

**No. 107**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

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Senate Chamber, Lansing, Wednesday, December 30, 2009.

11:30 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

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

Senator Hansen Clarke of the 1st District offered the following invocation:

There are many families in the state who are struggling to make financial ends meet, and many of us who are committed to public service are also struggling with how to best help them. Let us find guidance in the words of James 1:2-5. Let us pray and reflect on these words: "Consider it pure joy, my brothers, whenever you face trials of many kinds, because you know that the testing of your faith develops perseverance. Perseverance must finish its work so you may be mature and complete, not lacking in anything. If any of you lacks wisdom, he should ask God who gives generously to all without finding fault and it will be given to him." Amen.

The Secretary of the Senate led the members of the Senate in recital of the *Pledge of Allegiance*.

**Motions and Communications**

The following communications were received and read:  
Office of the Auditor General

December 22, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Higher Education Facilities Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 22, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan State Hospital Finance Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 23, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Exposition and Fairgrounds Authority MEFA, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 23, 2009

Enclosed is a copy of the following audit report:

Performance audit of the Michigan State Disbursement Unit, Office of Child Support, Department of Human Services.

December 23, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Mackinac Bridge Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 23, 2009

Enclosed is a copy of the following audit report:

Financial audit of the State Sponsored Group Insurance Fund, a proprietary fund of the State of Michigan, administered by the Department of Management and Budget, the Civil Service Commission, and the Office of the State Employer, for the period October 1, 2008 through September 30, 2009.

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

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

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

December 4, 2009

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 Environmental Quality and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-027-EQ (Secretary of State Filing #09-12-02) on this date at 1:27 p.m., for the Department of Environmental Quality, entitled "Supplying Water to the Public - Part 1 - Part 28."

These rules take effect immediately upon filing with the Secretary of State.

December 4, 2009

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 Transportation and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-025-TP (Secretary of State Filing #09-12-01) on this date at 1:25 p.m., for the Department of Transportation, entitled "Administrative Rules Governing Prequalification of Construction Contractors."

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.

December 9, 2009

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 State Police and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-044-SP (Secretary of State Filing #09-12-03) on this date at 1:33 p.m., for the Department of State Police, entitled "Licensing the Selling, Purchasing, Possessing, and Carrying of Certain Firearms."

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.

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

The communications were referred to the Secretary for record.

The following communication was received:  
Department of Treasury

December 23, 2009

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period July 1, 2009 - September 30, 2009. The report is required by Public Act 261 of 2008, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

(1) Of the \$4,749,200.00 included in part 1 for the revenue enhancement program, \$4,249,200.00 shall be used for revenue collection enhancement activities including auditing functions.

(3) The \$500,000.00 balance of the \$4,749,200.00 shall be used for the principal residence exemption compliance program. Along with other program costs, expenditures shall include the development and maintenance of a statewide web-based database created for the purpose of enforcing the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2009. Revenue generated to the state from the principal residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation. Additional funds from the revenue enhancement program and carry-forward appropriations may be used to support costs in excess of \$500,000.00.

Frederick Headen, Director  
Bureau of Local Governmental Services

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 Saturday, December 19:

**House Bill Nos. 5346 5347 5348 5349 5350 5351**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 22, for her approval the following bills:

**Enrolled Senate Bill No. 934 at 3:12 p.m.**  
**Enrolled Senate Bill No. 100 at 3:14 p.m.**  
**Enrolled Senate Bill No. 901 at 3:16 p.m.**  
**Enrolled Senate Bill No. 597 at 3:18 p.m.**  
**Enrolled Senate Bill No. 21 at 3:20 p.m.**  
**Enrolled Senate Bill No. 22 at 3:22 p.m.**  
**Enrolled Senate Bill No. 23 at 3:24 p.m.**  
**Enrolled Senate Bill No. 24 at 3:26 p.m.**  
**Enrolled Senate Bill No. 284 at 3:28 p.m.**  
**Enrolled Senate Bill No. 1006 at 3:30 p.m.**  
**Enrolled Senate Bill No. 563 at 3:32 p.m.**  
**Enrolled Senate Bill No. 126 at 3:34 p.m.**  
**Enrolled Senate Bill No. 786 at 3:36 p.m.**  
**Enrolled Senate Bill No. 388 at 3:38 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, December 28, for her approval the following bills:

**Enrolled Senate Bill No. 99 at 2:46 p.m.**  
**Enrolled Senate Bill No. 105 at 2:48 p.m.**  
**Enrolled Senate Bill No. 106 at 2:50 p.m.**  
**Enrolled Senate Bill No. 107 at 2:52 p.m.**  
**Enrolled Senate Bill No. 968 at 2:54 p.m.**  
**Enrolled Senate Bill No. 970 at 2:56 p.m.**  
**Enrolled Senate Bill No. 971 at 2:58 p.m.**  
**Enrolled Senate Bill No. 972 at 3:00 p.m.**  
**Enrolled Senate Bill No. 973 at 3:02 p.m.**  
**Enrolled Senate Bill No. 744 at 3:04 p.m.**  
**Enrolled Senate Bill No. 818 at 3:06 p.m.**  
**Enrolled Senate Bill No. 851 at 3:08 p.m.**  
**Enrolled Senate Bill No. 926 at 3:10 p.m.**  
**Enrolled Senate Bill No. 981 at 3:12 p.m.**

The Secretary announced that the following official bills and joint resolution were printed on Monday, December 21, and are available at the legislative website:

|                                |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Senate Bill Nos.</b>        | <b>1040</b> | <b>1041</b> | <b>1042</b> | <b>1043</b> | <b>1044</b> | <b>1045</b> | <b>1046</b> | <b>1047</b> | <b>1048</b> | <b>1049</b> | <b>1050</b> | <b>1051</b> | <b>1052</b> | <b>1053</b> |
|                                | <b>1054</b> | <b>1055</b> |             |             |             |             |             |             |             |             |             |             |             |             |
| <b>Senate Joint Resolution</b> | <b>P</b>    |             |             |             |             |             |             |             |             |             |             |             |             |             |
| <b>House Bill Nos.</b>         | <b>5720</b> | <b>5721</b> | <b>5722</b> | <b>5723</b> | <b>5724</b> | <b>5725</b> | <b>5726</b> | <b>5727</b> | <b>5728</b> | <b>5729</b> | <b>5730</b> | <b>5731</b> | <b>5732</b> | <b>5733</b> |

### Messages from the Governor

The following messages from the Governor were received:

Date: December 17, 2009

Time: 4:34 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 89 (Public Act No. 184), being**

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 429 (MCL 208.1429).

(Filed with the Secretary of State on December 17, 2009, at 4:51 p.m.)

Date: December 17, 2009

Time: 4:36 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 91 (Public Act No. 185), being**

An act to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 503 (MCL 208.1503).

(Filed with the Secretary of State on December 17, 2009, at 4:53 p.m.)

Date: December 28, 2009

Time: 12:00 noon

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 100 (Public Act No. 193), being**

An act to amend 1982 PA 295, entitled “An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending sections 2, 3, 3a, 5b, 5c, 5d, 5e, 7, 8, 9, 11a, 19, 24, 25a, 26b, 28, 29, 30, 31, 33, 35, 39, 44, 45, 46, and 48 (MCL 552.602, 552.603, 552.603a, 552.605b, 552.605c, 552.605d, 552.605e, 552.607, 552.608, 552.609, 552.611a, 552.619, 552.624, 552.625a, 552.626b, 552.628, 552.629, 552.630, 552.631, 552.633, 552.635, 552.639, 552.644, 552.645, 552.646, and 552.648), sections 2 and 3a as amended by 2004 PA 208, sections 3, 19, and 24 as amended by 2002 PA 572, section 5b as added and section 26b as amended by 2001 PA 106, section 5c as added and section 28 as amended by 2002 PA 565, section 5d as added by 2002 PA 570, section 5e as added by 2004 PA 211, sections 7, 33, and 35 as amended by 2004 PA 206, section 8 as amended by 1995 PA 236, sections 9, 11a, and 48 as amended by 1999 PA 160, section 25a as amended by 2004 PA 484, sections 29 and 30 as amended by 1998 PA 334, section 31 as amended by 2004 PA 569, and sections 44 and 45 as amended by 2002 PA 568.

(Filed with the Secretary of State on December 28, 2009, at 1:40 p.m.)

Date: December 28, 2009  
Time: 12:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 563 (Public Act No. 195), being**

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 269 (MCL 206.269), as added by 2004 PA 313.

(Filed with the Secretary of State on December 28, 2009, at 1:44 p.m.)

Date: December 28, 2009  
Time: 12:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 934 (Public Act No. 196), being**

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 section 81101 (MCL 324.81101), as amended by 2004 PA 587.

(Filed with the Secretary of State on December 28, 2009, at 1:46 p.m.)

Date: December 28, 2009  
Time: 12:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 388 (Public Act No. 197), being**

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 section 74117 (MCL 324.74117), as amended by 2006 PA 477.

(Filed with the Secretary of State on December 28, 2009, at 1:48 p.m.)

Date: December 29, 2009  
Time: 10:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 901 (Public Act No. 198), being**

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to

provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 814a.

(Filed with the Secretary of State on December 29, 2009, at 1:20 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following messages from the Governor were received and read:

December 23, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Executive Order 2009-51:

**State Tax Commission**

Mr. Robert H. Naftaly, a Democrat, of 5402 Pleasant Lake Drive, West Bloomfield, Michigan 48322, county of Oakland, is appointed for a term commencing December 28, 2009 and expiring December 27, 2013.

