

No. 25
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, March 11, 2008.

10:00 a.m.

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

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

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

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

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

Pastor Fred Lab of Ionia County Church of Christ of Lake Odessa offered the following invocation:

Father in heaven, we are so blessed, so blessed to be Your children, to be Your creation. Father, we thank You just for the opportunities You bless us with each and every day. I ask, Father, that You would strengthen these men and these women, Father, as they lead here in our state.

Lord, our state is an amazing place, but many would doubt that right now. Many would say that we are struggling, which may be the case, but, Father God, I know that Your plans for us are to prosper, Father, and not to harm. I pray that You would bless these men and these women as they work together as they guide and direct things which need to be done in our state. I pray, Father, that they would seek You with humble hearts. I pray, Father, that they would have desires, Father, to follow You; to allow You to lead their way.

Father, I believe that is the way our state comes back together. Help us to remember the principles of Jesus Christ and to live by those principles. Lord, I know that these people do an amazing job. I know that it can be incredibly difficult, and there can be lots of scrutiny. I pray that You would bless them. I pray that You would comfort them in those times. I pray that they would seek to do Your will.

Father, I'm reminded of what Jesus said in the Sermon on the Mount. He said, "Blessed are those who hunger and thirst for righteousness." I pray, Lord, that these men and these women would hunger and thirst for righteousness.

Thank You, dear Lord, for Your blessing of being an American citizen. Thank You for the blessing of being a Michigander. Lord, I praise You, I thank You, and I ask Your blessing upon all who will ever enter this building. I pray, Father, that they will come away as proud and as humble as I am today to stand in this room, but more importantly, to be humbled to stand before You and the kingdom of heaven.

Thank you and praise You, Lord Jesus. It is in Jesus' name that we pray. Amen.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:07 a.m.

10:21 a.m.

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

During the recess, Senators Gilbert, Bishop, Brown, Cassis, Jansen, Kuipers, McManus, Garcia, Van Woerkom, Pappageorge, Hardiman, Jelinek, Birkholz, Patterson, George, Allen, Hunter and Stamas entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

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

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

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:22 a.m.

10:31 a.m.

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

During the recess, Senator Cropsey introduced the Central Michigan University Football Team, 2007 Mid-American Conference Champions Team Captain Dan Lefevour, Coach Butch Jones, and Athletic Director Dave Heeke; and presented them with a Special Tribute.

Mr. Heeke responded briefly.

During the recess, Senator Thomas entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, March 6:

House Bill No. 5665

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 6, for her approval the following bill:

Enrolled Senate Bill No. 523 at 3:00 p.m.

The Secretary announced that the following official bills were printed on Thursday, March 6, and are available at the legislative website:

Senate Bill Nos. 1184 1185 1186
House Bill Nos. 5861 5862 5863

The Secretary announced that the following official bills were printed on Friday, March 7, and are available at the legislative website:

Senate Bill Nos. 1191 1192 1193
House Bill Nos. 5864 5865 5866 5867 5868 5869

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 Anderson 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. 296, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81129 (MCL 324.81129), as amended by 2003 PA 111.

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. 915, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XI (MCL 711.1), as amended by 2000 PA 111.

Substitute (S-1).

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

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

Senate Bill No. 916, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15f of chapter XVII (MCL 777.15f), as added by 2002 PA 206.

Substitute (S-1).

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

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

Senate Bill No. 1059, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 4, line 5, after "**PROCEEDINGS**" by inserting "**FOR WAIVER OF PARENTAL CONSENT**".
2. Amend page 6, line 7, by striking out "**NEGLECT OR ABUSE**".
3. Amend page 7, line 18, after the second "the" by inserting "department of".
4. Amend page 7, line 19, after "~~social services~~" by striking out "**FAMILY INDEPENDENCE AGENCY**" and inserting "**HUMAN SERVICES**".

