

No. 42
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, May 20, 2009.

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
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Tupac A. Hunter of the 5th District offered the following invocation:

O Holy Spirit, we are here before You conscious of our many sins but united in a special way in Your holy name. Come and abide with us and deign to penetrate our hearts. Be the guide of our actions, indicate the path we should follow, and show us what we must do, so that, with Your help, our work will be wholly pleasing to You.

May You be our only inspiration and the overseer of our intentions, for You alone possess a glorious name with the Father and the Son. May You, who are infinite justice, never permit us to be disturbers of justice. Let not our ignorance induce us to evil nor flattery sway us nor moral and material interests corrupt us. Unite our hearts to You alone, and do it strongly, so that, with the gift of Your grace, we may be one in You and may in nothing depart from the truth.

Thus, united in Your name, may we in our every action follow the dictates of Your mercy and justice, so that today and always our judgments may not be alien to You, and in eternity, we may obtain the unending reward of our actions. Amen.

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

Motions and Communications

Senators Richardville and Garcia entered the Senate Chamber.

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

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

The following communication was received:
Office of Financial and Insurance Regulation

May 18, 2009

Pursuant to MCL 500.3721, the Commissioner of the Office of Financial and Insurance Regulation is required to make a determination as to whether a reasonable degree of competition in the small employer carrier health insurance market exists. Be advised that the State of Competition in the Small Employer Carrier Health Insurance Market report is attached to this correspondence.

If you have any questions or concerns, please feel free to contact Jenita Moore, Deputy Commissioner for Policy at (517) 373-1866.

Thank you,
Angela M. Shipp, Executive Secretary
Policy Division

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 19:
House Bill Nos. 4237 4817 4818 4819 4918 4919 4920 4921

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

Senate Bill Nos. 583 584 585 586 587 588

Messages from the House

Senate Bill No. 363, entitled

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

(For text of amendment, see Senate Journal No. 32, p. 589.)

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

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

Roll Call No. 192**Yeas—34**

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

Nays—0**Excused—2**

Brater	Cassis
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Not Voting—1

Barcia

In The Chair: President

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

The motion prevailed.

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

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

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

Senate Bill No. 409, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43542 (MCL 324.43542), as added by 1995 PA 57.

(For text of amendment, see Senate Journal No. 40, p. 738.)

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

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

Roll Call No. 193**Yeas—34**

Allen	Cropsey	Jelinek	Richardville
Anderson	Garcia	Kahn	Sanborn
Basham	George	Kuipers	Scott

Birkholz
Bishop
Brown
Cherry
Clark-Coleman
Clarke

Gilbert
Gleason
Hardiman
Hunter
Jacobs
Jansen

McManus
Olshove
Pappageorge
Patterson
Prusi

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—3

Barcia

Brater

Cassis

Not Voting—0

In The Chair: President

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

Senators Barcia and Cassis entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Jacobs 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:

Senate Bill No. 164, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2008 PA 169.

House Bill No. 4145, entitled

A bill to amend 2006 PA 237, entitled "An act to amend 1994 PA 451, entitled, "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58; and to repeal acts and parts of acts," by repealing enacting section 1.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 186, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 545.

Substitute (S-2).

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 39

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 55

The resolution consent calendar was adopted.

Senators Jansen and Hardiman offered the following resolution:

Senate Resolution No. 55.

A resolution honoring the 50th Anniversary of Amway Corporation.

Whereas, Fifty years ago, two good friends, Jay Van Andel and Richard DeVos, shared a dream for a better life for their families and a strong faith in God and founded Amway Corporation in the basements of their neighboring homes in the village of Ada, Michigan; and

Whereas, The company grew to a currently thriving global business, with more than 13,000 employees, 3 million distributors, operations in over 80 countries and territories worldwide, and record annual sales of more than \$8.2 billion; and

Whereas, Amway Corporation is now one of the largest private companies in the United States and one of the largest retailers in the world; and

Whereas, Amway sells many great products, including home care products, personal care products, jewelry, electronics, Nutrilite dietary supplements, water purifiers, air purifiers, insurance, and cosmetics; and

