resolution No. 37.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Observatory Lodge Renovations.

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

Whereas, The site for the University of Michigan-Ann Arbor Observatory Lodge Renovations (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the University of Michigan-Ann Arbor Observatory Lodge Renovations shall not exceed \$11,500,000 (the Authority share is \$7,819,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$3,680,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$7,819,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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



Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$521,000 and \$681,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Richardville and Scott were named co-sponsors of the concurrent resolution.

#### **House Concurrent Resolution No. 44.**

A concurrent resolution to approve the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Information Technology Michigan Public Safety Communication System Critical Platform Upgrades.

Whereas, Section 5 of Act 183 of the Public Acts of 1964, as amended, being section 830.415 of the Michigan Compiled Laws, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the Journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, Section 7 of Act No. 183 of the Public Acts of 1964, as amended, being section 830.417 of the Michigan Compiled Laws, requires approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the Journal, before the State may enter into a lease with the Authority upon a showing of a public purpose;

Whereas, Providing facilities and equipment to be used by the State pursuant to a lease for the Facilities is a recognized public purpose; and

Whereas, 1995 PA 128, 1999 PA 265, 2000 PA 291, 2001 PA 81, and 2005 PA 10 appropriated a total of \$247,937,200 (State Building Authority share \$226,505,900; State General Fund share \$21,431,300), to complete plans and construct the Department of State Police public safety communications system; and

Whereas, The public safety communication system known as the Department of State Police Michigan Public Safety Communication System is to be constructed in five phases and one critical platform upgrade (the "Upgrades"); and

Whereas, By Senate Concurrent Resolution No. 288 passed by the Senate and House of Representatives on December 3 and December 11, 1996, respectively, the Legislature approved the conveyance of property and a Lease for Phase I of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$35,211,085, plus interest charges on monies advanced by the State, of which not more than \$34,890,000 plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By Senate Concurrent Resolution No. 100 passed by the Senate and House of Representatives on December 2 and December 8, 1998, respectively, the Legislature approved the conveyance of property and a Lease for Phase II of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$42,660,808, plus interest charges on monies advanced by the State of which not more than \$42,660,808, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By House Concurrent Resolution No. 80 passed by the House of Representatives and the Senate on February 29, 2000, and March 7, 2000, respectively, the Legislature approved the conveyance of property and a Lease for Phase III of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$58,964,403, plus interest charges on monies advanced by the State of which not more than \$58,964,403, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By Senate Concurrent Resolution No. 19 passed by the Senate on May 29, 2001, and the House of Representatives on June 13, 2001, the Legislature approved the conveyance of property and a Lease for Phase IV-A of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$36,336,575, plus interest charges on monies advanced by the State, of which not more than \$36,336,575, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By House Concurrent Resolution No. 55 passed by the House of Representatives on May 12, 2004, and the Senate on May 13, 2004, the Legislature approved the conveyance of property and a Lease for Upgrades to the Department of Information Technology Michigan Public Safety Communication System Phase V (the "MPSCS") at a total cost not to exceed \$43,271,963, plus interest charges on monies advanced by the State, of which not more than \$43,271,963, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, The sites for the Upgrades to the MPSCS (the sites and related equipment upgrades together, the "Facilities") are located throughout the State; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facilities by the Authority to the State (the "Lease"); and

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

Resolved by the House of Representatives (the Senate concurring), That the total cost of the Department of Information Technology Michigan Public Safety Communication System Critical Platform Upgrades consisting of the Facilities shall not exceed \$13,525,482, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facilities, if any, of which not more than \$13,525,382, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facilities, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature approves the Authority acquiring the Facilities and leasing them to the State and determines that the leasing of the Facilities from the Authority is for a public purpose as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facilities shall not be less than \$1,420,000 and not more than \$1,700,000 as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

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

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

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz and Scott were named co-sponsors of the concurrent resolution.

#### **House Concurrent Resolution No. 45.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Capitol Complex Renovations.