Mr. Douglas B. Roberts, a Republican, of 1853 Northgate Drive, East Lansing, Michigan 48823, county of Ingham, is appointed for a term commencing December 28, 2009 and expiring December 27, 2013.

Mr. Barry N. Simon, a Democrat, of 1450 Covington Crossing, Commerce Township, Michigan 48390, county of Oakland, is appointed for a term commencing December 28, 2009 and expiring December 27, 2012.

December 29, 2009

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

**Michigan Board of Cosmetology**

Ms. Andrea F. Blankinship of 5403 Winshall Drive, Swartz Creek, Michigan 48473, county of Genesee, is reappointed to represent cosmetologists, for a term expiring December 31, 2013.

Ms. Edith A. Marshall of 15304 Charles R, Eastpointe, Michigan 48021, county of Macomb, is reappointed to represent cosmetologists, for a term expiring December 31, 2013.

December 29, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Sections 16121 and 17821 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17821:

**Michigan Board of Physical Therapy**

Mr. Sean J. Handler of P.O. Box 4, Boyne Falls, Michigan 49715, county of Charlevoix, succeeding Sandra Maes, whose term has expired, is appointed to represent the general public, for a term commencing January 1, 2010 and expiring December 31, 2013.

Ms. Mecha L. Crockett of 7515 Glen Terra Drive, Lansing, Michigan 48917, county of Eaton, is reappointed to represent the general public, for a term expiring December 31, 2013.

Ms. Jill A. Marlan of 332 East Bailey Circle, Mason, Michigan 48854, county of Ingham, is reappointed to represent physical therapists, for a term expiring December 31, 2013.

Mr. Andrew G. May of 2217 Boxwood Lane, Lansing, Michigan 48917, county of Eaton, is reappointed to represent physical therapists, for a term expiring December 31, 2013.

Ms. Ginger Smietana of 45554 50th Avenue, Paw Paw, Michigan 49079, county of Van Buren, is reappointed to represent the general public, for a term expiring December 31, 2013.

December 29, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 16121 and 18705 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18705:

**Michigan Board of Respiratory Care**

Mr. James R. Berry, Jr., of 14747 Rutland, Detroit, Michigan 48227, county of Wayne, is reappointed to represent respiratory therapists, for a term expiring December 31, 2013.

Mr. John S. Rinck of 3675 Whittum Road, Eaton Rapids, Michigan 48827, county of Eaton, is reappointed to represent respiratory therapists, for a term expiring December 31, 2013.

December 29, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 16121 and 18821 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.18821:

**Michigan Board of Veterinary Medicine**

Ms. Carlene M. Allen of 10784 Sanctuary, Frederic, Michigan 49733, county of Otsego, is reappointed to represent the general public, for a term expiring December 31, 2013.

Ms. Kimlee E. Beattie of 16961 Nichols Road, East Lansing, Michigan 48823, county of Clinton, is reappointed to represent the general public, for a term expiring December 31, 2013.

Mr. Lawrence A. Letsche, D.V.M., of 6565 North Territorial Road, Plymouth, Michigan 48170, county of Wayne, is reappointed to represent veterinarians, for a term expiring December 31, 2013.

December 30, 2009

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of the Electrical Administrative Act, 1956 PA 217, MCL 338.882:

**Electrical Administrative Board**

Mr. David A. Williams of 1422 Lindy Drive, Lansing, Michigan 48917, county of Eaton, succeeding William Donovan, who has resigned, effective December 31, 2009, is appointed to represent a chief electrical inspector of a municipality, for a term commencing January 1, 2010 and expiring August 10, 2012.

December 30, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to office under Section 5 of the Shared Credit Rating Act, 1985 PA 227, MCL 141.1055:

**Michigan Municipal Bond Authority Board of Trustees**

The Honorable Nancy L. Quarles of 18131 Magnolia, Southfield, Michigan 48075, county of Oakland, is reappointed to represent residents of this state, for a term expiring January 1, 2013.

Sincerely,  
Jennifer M. Granholm  
Governor

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

**Recess**

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

The motion prevailed, the time being 11:36 a.m.

11:59 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

### Messages from the House

The following message was received and read:

December 30, 2009

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

Very respectfully,  
Richard J. Brown, Clerk  
House of Representatives

### Scheduled Meetings

**Commerce and Tourism** - Monday, January 4, 10:00 a.m., Motor City Blight Busters, 17405 Lahser Road, Detroit (373-2413)

The hour of 12:00 noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Secretary of the Senate declared the Senate adjourned without day.

CAROL MOREY VIVENTI  
Secretary of the Senate