Whereas, Amway Corporation also supports the local community surrounding each of its operations by providing jobs to more than 4,000 West Michigianians and greatly enhancing the economy; and

Whereas, A company known for efficiency and quality products, Amway Corporation has earned an excellent reputation in the business community, as well as a reputation for taking great pride in their principles, people, and products to play a positive role in so many people's lives around the world; and

Whereas, Amway has maintained its commitment to business excellence, manufacturing superiority, environmental concerns, safety and health, and caring for people and their communities; and

Whereas, Amway celebrates 50 years of creating change through leadership, innovation, caring, and vision; and

Whereas, The fundamental principles of Amway are freedom, family, hope, and reward which hold true today as they did in the very beginning; now, therefore, be it

Resolved by the Senate, That we hereby honor Amway Corporation on its 50th Anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to Amway Corporation as a token of our esteem.

Senators Allen, Barcia, Cropsey, Van Woerkom, Pappageorge, Garcia, Kuipers and Jansen offered the following resolution:

Senate Resolution No. 54.

A resolution to request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested cormorants.

Whereas, The double-crested cormorants are dramatically depleting the public and private fishing industry throughout the Great Lakes and on inland lakes and streams. The destruction of the fisheries population is causing havoc to our recreational, tourist, and commercial industries; and

Whereas, The cormorants are also causing tree and vegetation destruction at an accelerated rate. The destruction is not limited to natural resources, but includes bridge and lighthouse deterioration. Public swimming beaches are being closed due to cormorant feces which poses a public health hazard in addition to its excessive and unpleasant odor; and

Whereas, The increase of the double-crested cormorant population has caused significant devastation to Michigan's Les Cheneaux Islands, destroying vegetation and depleting the yellow perch population. The cormorant population increase is being reversed through the U.S. Department of Agriculture Wildlife Services reduction program which includes egg oiling. This program has led to improved fish reproduction and improvements in the fish populations; now, therefore, be it

Resolved by the Senate, That we request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested cormorants; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Fish and Wildlife Service, the United States Department of Agriculture Wildlife Services Division, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations 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 Hunting, Fishing and Outdoor Recreation.

The motion prevailed.

Senators Birkholz, Gleason, Kahn, Prusi and Stamas were named co-sponsors of the resolution.

Senator Brater entered the Senate Chamber.

Introduction and Referral of Bills

Senators Kahn and Gilbert introduced

Senate Bill No. 589, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 7a (MCL 252.307a), as added by 2006 PA 447.

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

Senator Jelinek introduced

Senate Bill No. 590, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 204 (MCL 125.3204).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Jelinek, Garcia, Birkholz and Cropsey introduced

Senate Bill No. 591, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2007 PA 31.

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

Senators Kuipers, Whitmer, Van Woerkom and Gleason introduced

Senate Bill No. 592, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1274a (MCL 380.1274a), as amended by 2003 PA 255.

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

Senator Switalski introduced

Senate Bill No. 593, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2004 and 2005 (MCL 339.2004 and 339.2005), section 2004 as amended by 1988 PA 463 and section 2005 as amended by 1998 PA 90.

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

Senators Kuipers, Jelinek, Van Woerkom and Allen introduced

Senate Bill No. 594, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," (MCL 125.3101 to 125.3702) by adding section 515.

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

Senators Gleason, Cherry, Whitmer, Jacobs, Scott, Anderson, Clark-Coleman, Switalski, Clarke, Brater and Prusi introduced

Senate Bill No. 595, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 442 (MCL 18.1442), as added by 1991 PA 72.

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

Senators Prusi, Allen, Van Woerkom, Jelinek, Olshove and Cherry introduced

Senate Bill No. 596, entitled

A bill to authorize the state administrative board to convey certain state owned property in Delta county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for disposition of the revenue from the conveyance.

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

Senator Gilbert introduced

Senate Bill No. 597, entitled

A bill to amend 2008 PA 23, entitled "Enhanced driver license and enhanced official state personal identification card act," by amending section 6 (MCL 28.306).

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

House Bill No. 4237, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 430.

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 Appropriations.

House Bill No. 4918, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 2002 PA 666.