Whereas, On June 3, 2004, the Michigan Legislature by House Concurrent Resolution No. 54, concurred in by each house, approved the conveyance of property to the State Building Authority (the "Authority") and approved a lease between the State of Michigan (the "State") and the Authority relative to the Department of Management and Budget Capitol Complex Renovations (the "Facility"); and

Whereas, Section 7(2) of Act No. 183 of Public Acts of 1964 requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Michigan Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility and the Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease which was previously approved on June 3, 2004; and

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

Whereas, The site for the Capitol Complex Renovations located in Ingham County is currently owned by the State; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Department of Management and Budget Capitol Complex Renovations shall not exceed \$27,563,300 (the Authority share is \$27,563,200 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$27,563,200, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,890,000 and \$2,472,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz and Scott were named co-sponsors of the concurrent resolution.

#### **House Concurrent Resolution No. 46.**

A concurrent resolution to revise the total project cost of the Health Program Expansion and Information Commons project at Jackson Community College.

Whereas, The Jackson Community College - Health Program Expansion and Information Commons project was authorized with a total cost of \$16,500,000 in 2006 PA 297; and

Whereas, The Jackson Community College - Health Program Expansion and Information Commons project was increased in cost to a revised total cost of \$17,300,000 in Senate Concurrent Resolution No. 52; and

Whereas, The Jackson Community College - Health Program Expansion and Information Commons project was revised in scope as approved by the Joint Capital Outlay Subcommittee on March 15, 2007; and

Whereas, Jackson Community College has estimated that the total cost to construct the revised Health Program Expansion and Information Commons project has increased to \$18,100,000; and

Whereas, Jackson Community College has agreed to fund the increase in the project cost of \$800,000 with the state commitment remaining at \$7,500,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL §18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost to construct the Jackson Community College - Health Program Expansion and Information Commons project to an amount not to exceed \$18,100,000 (State Building Authority share \$7,499,800; the State General Fund/General Purpose share \$200; and the Jackson Community College share \$10,600,000); and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, the State Building Authority, and the Jackson Community College Board of Trustees.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Jelinek, Richardville, Schauer and Scott were named co-sponsors of the concurrent resolution.

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, Lieutenant Governor Cherry, designated Senator Brown 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 bills:

#### **House Bill No. 4842, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3, 13, 15, 17, 21, 23, 25, 27, 28, 29, 31, 37, 38, 39, 43, and 62 (MCL 338.2203, 338.2213, 338.2215, 338.2217, 338.2221, 338.2223, 338.2225, 338.2227, 338.2228, 338.2229, 338.2231, 338.2237, 338.2238, 338.2239, 338.2243, and 338.2262), sections 3 and 37 as amended by 2006 PA 645, sections 13, 15, 17, 21, 23, 25, 27, 29, 31, 38, 39, 43, and 62 as amended by 2003 PA 87, and section 28 as added by 2006 PA 490.

#### **House Bill No. 4865, entitled**

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending section 202 (MCL 451.602), as amended by 2003 PA 150.

#### **House Bill No. 4866, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2003 PA 106.

#### **House Bill No. 4668, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2004 PA 359.

**House Bill No. 5242, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3122, 5522, 11135, 11153, 11525a, 12103, 12109, and 12112 (MCL 324.3122, 324.5522, 324.11135, 324.11153, 324.11525a, 324.12103, 324.12109, and 324.12112), section 3122 as added by 2004 PA 90, section 5522 as amended by 2005 PA 169, sections 11135, 12103, 12109, and 12112 as amended and section 11153 as added by 2001 PA 165, and section 11525a as amended by 2003 PA 153.

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 amendment, the following bill:

**Senate Bill No. 799, entitled**

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending the title and section 12a (MCL 409.312a), the title as amended by 1994 PA 394 and section 12a as amended by 2002 PA 57.

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

1. Amend page 3, following line 1, by inserting:

**"(7) THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION, SHALL DEVELOP RECOMMENDATIONS FOR RESTORING REVENUE TO THE ENDOWMENT FUND, INCLUDING POSSIBLE CORPORATE SPONSORSHIP. BY MARCH 1, 2008, THE DEPARTMENT SHALL SUBMIT A REPORT ON ITS RECOMMENDATIONS TO THE SUBCOMMITTEES OF THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES WITH PRIMARY RESPONSIBILITY FOR APPROPRIATIONS TO THE DEPARTMENT."**

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.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Brater entered the Senate Chamber.