The Senate agreed to the amendments 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 Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1059

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. 1059

Senate Bill No. 749

House Bill No. 4763

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1059, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"~~Section~~**SEC. 2.** As used in this act:

 - (a) "Abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. Abortion does not include the use or prescription of a drug or device intended as a contraceptive.
 - (b) "Medical emergency" means that condition which, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate an immediate abortion of that woman's pregnancy to avert her death, or for which a delay in performing an abortion will create serious risk of substantial and irreversible impairment of a major bodily function.
 - (c) "Minor" means a person under the age of ~~18~~**16** years who is not emancipated pursuant to section 4 of ~~Act No. 293 of the Public Acts of 1968, being section 722.4 of the Michigan Compiled Laws 1968 PA 293, MCL 722.4.~~
 - (d) "Next friend" means a person who is not 1 of the following:
 - (i) A physician who performs abortions.
 - (ii) A person who is employed by, or receives financial consideration from, a physician who performs abortions or an organization that provides abortions or abortion counseling and referral services.
 - (iii) A person who serves as a board member or volunteer to an organization that provides abortions or abortion counseling and referral services."

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

Senator Thomas moved that Senator Brater be excused from today's session.

The motion prevailed.

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. 115**Yeas—25**

| | | | |
|----------|----------|---------|--------------|
| Allen | Cropsey | Jansen | Pappageorge |
| Barcia | Garcia | Jelinek | Patterson |
| Basham | George | Kahn | Richardville |
| Birkholz | Gilbert | Kuipers | Sanborn |
| Bishop | Gleason | McManus | Stamas |
| Brown | Hardiman | Olshove | Van Woerkom |
| Cassis | | | |

Nays—12

| | | | |
|---------------|--------|---------|-----------|
| Anderson | Clarke | Prusi | Switalski |
| Cherry | Hunter | Schauer | Thomas |
| Clark-Coleman | Jacobs | Scott | Whitmer |

Excused—1

Brater

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Whitmer, Cherry and Jacobs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1059.

Senator Whitmer moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement, in which Senators Cherry and Jacobs concurred, is as follows:

I rise in opposition to passage of this bill. This bill aims to create further hurdles for pregnant female minors in crisis seeking a judicial waiver so that she can secure an abortion. Now I ask you to think about that for a moment. Can you imagine the crisis a young woman must be in to have to turn to the daunting court system instead of going to her parents when faced with an unwanted pregnancy? I can’t imagine it. I have spoken with enough judges to know it’s extremely rare and awfully sad circumstances that make this a preferable option. I can’t even imagine.

Now in committee this bill sponsor stated that the rationale for the bill was “to prevent forum shopping” in the case that a minor seeks a judicial waiver of parental consent to have this abortion. The ironic thing is that this bill does not preclude forum shopping at all. This bill still permits a woman in crisis to seek a waiver where she is found. That’s how the bill is written. And Right to Life even acknowledged that that is an important thing for the safety and privacy of the minor.

I think the sponsor meant that he’s trying to uphold the doctrine of res judicata and preclude a young woman in crisis from seeking a new forum for the abortion waiver. Rather, that she seek appeal of an adverse decision like everyone else in the court system is required to do. Well, that would be all good and well if there was a rampant problem, but there is not.

In fact, the Michigan Right to Life brought a judge to testify as their primary and first witness in favor of the legislation before us. I wish you could have been there to see the questions. In response to my question observing that it would be a pretty sophisticated and resourceful young woman who would travel around looking for a new judge in a different jurisdiction to grant her a waiver where one had already been denied. I said, "Is this really a problem, judge?" He said, "I don't think there's much of that." That was the first witness in favor of this bill saying there is not a problem.

Second, this bill enumerates questions that the judge is supposed to ask of the young woman in crisis. I asked Right to Life's judge whether this was necessary—if, in fact, we need to tell judges what questions to ask when determining whether or not to grant the waiver. You know what the judges said: "Many of those questions might be intimidating." That was Right to Life's first person on behalf of this bill. Well, I agree.

And I would submit that if we don't even trust judges to ask these questions in the first place, we should at least tell them what weight to give the responses to those questions. For instance, one of things in the bill says the judge should ask whether or not the girl is taking a prenatal vitamin. So I ask you, if she is, does that mean she should get the waiver, or she should not?