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

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

House Bill No. 4919, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2002 PA 710; 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 Judiciary.

House Bill No. 4920, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2006 PA 167.

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

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

House Bill No. 4921, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 10, 11, and 12 of chapter IX (MCL 769.10, 769.11, and 769.12), as amended by 2006 PA 655.

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

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:35 a.m.

10:51 a.m.

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

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. 186

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. 49**Senate Bill No. 59****Senate Bill No. 128****Senate Bill No. 135****Senate Bill No. 199****Senate Bill No. 324****Senate Bill No. 571****House Bill No. 4224****House Bill No. 4781****Senate Bill No. 186**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 49, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 2006 PA 177.

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. 194**Yeas—28**

Allen	Clarke	Hunter	Pappageorge
Barcia	Cropsey	Jansen	Patterson
Birkholz	Garcia	Jelinek	Richardville
Bishop	George	Kahn	Sanborn
Brown	Gilbert	Kuipers	Stamas
Cassis	Gleason	McManus	Thomas
Cherry	Hardiman	Olshove	Van Woerkom

Nays—9

Anderson	Clark-Coleman	Prusi	Switalski
Basham	Jacobs	Scott	Whitmer
Brater			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 59, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

The question being on the passage of the bill,

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

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

Roll Call No. 195

Yeas—31

Allen	Clarke	Jansen	Prusi
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Scott
Bishop	Gilbert	McManus	Stamas
Brown	Gleason	Olshove	Thomas
Cassis	Hunter	Pappageorge	Van Woerkom
Cherry	Jacobs	Patterson	

Nays—5

Basham	Clark-Coleman	Switalski	Whitmer
Brater			

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Basham and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 59.

Senator Basham moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement, in which Senator Whitmer concurred, is as follows:

Mr. President, I do believe, and also the bill that we just passed, I certainly support Habitat for Humanity. They do wonderful things for our state and our nation. I go to church every Sunday. I do trust in God. I used to be a Boy Scout. My family and I have pets. I believe in the Humane Society and the great work that they do. I am a member of Ducks Unlimited. I certainly do hope that our whole state will support our great professional teams, the Red Wings, the Tigers, Pistons, and even the Lions, Mr. President.

There is a reason that the State Police oppose these bills. The reason they oppose these bills is license plates are supposed to be an identifier. They are not supposed to be a fundraiser, and we could do the same thing in Michigan. If you wanted to adopt a bumper sticker and pay a fee to put a bumper sticker on your car and have that money go to those different, wonderful organizations, it seems like it would make sense.

As confusing as it is for the police in this state and in other states to do their jobs, by adding these specialty plates, it makes it very, very confusing. So I am going to support the State Police and ask members not to support these bills, this whole package of bills. So I would encourage members to oppose these bills.

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

The motion prevailed.

Senator Patterson’s statement, in which Senator Pappageorge concurred, is as follows:

An identifier? Every plate that Michigan issues has a one-word identifier, “Michigan,”—surprise. There are 50 states. We are a tourist state, and vehicles come in from all of those 50 states. There are multiple provinces in Canada. The state of New York has over 220 plates that they issue. We have a one-word identifier, and it seems implausible to me that the State Police cannot look at a license plate and not be able to read “Michigan.”

So with all due respect, I encourage support for these bills.

Senator Kahn’s statement is as follows:

I rise to speak also on this particular issue and associate myself with the remarks of the Senator from the 7th District. I have to say that the Senator from the 8th District, with whom I have the honor to serve in this body and on the Transportation Committee, has brought up the issue of identifier and confusion on multiple occasions and has stated that if, indeed, the State Police would not accept this that he would entertain a different opinion, and I respect that.

It should be noted that in regard to license plates per se, specialty license plates, there are those that are fundraisers; those that are, in fact, identifiers and not only identifiers in the sense over and above whether or not is Michigan, but who they are. We have license plates to support the Wildlife Habitat Association, lighthouse preservation, water quality protection, agricultural heritage, the Children’s Trust Fund, and the Vietnam Veterans Memorial Monument Fund—had those for some time. Two years or so ago, we added two more: American Pride plate and a Support Our Troops plate.