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

**House Bill No. 4228**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4228, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11b to chapter VI.

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. 363**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

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

The Senate agreed to the full title.

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. 419**

**Senate Bill No. 420**

**Senate Bill No. 421**

**Senate Bill No. 276**

The motion prevailed.

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

**Senate Bill No. 374**

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

**Senate Bill No. 204, entitled**

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending section 3805 (MCL 700.3805), as amended by 2000 PA 177.

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. 374, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding sections 112g, 112h, 112i, 112j, and 112k.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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. 364**

**Yeas—25**

Allen	Clarke	Hardiman	Prusi
Barcia	Cropsey	Jacobs	Stamas
Basham	Garcia	Jansen	Switalski
Bishop	George	Jelinek	Thomas
Brater	Gilbert	Kuipers	Van Woerkom
Cassis	Gleason	McManus	Whitmer
Cherry			

**Nays—13**

Anderson	Hunter	Pappageorge	Sanborn
Birkholz	Kahn	Patterson	Schauer
Brown	Olshove	Richardville	Scott
Clark-Coleman			

**Excused—0**

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

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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 the order of

**Motions and Communications**

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

**House Bill No. 4799**

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Jacobs' statement is as follows:

On September 17th on the floor of this Senate, we marked the passing of a true public servant, Jerry Lawler. To those who knew him, he was passionate about democracy, faithfully serving the state of Michigan for 38 years. On April 20, 2007, just five months before he died, Jerry appeared on "Off the Record" with Tim Skubick. When Tim asked Jerry about his obvious love affair with the Capitol, Jerry replied, "I love the building; I love the system; I love the Legislature. The Legislature is what holds the democracy together."

The Legislature is what holds the democracy together. We have come through some divisive times of late. Our public quarreling and accusations have made the public cynical and impatient. Our image has been bruised and our stature diminished. During that same interview, Jerry Lawler was asked what has changed in the Legislature during his tenure. He replied that in the old days there was more real debate. "They were more focused on policy, more focused on getting things done. There was a sense of working together," he said.

Isn't it time we in the Legislature worked together to get things done? Let's have some meaningful debate. Let's continue the meaningful debate and put aside our differences and come to a final agreement on the 2008 budget. Our job is to hold democracy together for Jerry Lawler and for all of the citizens of Michigan.

Senator Scott's statement is as follows:

I'd like to thank everyone who participated in one way or another in the rally on yesterday for affordable insurance.

In 1837, an editorial ran in an African-American publication that said, "Establish and maintain the press and through it speak out in thunder tones until the nation repents and renders to everyone that which is just and equal." Well, yesterday, thousands of folks spoke out in thunder tones not just to the press, but, more importantly, to the folks—you folks in the Legislature—asking, no, demanding them to render to everyone that which is just and equal when it comes to insurance in Michigan. Thousands of Michigan residents traveled hundreds of miles from all over the state to stand outside these doors and shout, "Move those bills, ladies and gentlemen, move those bills." They were joined by dozens of legislators, political leaders, and clergy, including a brief appearance by Governor Jennifer Granholm, united in their urging to move those bills. I hope you were listening.

### **Recess**

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

The motion prevailed, the time being 10:39 a.m.

8:51 p.m.

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

### **Recess**

Senator Cropsey moved that the Senate recess until 11:00 p.m.

The motion prevailed, the time being 8:52 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 11:02 p.m.

11:46 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  
**Motions and Communications**

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Friday, September 28, at 12:01 a.m.

The motion prevailed.

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

**House Bill No. 5252, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 7b (MCL 205.427 and 205.427b), section 7 as amended by 2004 PA 164 and section 7b as added by 2002 PA 607.

**House Bill No. 5253, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; and to repeal acts and parts of acts.

**House Bill No. 5254, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, 4a, 4d, 4k, and 9a (MCL 205.93a, 205.94, 205.94a, 205.94d, 205.94k, and 205.99a), sections 3a, 4, 4a, 4d, and 9a as amended by 2004 PA 172 and section 4k as amended by 2006 PA 18.