Another one of the questions is whether or not the girl had sex education. That's almost funny because we don't even require sex education, much less fund it in the state of Michigan. Another question: Has the biological dad left? Did he leave when she was two, or is he still around and involved with her as her dad? Well, what does the answer mean? She should get the waiver, or she should not get the waiver?

So listen to the facts: No. 1, the bill doesn't really address forum shopping as it was claimed. No. 2, there is no established problem. Nothing has been shown that there is a problem we are addressing. No. 3, there has been no corresponding effort to address and fund sex education efforts in our state to prevent unwanted pregnancy in the first place. We should all be able to agree that is something we should all be working toward.

Because of those three things, it leads me to conclude that this is a political solution to a policy problem that simply does not exist. For those reasons, I oppose this bill and ask my colleagues to do the same.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

I am rather surprised that the previous speaker, being an attorney, would think that it is okay for somebody to get a court decision, and then if they don't like the court decision, they go back to the court and ask a different judge on that same bench, "I want you to give me a different decision." We all know that that is not the right way to go. We all know that the normal procedure is if you don't get a decision from a court that you like, then you appeal it. And that's all this legislation does.

This legislation is basically legislation that was introduced a couple of years ago and went all the way to the Governor. It was introduced by a Democratic member of the state House of Representatives. This legislation—and that is what we are talking about—one of the fundamental parts of this legislation is if you don't get an answer from the judge that you like, you don't go back to the same court and then try to get a different judge at that same level to give you a different answer.

The reason why we don't know how much of a problem it is is because no one really keeps statistics on how many times these things are refiled and refiled. The proper way to do it, like in every other procedure, that I am sure every first-year attorney would know, is to go and ask for an appeal.

What this also does, I think it was very clearly stated in the committee this also sets the standards by which the judge must look at things. That doesn't say what weight the judge has to give to these different things. No. Just like abuse and neglect or other types of issues where we set standards in law, we don't say you have to give 25 percent weight to this answer or 50 percent weight or anything else. We just say as a judge, these are items that you must consider, and this is already being considered by several of the judges. So I don't see what the previous speaker's problem is to have this codified into law.

So I would hope that we would set up the proper procedure when somebody is turned down for a waiver and that the proper procedure is to appeal it and not to come back to that court later on, hope for a different judge, and try to get a different answer at that time.

The following bill was read a third time:

Senate Bill No. 749, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3185 and 3285.

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. 116**Yeas—37**

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

Nays—0**Excused—1**

Brater

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. 4763, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5453 (MCL 333.5453), as amended by 2002 PA 644.

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. 117**Yeas—37**

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

Nays—0

Excused—1

Brater

Not Voting—0

In The Chair: Richardville

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

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 Concurrent Resolution No. 22

Senate Resolution No. 154

Senate Concurrent Resolution No. 27

The motion prevailed.

Senators Richardville, Pappageorge, Birkholz, Kahn, Kuipers, Sanborn, Van Woerkom, Gilbert, Jansen, Allen, Jelinek, Barcia, Olshove, Gleason and Cropsey offered the following resolution:

Senate Resolution No. 156.

A resolution to encourage the Office of Financial and Insurance Regulation to work cooperatively with all stakeholders to facilitate the offering of insurance discounts for alternative energy vehicles in Michigan.

Whereas, The nation and the state are facing historical energy challenges. Gasoline prices are skyrocketing, and concerns over global warming are deepening. The once vibrant manufacturing economy in Michigan and other Midwest states is worsening. The increased use of alternative energy vehicles can provide a way to meet our energy challenges and stimulate Michigan’s economy; and

Whereas, Alternative energy vehicles can decrease our dependence on imported petroleum and reduce carbon dioxide emissions. Alternative energy vehicles include hybrid electric vehicles and hydrogen fuel cell vehicles, as well as vehicles fueled with ethanol, biodiesel, and propane. These vehicles use little or no gasoline and have substantially fewer greenhouse gas emissions; and