The bill that we just passed, Senate Bill No. 49, doesn’t carry a funding source associated with that. I hope that one is identified in the House, but you might argue that that particular plate not having a funding source should be considered separately. The good Senator from the 8th District does not make that argument.

In regards to the notion of confusion and the State Police arguing through the Senator that these plates are confusing, this is not the case in Florida, which has 90 or so different plates, and the State Police should not make that argument in Michigan, since they themselves have a specialty license plate—an identifier.

I ask that my remarks be printed in the record that these bills be passed in total and the State Police reexamine its point of view.

The following bill was read a third time:

Senate Bill No. 128, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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. 196

Yeas—28

Allen	Cherry	Hunter	Pappageorge
Anderson	Clarke	Jansen	Patterson
Barcia	Cropsey	Jelinek	Richardville
Birkholz	Garcia	Kahn	Sanborn
Bishop	George	Kuipers	Stamas
Brown	Gilbert	McManus	Thomas
Cassis	Gleason	Olshove	Van Woerkom

Nays—8

Basham	Clark-Coleman	Prusi	Switalski
Brater	Jacobs	Scott	Whitmer

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 135, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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. 197

Yeas—23

Anderson	Cherry	Jacobs	Patterson
Barcia	Clarke	Jansen	Richardville
Birkholz	Garcia	Jelinek	Sanborn
Bishop	George	Kahn	Thomas
Brown	Gleason	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	

Nays—13

Allen	Cropsey	McManus	Stamas
Basham	Gilbert	Prusi	Switalski
Brater	Kuipers	Scott	Whitmer
Clark-Coleman			

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 199, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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. 198**Yeas—30**

Allen	Clarke	Jansen	Patterson
Anderson	Cropsey	Jelinek	Prusi
Barcia	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Gleason	Olshove	Thomas
Cassis	Hunter	Pappageorge	Van Woerkom
Cherry	Jacobs		

Nays—6

Basham	Clark-Coleman	Switalski	Whitmer
Brater	Scott		

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 324, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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. 199**Yeas—30**

Allen	Clarke	Jansen	Patterson
Anderson	Cropsey	Jelinek	Prusi
Barcia	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Gleason	Olshove	Thomas
Cassis	Hunter	Pappageorge	Van Woerkom
Cherry	Jacobs		

Nays—6

Basham	Clark-Coleman	Switalski	Whitmer
Brater	Scott		

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 571, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding sections 811r, 811s, 811t, and 811u.

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. 200**Yeas—29**

Allen	Clarke	Jacobs	Pappageorge
Anderson	Cropsey	Jansen	Patterson
Barcia	Garcia	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Gleason	McManus	Thomas
Cassis	Hunter	Olshove	Van Woerkom
Cherry			

Nays—7

Basham	Clark-Coleman	Scott	Whitmer
Brater	Prusi	Switalski	

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4224, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2004 PA 420.

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. 201**Yeas—36**

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4781, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

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. 202

Yeas—36

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 186, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 545.

The question being on the passage of the bill,

Senator Richardville offered the following amendment:

1. Amend page 3, following line 26, by inserting:

“(12) A CATERING PERMIT HOLDER WHO SELLS AND DELIVERS SPIRITS IN VIOLATION OF SECTION 203 IS LIABLE FOR AN ADMINISTRATIVE FINE OF NOT MORE THAN \$1,000.00.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 203**Yeas—25**

Allen	Garcia	Kahn	Richardville
Barcia	George	Kuipers	Sanborn
Birkholz	Gilbert	McManus	Stamas
Bishop	Gleason	Pappageorge	Thomas
Brown	Jansen	Patterson	Van Woerkom
Cassis	Jelinek	Prusi	Whitmer
Cherry			

Nays—11

Anderson	Clark-Coleman	Hunter	Scott
Basham	Clarke	Jacobs	Switalski
Brater	Cropsey	Olshove	

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 186 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.” The motion prevailed.