**House Bill No. 5255, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 2, 4a, 4g, 4i, 4x, and 6a (MCL 205.52, 205.54a, 205.54g, 205.54i, 205.54x, and 205.56a), sections 2, 4a, 4g, and 4i as amended by 2004 PA 173, section 4x as amended by 2006 PA 17, and section 6a as amended by 1993 PA 325.

**House Bill No. 5256, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3703, 3704, 5903, and 5904 (MCL 324.3703, 324.3704, 324.5903, and 324.5904), as added by 1995 PA 60.

The motion prevailed.

### Committee Reports

The Committee on Appropriations reported

**Senate Bill No. 799, entitled**

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending the title and section 12a (MCL 409.312a), the title as amended by 1994 PA 394 and section 12a as amended by 2002 PA 57.

With the recommendation that the bill pass.

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

Ron Jelinek  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4842, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3, 13, 15, 17, 21, 23, 25, 27, 28, 29, 31, 37, 38, 39, 43, and 62 (MCL 338.2203, 338.2213, 338.2215, 338.2217, 338.2221, 338.2223, 338.2225, 338.2227, 338.2228, 338.2229, 338.2231, 338.2237, 338.2238, 338.2239, 338.2243, and 338.2262), sections 3 and 37 as amended by 2006 PA 645, sections 13, 15, 17, 21, 23, 25, 27, 29, 31, 38, 39, 43, and 62 as amended by 2003 PA 87, and section 28 as added by 2006 PA 490.

With the recommendation that the bill pass.

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

Ron Jelinek

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4865, entitled**

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending section 202 (MCL 451.602), as amended by 2003 PA 150.

With the recommendation that the bill pass.

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

Ron Jelinek

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4866, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2003 PA 106.

With the recommendation that the bill pass.

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

Ron Jelinek

Chairperson

To Report Out:

Yeas: Senators Pappageorge, Hardiman, Kahn, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: Senator Garcia

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 4668, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2004 PA 359.

With the recommendation that the bill pass.

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

Ron Jelinek

Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5242, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3122, 5522, 11135, 11153, 11525a, 12103, 12109, and 12112 (MCL 324.3122, 324.5522, 324.11135, 324.11153, 324.11525a, 324.12103, 324.12109, and 324.12112), section 3122 as added by 2004 PA 90, section 5522 as amended by 2005 PA 169, sections 11135, 12103, 12109, and 12112 as amended and section 11153 as added by 2001 PA 165, and section 11525a as amended by 2003 PA 153.

With the recommendation that the bill pass.

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

Ron Jelinek

Chairperson

## To Report Out:

Yeas: Senators Pappageorge, Hardiman, Garcia, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: Senator Kahn

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 672, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIII (MCL 712A.19c), as amended by 2004 PA 476.

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.

Mark C. Jansen

Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

**Senate Bill No. 668, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIII (MCL 712A.19b), as amended by 2000 PA 232.

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.

Mark C. Jansen

Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

**Senate Bill No. 669, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIII (MCL 712A.19a), as amended by 2004 PA 473.

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.

Mark C. Jansen

Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

**Senate Bill No. 670, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 13b of chapter XIIA (MCL 712A.13b), as amended by 2004 PA 475.

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.

Mark C. Jansen  
Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

**Senate Bill No. 671, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 2004 PA 477.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, September 25, 2007, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

## COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, September 26, 2007, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Cassis, Stamas, Hunter, Clarke and Olshove

Excused: Senator Sanborn

## COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, September 27, 2007, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Richardville, Olshove and Thomas

Excused: Senators Kuipers and Prusi

**Scheduled Meetings****Conference Committees -**

**Income Tax (HB 5194)** - Friday, September 28, 9:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-0070)

**Public Employees Health Benefits (SB 418)** - Friday, September 28, 12:30 p.m., Room 405, Capitol Building (373-0797)

**Families and Human Services** - Tuesday, October 9, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

**Legislative Retirement Board of Trustees -****Subcommittee -**

**Investment** - Thursday, October 4, 2:00 p.m., Room 927, South Tower, Anderson House Office Building (373-0575)

**Local, Urban and State Affairs** - Tuesday, October 9, 3:00 p.m., Room 110, Farnum Building (373-1635) (CANCELED)

Senator Cropsy moved that the Senate adjourn.  
The motion prevailed, the time being 11:47 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Friday, September 28, 2007, at 12:01 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