Whereas, Auto insurance discounts offer an innovative way to spur the purchase of alternative energy vehicles and spur growth in the alternative energy industry. At least two insurance companies, Travelers and Farmers Insurance Group,

offer auto insurance discounts for people who own alternative energy vehicles. This type of policy can provide an added incentive for consumers to help spur the purchase of alternative energy vehicles. Increasing the number of alternative energy vehicles driven increases the market for renewable fuels, benefits our environment, and creates jobs; and

Whereas, The Office of Financial and Insurance Regulation is responsible for regulating insurance companies and protecting the interests of Michigan consumers. Travelers and Farmers Insurance Group are only two of the many insurance companies that provide insurance in Michigan. Clearly, the interests of consumers would be better served if more regulated insurance companies in Michigan were to offer an alternative energy vehicle discount; now, therefore, be it

Resolved by the Senate, That we encourage the Office of Financial and Insurance Regulation to work cooperatively with all stakeholders to facilitate the offering of insurance discounts for alternative energy vehicles in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Commissioner of the Office of Financial and Insurance Regulation.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Clarke and Prusi were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Today I rise to remind you of the charismatic and controversial U.S. Congressman Adam Clayton Powell, Jr. Powell was elected as a Democrat to the United States House in 1944, representing the 22nd Congressional District, which included Harlem. He was the first black Congressman from New York and the first from any Northern state other than Illinois.

In 1961, Powell became chairman of the powerful Education and Labor Committee. In this position, he presided over federal programs for minimum wage increases, education and training for the deaf, vocational training, standards for wages and work hours, and aid to elementary and secondary education. He orchestrated passage of the backbone of President John Kennedy's "New Freedom" legislation. He would also become instrumental in the passage of President Lyndon B. Johnson's "Great Society" social programs.

Powell's committee passed a record number of bills for a single session. That record still remains unbroken. As one of the great modern legislators, Powell steered some 50 bills through Congress. He also passed legislation that made lynching a federal crime and bills that desegregated public schools and the United States military. He challenged the Southern practice of charging blacks a poll tax to vote and stopped racist Congressmen from saying the N-word—and I would say the word because that is what they said, but we buried that in the sessions of Congress.

Adam Clayton Powell took many unpopular stands. In response, he said, "It's never the right time to take a particular stand." That's because he knew that waiting for the right time is often an excuse for not acting at all, so he did what he did when he did it. I'm tired of waiting for the right time as well. The time is now, so move my bills now.

Senator Basham's statement is as follows:

I know, fellow colleagues, that gas is probably \$1.47 or \$1.50 around the Port Huron area, but in my district, we are paying around \$4.00-plus for diesel and about \$3.97 for regular gasoline. Languishing in the Transportation Committee is a bill that I introduced back in February, Senate Bill No. 289. It prohibits price gouging on gasoline during emergencies, and I have yet to get a hearing on this bill. I think that for no other reason, it would show good bipartisan support to look at why gas prices vary 20 cents to 25 cents from station to station and 20 cents to 30 cents from area to area.

So I think it is relevant to have committee members and this entire body look at Senate Bill No. 289. Again, I would formally request that this legislative body take up the issue of gas gouging because, certainly, I am hearing from my district. Maybe you aren't hearing from yours, but it is an issue that makes a difference in putting bread on the table in some families.

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communication was received and read:
 Office of the Auditor General

March 7, 2008

Enclosed is a copy of the following audit report:
 Performance audit of the Client Eligibility Oversight, Error Identification, and Error Prevention Processes for Selected Public Assistance Programs, Department of Human Services.

Sincerely,
 Thomas H. McTavish, C.P.A.
 Auditor General

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

The following communication was received:
 Unemployment Insurance Agency

February 26, 2008

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$422.31. Using the method of applying a percentage of the state average weekly wage, the maximum weekly benefit rate would increase to \$475.62.

Respectfully submitted,
 Liza Estlund Olson
 Acting Director

The communication was referred to the Secretary for record.