Senator Jacobs’ statement is as follows:

First of all, I would like to thank the sponsor of this bill for working very hard trying to address a lot of concerns that I and a lot of other stakeholders had over the bill. However, for me, we are not quite where I need this to be. I do rise in opposition to Senate Bill No. 186. By the way, this is pretty similar to the bill that the Governor did veto in 2006.

At its most basic level, this bill will permit catering companies to provide and serve liquor at events they are catering off premises. Many of these events are private affairs with little or no advertising. So given that, it would be very difficult for the Liquor Control Commission or local law enforcement to conduct random, on-site inspections as they currently do at hotels and restaurants.

Additionally, catering firms currently must purchase their liquor from grocery stores, liquor stores, or other retail outlets. I have gotten a lot of letters from these businesses in my district that this type of business can generate about 20 percent of their annual business from these sales. This new catering permit liquor license would allow catering companies to purchase liquor at a lower wholesale price than the retail outlets.

Now, with the difficult economic situation that our state is facing, I just don’t feel comfortable doing something that would harm these small retail businesses that we all find in our districts. While the changes made in this most recent iteration does address many of the issues that were raised, this new bill still does not address some of the underlying problems that I have with this bill.

So I would encourage members to join me in voting against this bill, although well-intentioned.

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

The motion prevailed.

Senator Pappageorge’s statement is as follows:

The previous speaker is correct; an earlier bill was vetoed. The only remaining issue in this bill is whether a set of small businesses would not have to compete with another set of small businesses, namely caterers. So the onus on those who vote “no,” and for that matter on the Governor, would be to veto a bill that ends a monopoly.

So I would urge you to vote “yes.”

By unanimous consent the Senate proceeded to the order of

Statements

Senators Birkholz, Barcia, Jelinek, Bishop, Scott and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Birkholz’s statement is as follows:

I would like to point out to members that today in the north Gallery, we have several visitors from all over Michigan. Most of them are wearing a shade of lavender/pink or pink. They are almost all women, some men, from the Susan G. Komen Foundation from across Michigan. The chairs and volunteers from our various organizations are here to talk about breast cancer, the Race for the Cure, and all the other aspects of trying to deal with breast cancer issues.

I just remind you all today that these volunteers are working in our districts, many of them every day. They are working hard to raise more money for volunteers for the cure effort. They are also working hard every day to alert women and men across the state of Michigan about the importance of having that annual mammogram and the importance of the annual checkup. So I urge everybody to remember this.

I also urge you again next year on your income tax form, there is that checkoff for breast cancer research, and I hope you will use it again next year.

Senator Barcia's statement is as follows:

I would like the Journal to reflect that had I been present in the first few minutes of session today, I would have voted "yes" on concurring with the House amendments to Senate Bill No. 409 and Senate Bill No. 363.

Senator Cassis and I were waiting for a charter bus to move so that we could enter the parking lot and be on time here at 10:00 a.m. We arrived a few minutes late and ended up missing those two votes.

Senator Jelinek's statement is as follows:

Recently, the Governor issued an executive order reducing expenditures of the 2008-2009 budget of this state. These reductions are going to result in six unpaid furlough days for most employees of this state. We are also seeing unpaid furlough days for our own office staffs.

Senators, I do believe that we are the leaders of this Legislature and this state, and we should set an example. I am inviting each of you to join me in either giving the Secretary of the Senate authorization to remove six days' pay for furlough days, or give that amount of dollars to worthy purposes in your own communities. I would also like to challenge our House colleagues across the rotunda to join us in this endeavor to show that we all do feel the gravity of this situation.

I have a letter here that I will be handing to the Secretary of the Senate asking her to take my six days to help support this state and the great employees of this state. Won't you join me in setting an example and willingness to help in some small way to solve this enormous budget problem facing Michigan today. Please do.

Senator Bishop's statement is as follows:

I rise today with a heavy heart to talk about a person from my home area, Dennis Toffolo, who is the deputy county executive in Oakland County who passed away last night. I want members to know that Dennis has been such a big part of what we've been doing here in Lansing and has been such a great resource for us here in Lansing, and certainly, in Oakland County.