The following communications were received:
 Department of State

Administrative Rules
 Notices of Filing

March 5, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:13 p.m. this date, administrative rule (08-03-01) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part 32. Aerial Work Platforms.*" These rules take effect 14 days after filing with the Secretary of State.

March 5, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:15 p.m. this date, administrative rule (08-03-02) for the Department of Natural Resources, Wildlife Division, entitled "*Wilderness and Natural Areas.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 10, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of

Administrative Hearings and Rules filed at 1:17 p.m. this date, administrative rule (08-03-03) for the Department of Environmental Quality, Waste and Hazardous Materials Division, entitled “*Hazardous Waste Management*,” as adopted by the agency on February 6, 2008. These rules take effect 7 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The following communication was received:
Joint Committee on Administrative Rules

Notice of Withdrawal

March 5, 2008

Department of Environmental Quality—Waste and Hazardous Materials Division—Storage and Handling of Liquefied Petroleum Gases (2006-064 EQ) (JCAR # 08-9). The rule is dated August 20, 2007. The rule was received by JCAR on January 31, 2008.

At the committee meeting of the Joint Committee on Administrative Rules (JCAR) held on March 5, 2008, the Department of Environmental Quality indicated they withdraw the rule described above. By an affirmative concurrent majority vote, the JCAR granted permission to the Department of Environmental Quality to withdraw the rule under section 45a(7)(a) of the Administrative Procedures Act (APA), MCL 24.245a(7)(a). The rule, dated August 20, 2007, was withdrawn on March 5, 2008 with the permission of JCAR pursuant to section 45a(7)(a).

Senator John Pappageorge
Chair

Representative Dudley Spade
Alternate Chair

The communication was referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Wednesday, March 5, 2008, at 9:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Pappageorge (C), Van Woerkom and Kuipers

Excused: Senators Barcia and Clarke

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Whitmer, Barcia, Jacobs, Gleason, Cherry, Prusi, Schauer, Scott, Anderson, Olshove, McManus, Allen, Kuipers, George, Clark-Coleman, Richardville, Van Woerkom and Clarke introduced

Senate Bill No. 1194, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” (MCL 29.1 to 29.33) by adding section 3f.

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

Senators Van Woerkom, Birkholz, Pappageorge, Kahn, Kuipers, Sanborn, Jansen, Allen, Jelinek, Barcia, Olshove, Gleason, Whitmer, Richardville, Cropsey and Brown introduced

Senate Bill No. 1195, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 88o (MCL 125.2088o), as added by 2005 PA 215.

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

Senators Gilbert, Birkholz, Pappageorge, Kahn, Kuipers, Sanborn, Van Woerkom, Allen, Barcia, Olshove, Gleason, Richardville, Cropsey and Brown introduced

Senate Bill No. 1196, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 430. The bill was read a first and second time by title and referred to the Committee on Agriculture.

Senators Barcia, Birkholz, Pappageorge, Kahn, Kuipers, Sanborn, Van Woerkom, Gilbert, Allen, Olshove, Gleason, Richardville, Cropsey and Brown introduced

Senate Bill No. 1197, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4gg. The bill was read a first and second time by title and referred to the Committee on Agriculture.

Senators Cassis, Jansen, Richardville, Kuipers, Gilbert, Pappageorge, Garcia, Kahn, McManus, Barcia, Van Woerkom, Allen and Brown introduced

Senate Bill No. 1198, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 417 and 441 (MCL 208.1417 and 208.1441).

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

Senators Switalski, Schauer, Prusi, Anderson, Kahn, Jacobs, Gleason, Brater and Pappageorge introduced

Senate Bill No. 1199, entitled

A bill to grant employment protection rights to certain volunteers; to specify the conditions giving rise to those rights; to prohibit certain conduct by employers; and to provide remedies.

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

Senators Anderson, Schauer, Hunter, Whitmer, Switalski, Richardville, Brater, Prusi, Scott, George, Garcia, Basham, Jansen, Hardiman, Stamas and Barcia introduced

Senate Bill No. 1200, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5451 and 6023 (MCL 600.5451 and 600.6023), section 5451 as added by 2004 PA 575 and section 6023 as amended by 1998 PA 61.