Dennis was the head of the Emerging Sectors program in Oakland County. He was such a huge resource for Brooks Patterson and the Oakland County executive team. Brooks in Oakland County has put together a world-class team that has done such a great job all across this country. They've done it as a team. Frankly, he's been one of my mentors. Dennis was one of my mentors, and all of that team served as a mentor for me and so many others at times when you need people to talk to about leadership and about things like economic development, which Dennis was so much a part of in Oakland County and the state of Michigan.

He was a member of the Board of Directors at Automation Alley. He was on the Business Advisory Board at Oakland University and the Economic Partnership Committee at Detroit Regional Chamber. He was a board member at Oakland County Downtown Development Authority. He was on the Government Advisory Board at Michigan Economic Development Corporation. He was on the Business Advisory Development Board at Central Michigan University, Michigan Economic Development Corporation Board executive member, chair of the Certified Technology Park for Automation Alley's SmartZone, Detroit Renaissance Economic Development Coalition of Southeast Michigan Board, and Detroit Metropolitan Visitors and Convention Bureau Board.

There were so many things he was connected to throughout the state of Michigan. I want to mention this to members because he will be sorely missed in so many different ways. I want to extend our heartfelt condolences to the folks in Oakland County, their team, Brooks Patterson and his team; all of his friends and loving family members for their loss, and just let everyone know that we wish their family and loved ones all the best and our warmest condolences.

Senator Scott's statement is as follows:

You know, earlier today, two of my colleagues were walking in and they were talking about the power of prayer. Well, I pray every day. I pray that my colleagues would be sensitive to the needs of everyone. You know, when we don't treat everyone alike, these are the kinds of things that happen to us in life, and I'm referring to my "me today, you tomorrow."

Well, there's a group of people out there who live in certain zip codes who subsidize some of the rest of the state. But I just heard one of my colleagues talking about giving up and doing something. If we just treated everybody alike with all the issues, and I believe in the Bible that says more about the least of these than it does about the richest of these.

So I would hope that we could finally take up these bills so that we can give relief to everyone in this state—each individual—not about where they live or what their credit scores are because their credit scores can't be good if they have to pay so much for everything else.

When we begin to treat everyone alike, then I think we will have some relief in not only this state, but in this country. So I ask you to please just take up my bills so that we can debate them, and then we can give what is right to all people in this state when it comes to fair and affordable home and car insurance.

Senator Cassis' statement is as follows:

I, too, rise along with my distinguished leader of the Senate in mourning the loss of Dennis Toffolo. This truly does, indeed, come as a shock. Dennis was a giant when it comes to knowledge and ability to attract economic development—a former president of Hudson's whom we will all remember. Dennis was persuaded by Brooks Patterson to come to

Automation Alley, and, boy, did he shine as bright as any star and ensured that Automation Alley would become a model of successful entrepreneurship.

So his absolute legacy will live on not only for those of us who knew him personally and admired him greatly, but also because of the successes of our county of Oakland. I want to say that Dennis truly will be sorely, sorely missed and my sincere condolences to his entire family on this day of mourning.

Then if I might, Mr. President, because I did miss two votes today, quite unusually because of a bus, as our good Senator Barcia mentioned. On Senate Bill No. 363, which would have created a new act regulating recreational dealer manufacturer agreements, I would have voted "yes." On Senate Bill No. 409, which would promote the NRC with the ability to create multi-year hunting and fishing licenses, my vote would have been an affirmative "yes."

Scheduled Meetings

Appropriations -

Subcommittees -

Capital Outlay - Thursday, June 4, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Community Health Department - Thursday, May 21, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768) (CANCELED)

Environmental Quality Department - Wednesday, May 27, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Commerce and Tourism - Thursday, May 21, 9:00 a.m., Room 100, Farnum Building (373-2413)

Education - Thursday, May 21, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, May 21, 1:00 p.m., Room 210, Farnum Building (373-7350)

Hunting, Fishing and Outdoor Recreation - Thursday, May 21, 1:00 p.m., Room 100, Farnum Building (373-1777)

Legislative Retirement Board of Trustees - Thursdays, June 4, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Michigan Law Revision Commission - Wednesday, June 24, 11:30 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 11:42 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, May 21, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