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

Senators Garcia, Cropsey, Richardville, Olshove, Van Woerkom, Prusi, Birkholz, Pappageorge, Kahn, Brown, Jansen and Anderson introduced

Senate Bill No. 1201, entitled

A bill to allow certain active duty service members to terminate contracts with wireless telecommunications providers; to provide for the rights and responsibilities of the parties to those terminated contracts; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide remedies; and to provide for the disposition of civil fines.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senator Kahn introduced

Senate Bill No. 1202, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525), as amended by 2006 PA 539, and by adding section 526.

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

Senators Richardville, Sanborn, Gilbert, Allen, Kahn, Switalski and Olshove introduced

Senate Bill No. 1203, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 12a (MCL 125.2162a), as amended by 2004 PA 365, and by adding section 12b.

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

Senators Richardville, Sanborn, Gilbert, Allen, Kahn, Switalski and Olshove introduced
Senate Bill No. 1204, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 441 (MCL 208.1441).

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

House Bill No. 5665, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by amending the title; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 1157, entitled

A bill to amend 1960 PA 77, entitled "An act to create the Michigan higher education assistance authority and to prescribe its powers and duties; to authorize persons, corporations, and associations to make gifts to the authority; to prescribe the powers and duties of certain state officials; to authorize, ratify, and confirm certain guarantees of students' loans and authorize reguarantees; to authorize, ratify, and confirm certain guarantees of loans made to parents of students; to validate certain prior appropriations; and to authorize the transfer of certain appropriations to be transferred to and administered by the authority," (MCL 390.951 to 390.961) by adding section 7b; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Ron Jelinek
 Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, Jansen, Brown, 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. 5184, entitled

A bill to authorize the state administrative board to accept and convey certain real property in Ingham county; to prescribe certain conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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 Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 5, 2008, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

The Committee on Commerce and Tourism reported

Senate Bill No. 882, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2, 7, and 8 (MCL 205.422, 205.427, and 205.428), sections 2 and 8 as amended by 2005 PA 238 and section 7 as amended by 2004 PA 164.

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.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

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

The Committee on Commerce and Tourism reported

Senate Bill No. 883, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 3 (MCL 205.53), as amended by 2004 PA 173.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

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

The Committee on Commerce and Tourism reported

Senate Bill No. 970, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 7 (MCL 125.1651 and 125.1657), section 1 as amended by 2006 PA 659 and section 7 as amended by 2005 PA 115.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

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

The Committee on Commerce and Tourism reported

Senate Bill No. 972, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 7 (MCL 125.1657), as amended by 2005 PA 115.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

Senate Bill No. 1115, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 431a.
With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
Meeting held on Thursday, March 6, 2008, at 9:00 a.m., Room 210, Farnum Building
Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:
Meeting held on Thursday, March 6, 2008, at 11:50 a.m., Room 110, Farnum Building
Present: Senators Cassis (C), Gilbert, McManus, Jansen, Prusi, Jacobs and Whitmer

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:
Meeting held on Thursday, March 6, 2008, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Prusi and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, March 6, 2008, at 3:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Garcia (C), Cropsey and Barcia

Scheduled Meetings

Appropriations -

Subcommittees -

Capital Outlay - Wednesday, March 12, 2:30 p.m. or later immediately following House session, House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Colleges - Wednesday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursday, March 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Wednesday, March 12, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesday, March 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary and Corrections - Wednesday, March 12, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Natural Resources Department - Wednesday, March 12, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, April 24, May 1, and May 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Wednesday, March 12, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, March 12, 11:30 a.m. or later immediately following session, Room 210, Farnum Building (373-1758)

Health Policy - Wednesday, March 12, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Friday, March 21, 8:30 a.m., Room 426, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Wednesday, March 26, 2:00 p.m., Oakland County Executive Office Building, Building 41-West, Conference Center/West Oakland Room, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursday, March 13, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Natural Resources and Environmental Affairs - Wednesday, March 12, 1:00 p.m., Room 110, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, March 25, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:18 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, March 12, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate