

No. 11
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, February 17, 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 not 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—excused
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—excused

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

Rabbi Eli Mayerfeld of Yeshiva Beth Yehudah Jewish School of Southfield offered the following invocation:

Our Bible shares some of its messages when you open yourself up to its words in original Hebrew. The book of Deuteronomy uses the word “Tzedek”—“righteousness” in nine different phrases when discussing how to govern. Perhaps the most famous is Deuteronomy 16:20: “Tzedek, Tzedek tirdof liman tichya; righteousness, righteousness you shall pursue so that you will thrive.”

There was a great scholar of Jewish thought, Rabbi Elya Meir Bloch, who spent the last decades of his life in Cleveland, Ohio, rebuilding his institution which had been destroyed in Europe by the Nazis. He asked a question: “Why does the text repeat ‘Tzedek, Tzedek; righteousness, righteousness?’” Some translators simply removed the repetition, seeing it as an intensifier where the second righteousness indicates the importance of the first, as though it is saying that which is altogether righteous shall you pursue. His answer, however, was different.

There is a temptation among leaders, parents, teachers, and even legislators to sometimes want to take a shortcut. Since our goal is to ensure what is right prevails, we’re often tempted to let that worthy goal justify unfair means. We may want to overlook the fact that we have to step on the rights of a few of our children, students, or constituents here and there as long as in the end righteousness will prevail. “Therefore,” says Rabbi Bloch, “the pursuit of righteousness must also be pursued with righteousness.”

So I ask the Creator of us all to grant us the patience and wisdom to act with righteousness as we involve ourselves in what is, in essence, the holy act of righteously governing His people.

The President, Lieutenant Governor Cherry, 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 10:05 a.m.

10:15 a.m.

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

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

A quorum of the Senate was present.

Motions and Communications

Senator Cropsey moved that Senator McManus be excused from today’s session.
The motion prevailed.

The following communication was received:
Department of Community Health

February 12, 2009

When a Michigan Department of Community Health (MDCH) inpatient facility is designated for closure, Section 19(6) of Act 240 of the Public Acts of 1943, being Section 38.19 of the Michigan Compiled Laws, requires that the director of the MDCH certify in writing to the Legislature and the Retirement Board, not less than 240 days prior to the designated official date of closure, which facility is to be closed.

In fulfillment of this requirement, I am officially providing notification that the Mt. Pleasant Center (MPC), located at 1400 West Pickard, Mt. Pleasant (Isabella County), Michigan 48858, will close effective October 10, 2009. The MPC is an ICF/MR (Intermediate Care Facility for the Mentally Retarded) and provides treatment and residential services for developmentally disabled persons. The facility is a CMS (Centers for Medicare and Medicaid) certified provider.

Section 605(3) of Public Act 246 of 2008 requires the MDCH to provide a center closure plan to the House and Senate Appropriations Subcommittees on Community Health and the State Budget Director. This plan is due four (4) months subsequent to the certification made in this letter. This date is June 12, 2009.

As a result of this closure, an individual person-centered plan for each ICF/MR-eligible resident at the MPC will be developed in coordination with the applicable PIHP (Prepaid Inpatient Health Plan) or CMHSP (Community Mental Health Services Program), and each person will be discharged to an appropriate community placement with an aftercare plan that meets all of their needs. For MPC residents that may continue to require state delivered inpatient or facility services, those services can be provided for at the Caro Center, the Kalamazoo Psychiatric Hospital, or the Walter Reuther Psychiatric Hospital.

Sincerely,
Janet Olszewski
Director

The communication was referred to the Secretary for record.

The following communication was received:
Michigan Economic Development Corporation

February 13, 2009

On January 23, 2009, the Strategic Economic Investment and Commercialization Board (the "Commercialization Board") approved the request for proposed business plans for the 2009 Pre-Seed Fund business plan competition ("RFP"). Consistent with the requirements of MCL 125.2088k(8), I am writing to provide you with the Commercialization Board's Decision Document, Final Resolution of the Commercialization Board (the "Resolution") and attachments to the Resolution relating to the approval of the RFP.

Sincerely,
Ned Staebler
Vice President of Program Administration

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, February 12, and are available at the legislative website:

Senate Bill Nos.	210	211	212	213	214	215	216	217							
House Bill Nos.	4242	4243	4244	4245	4246	4247	4248	4249	4250	4251	4252	4253	4254	4255	
	4256	4257													
House Joint Resolution		I													

The Secretary announced that the following official bills were printed on Friday, February 13, and are available at the legislative website:

Senate Bill Nos.	218	219	220	221	222	223	224	225	226
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Messages from the Governor

The following message from the Governor was received on February 12, 2009, and read:

EXECUTIVE ORDER
No. 2009-2

Department of Community Health

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, reductions in state revenue and on-going fiscal constraints inhibit the ability of state government to continue to operate a separate and distinct Office of Drug Control Policy within the Department of Community Health;

WHEREAS, legally mandated duties and functions currently performed by the Office of Drug Control Policy can be assumed by the Department of Community Health;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Community Health" or "Department" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health under Executive Order 1996-2, MCL 330.3101.

B. "Office of Drug Control Policy" means the office established as an autonomous entity within the Department of Management and Budget under Executive Order 1991-20, transferred to the Department of Community Health by Executive Order 1996-2, MCL 330.3101, and designated as a "Type II agency" within the Department of Community Health by Executive Order 1997-4, MCL 333.26324.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF FUNCTIONS OF OFFICE OF DRUG CONTROL POLICY

A. The Office of Drug Control Policy is transferred by Type III transfer to the Department of Community Health.

B. The Office of Drug Control Policy is abolished.

III. IMPLEMENTATION OF TRANSFER

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfer under this Order and shall make internal organization changes as necessary to effectuate the transfers.

B. The authority, powers, duties, functions, and responsibilities transferred to the Department of Community Health under this Order shall be administered in such ways as to promote efficient administration.

C. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred to the Department of Community Health under this Order are transferred to the Department.

IV. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 1, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 12th day of February, in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land
Secretary of State

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

The following message from the Governor was received on February 12, 2009, and read:

EXECUTIVE ORDER
No. 2009-3

**Office of Long-Term Care Supports and Services
Department of Community Health**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Michigan's publicly-supported system of long-term care must be provided in an integrated and coordinated manner as an integral part of the mission of the Department of Community Health;

WHEREAS, consumers and the families or advocates involved with and most affected by Medicaid long-term care services and supports should be consulted by the Department of Community Health on an on-going basis about ways to improve the quality and delivery of long-term care services and supports;

WHEREAS, Michigan's long-term care system must continue to provide effective public education about the options and settings for long-term services and supports and provide timely and informed access to those options through person-centered planning;

WHEREAS, reductions in state revenue and on-going fiscal constraints inhibit the ability of state government to continue to operate a separate and distinct Office of Long-Term Care Supports and Services;

WHEREAS, duties and functions currently performed by the Office of Long-Term Care Supports and Services can be integrated into the functions of the Department of Community Health;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Community Health" or "Department" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health under Executive Order 1996-2, MCL 330.3101.

B. "Office of Long-Term Care Supports and Services" means the office established within the Department of Community Health by Executive Order 2005-14.

II. RESCISSION OF EXECUTIVE ORDER 2005-14

A. Section II of Executive Order 2005-14 is rescinded.

B. The Office of Long-Term Care Supports and Services is abolished.

This Order is effective October 1, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 12th day of February, in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on February 12, 2009, and read:

EXECUTIVE ORDER

No. 2009-4

Department of Agriculture Department of Management and Budget

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, reductions in state revenue and on-going fiscal constraints inhibit the ability to provide taxpayer-funded assistance to the state fairs operated in the Upper Peninsula and in the City of Detroit;

WHEREAS, with the end of state-support for the state fairs, the remaining legally mandated duties and functions relating to the state fairs can be performed by the Department of Management and Budget;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Agriculture" means the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1 and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

B. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

C. "Michigan Exposition and Fairgrounds Authority" means the public body created within the Department of Management and Budget under Section 4 of the Michigan Exposition and Fairgrounds Authority Act, 1978 PA 361, MCL 285.164.

D. "Board of Managers of the Upper Peninsula State Fair" means the board created under Section 1 of 1927 PA 89, MCL 285.141, and transferred to the Department of Agriculture under Section 186 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.286.

E. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

F. "Type III transfer" means that term as defined under Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF FUNCTIONS OF MICHIGAN EXPOSITION AND FAIRGROUNDS AUTHORITY

A. The position of Manager of the Michigan Exposition and Fairgrounds Authority is transferred by Type III transfer to the Department of Management and Budget.

B. The position of Manager of the Michigan Exposition and Fairgrounds Authority is abolished.

C. The Michigan Exposition and Fairgrounds Authority is transferred by Type III transfer to the Department of Management and Budget.

D. The Michigan Exposition and Fairgrounds Authority is abolished.

III. TRANSFER OF FUNCTIONS OF BOARD OF MANAGERS OF UPPER PENINSULA STATE FAIR

A. The Board of Managers of the Upper Peninsula State Fair is transferred by Type III transfer to the Department of Management and Budget.

B. The Board of Managers of the Upper Peninsula State Fair is abolished.

C. Any and all remaining authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Agriculture under 1927 PA 89, MCL 285.141 to 285.145, are transferred to the Department of Management and Budget.

IV. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers under this Order and shall make internal organization changes as necessary to effectuate the transfers.

B. The authority, powers, duties, functions, and responsibilities transferred to the Department of Management and Budget under this Order shall be administered in such ways as to promote efficient administration.

C. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred to the Department of Management and Budget under this Order are transferred to the Department of Management and Budget.

V. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 1, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 12th day of February, in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on February 12, 2009, and read:

EXECUTIVE ORDER
No. 2009-5

**Creation of
Michigan Parole and Commutation Board
Department of Corrections**

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, expansion and reorganization of the Michigan Parole Board will lead to more effective implementation of corrections policy, greater administrative efficiencies in the Department of Corrections, enhanced accountability to elected officials, increased consideration of parole and commutation requests, and reductions in corrections expenditures;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Civil Service Commission" means the Michigan Civil Service Commission created under Section 5 of Article XI of the Michigan Constitution of 1963.

B. "Department of Corrections" or "Department" means the principal department of state government created under Section 1 of the Corrections Code of 1953, 1953 PA 232, MCL 791.201, Section 275 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.375, and Executive Order 1991-12, MCL 791.302.

C. "Michigan Parole and Commutation Board" or "Board" means the Michigan Parole and Commutation Board established by this Order.

D. "Parole Board" means the Parole Board established in the Department of Corrections beginning on October 1, 1992, by Section 31a of the Corrections Code of 1953, 1953 PA 232, MCL 791.231a, and abolished by this Order.

E. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. CREATION OF MICHIGAN PAROLE AND COMMUTATION BOARD

A. The Michigan Parole and Commutation Board is established within the Department of Corrections. The Michigan Parole and Commutation Board shall consist of 15 members appointed by the Governor. Members of the Board shall not be within the classified state civil service. Not less than 6 members of the Board shall be individuals who, at the time of the member's original appointment, had not previously been employed or appointed to a position in the Department of Corrections other than a position as a member of the Board or the Parole Board.

B. Of the members of the Michigan Parole and Commutation Board initially appointed by the Governor under Section II.B, 4 members shall be appointed for a term expiring on November 30, 2009, 4 members shall be appointed for a term expiring on November 30, 2010, 4 members shall be appointed for a term expiring on November 30, 2011, and 3 members shall be appointed for a term expiring on November 30, 2012. After the initial appointments under this paragraph, members of the Board shall be appointed for a term of 4 years.

C. A member of the Michigan Parole and Commutation Board shall continue to serve until a successor is appointed and qualified. A vacancy on the Board occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.

D. The Governor shall designate a member of the Michigan Parole and Commutation Board as the Chairperson of the Board to serve as Chairperson at the pleasure of the Governor. The Chairperson of the Board shall be responsible for the administration and operation of the functions of the Board consistent with this Order. The Chairperson may conduct interviews, public hearings, and participate in the parole decision-making process. The Chairperson shall serve as the appointing authority for secretaries, assistants, clerks, and other employees of the Board as the Chairperson considers necessary, consistent with applicable rules and regulations of the Civil Service Commission.

E. Each member of the Michigan Parole and Commutation Board shall receive an annual salary as appropriated by law and shall be entitled to actual and necessary expenses while on the business of the Board consistent with standard state travel regulations.

F. A member of the Michigan Parole and Commutation Board shall be subject to removal by the Governor for incompetency, dereliction of duty, and as provided under Section 10 of Article V of the Michigan Constitution of 1963.

G. The Director of the Department of Corrections shall report to the Governor monthly on the productivity and caseload of the Michigan Parole and Commutation Board. Based upon these reports, the Director shall recommend to the Governor in writing any reduction or increase in the number of Board members necessary in the opinion of the Director.

III. ABOLITION OF PAROLE BOARD

A. All of the authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Parole Board are transferred to the Michigan Parole and Commutation Board. The authority, powers, duties, and functions of the Parole Board transferred under this Order to the Michigan Parole and Commutation Board, include, but are not limited to, authority, powers, duties, and functions of the Parole Board under any of the following:

1. Section 9 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.729.
2. Section 36 of Title VIII of The Code of Criminal Procedure, 1927 PA 175, MCL 768.36.
3. Sections 1a, 1f, and 1g of Title IX of The Code of Criminal Procedure, 1927 PA 175, MCL 769.1a, 769.1f, and 769.1g.
4. Section 22 of the Uniform Criminal Extradition Act, 1937 PA 144, MCL 780.22.
5. Section 1 of 1957 PA 177, MCL 780.131.
6. Sections 16, 19, 21, and 48 of the William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, MCL 780.766, 780.769, 780.771, and 780.798.
7. The Corrections Code of 1953, 1953 PA 232, MCL 791.201 to 791.285.
8. Section 5 of the Special Alternative Incarceration Act, 1988 PA 287, MCL 798.15.
9. Sections 33 to 35 of 1893 PA 118, MCL 800.33 to 800.35.
10. Executive Order 2007-2.

B. After the effective date of this Order, any statutory and other references to the Parole Board shall be deemed references to the Michigan Parole and Commutation Board.

C. The Parole Board is abolished.

IV. IMPLEMENTATION OF TRANSFER

A. The Director of the Department of Corrections shall provide executive direction and supervision for the implementation of the transfer under this Order and shall make internal organization changes as necessary to effectuate the transfers.

B. The authority, powers, duties, functions, and responsibilities transferred to the Michigan Parole and Commutation Board under this Order shall be administered in such ways as to promote efficient administration.

C. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred to the Michigan Parole and Commutation Board under this Order are transferred to the Michigan Parole and Commutation Board.

V. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are April 19, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 12th day of February, in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received and read:

February 13, 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 Section 1 of 1963 (2nd Ex. Sess.) PA 48, MCL 390.551:

Northern Michigan University Board of Control

Mr. Larry C. Inman of 8971 Crockett, Williamsburg, Michigan 49690, county of Grand Traverse, succeeding Alan T. Ackerman, who has resigned, appointed for a term commencing February 13, 2009 and expiring December 31, 2010.

Ms. L. Garnet Lewis, Ph.D., of 9599 Carter Road, Freeland, Michigan 48623, county of Saginaw, succeeding Mary C. Lukens, whose term has expired, appointed for a term commencing February 13, 2009 and expiring December 31, 2016.

Ms. H. Sook Wilkinson, Ph.D., of 708 Parkman Drive, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Samuel S. Benedict, who has resigned, appointed for a term commencing February 13, 2009 and expiring December 31, 2016.

Sincerely,
Jennifer M. Granholm
Governor

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

Third Reading of Bills

Senator Thomas moved that Senator Hunter be excused from today’s session.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 195, entitled

A bill to amend 1943 PA 20, entitled “An act relative to the investment of funds of public corporations of the state; and to validate certain investments,” by amending section 1 (MCL 129.91), as amended by 2008 PA 308.

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. 23

Yeas—34

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

Nays—0

Excused—2

Hunter

McManus

Not Voting—1

Prusi

In The Chair: President

The Senate agreed to the title of the bill.

Senator Thomas moved that Senator Prusi be temporarily excused from the balance of today’s session. The motion prevailed.

The following bill was read a third time:

Senate Bill No. 196, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 622 and 1223 (MCL 380.622 and 380.1223), as amended by 2008 PA 307.

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. 24

Yeas—34

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

Nays—0

Excused—3

Hunter	McManus	Prusi
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Switalski 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 with a substitute therefor, the following bill:

Senate Bill No. 126, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2008 PA 457.

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. 202, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 603 (MCL 436.1603), as amended by 2008 PA 218.

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.

Resolutions

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

Senate Resolution No. 14

The resolution consent calendar was adopted.

Senators Pappageorge, Kahn, Jelinek and George offered the following resolution:

Senate Resolution No. 14.

A resolution commemorating March 2009 as Ethnic and Cultural Heritage Month in the state of Michigan.

Whereas, The culture of the people of the state of Michigan has continually been renewed and enriched by the many different individuals who have chosen to come to Michigan, become citizens, and call this state their home; and

Whereas, Each individual brings with them a part of his or her own heritage which over time integrates into one common heritage, leading us to become a united people; and

Whereas, As unified people with one common heritage, we represent the past, present, and future traditions of our great state; and

Whereas, As united citizens, we celebrate Michigan's heritage with pride and great esteem; now, therefore, be it

Resolved by the Senate, That we hereby proclaim March 2009 as Ethnic and Cultural Heritage Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Royal Oak resident Joan Larson, who originated this idea years ago, as a token of our highest esteem.

Senators Anderson, Birkholz, Cherry, Clarke, Jacobs and Switalski were named co-sponsors of the resolution.

Senator Prusi entered the Senate Chamber.

Introduction and Referral of Bills

Senators Clark-Coleman, Jansen, Pappageorge, Birkholz, Switalski, Gleason, Hunter, Anderson, Whitmer, Jacobs, Basham, Barcia, Cherry, Olshove, Scott, Thomas, Prusi, Brater, Clarke and Allen introduced

Senate Bill No. 227, entitled

A bill to amend 2008 PA 260, entitled "Subsidized guardianship assistance act," by amending the title and sections 1, 2, 3, 4, 5, 6, and 9 (MCL 722.871, 722.872, 722.873, 722.874, 722.875, 722.876, and 722.879) and by adding sections 5a and 5b; and to repeal acts and parts of acts.

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

Senators Switalski and Cherry introduced

Senate Bill No. 228, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2008 PA 438.

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

Senator Switalski introduced

Senate Bill No. 229, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Switalski, George, Kahn, Cherry, Clarke, Jacobs and Gleason introduced

Senate Bill No. 230, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4115 (MCL 289.4115) and by adding section 4115a.

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

Senators Switalski, George, Kahn, Cherry, Clarke, Jacobs and Gleason introduced

Senate Bill No. 231, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1503. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Switalski, Cherry and Gleason introduced

Senate Bill No. 232, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1271. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Switalski, Cherry, Clarke and Gleason introduced

Senate Bill No. 233, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Patterson, Jansen, Basham, Sanborn and Birkholz introduced

Senate Bill No. 234, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2008 PA 310.

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

Senators Patterson, Jansen, Basham, Sanborn and Birkholz introduced

Senate Bill No. 235, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2008 PA 310.

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

Senators Patterson, Jansen, Basham and Birkholz introduced

Senate Bill No. 236, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 3 and 5 (MCL 445.903 and 445.905), section 3 as amended by 2008 PA 310 and section 5 as amended by 2006 PA 508.

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

Statements

Senators Whitmer, Basham, Hardiman, Scott, Switalski, Kahn, Gleason and Patterson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer's statement is as follows:

I rise today to invite my colleagues to co-sponsor a resolution that I have had drafted and that my whole caucus has co-sponsored. This is a resolution that would immediately save taxpayers \$3 million and shed some light on how the State Senate is spending taxpayer dollars. In continuing the spirit of openness and transparency trotted out last week, I invite my colleagues across the aisle to literally put their money where their mouths are.

Last week, we heard a Senator from Kalamazoo make the case that state employees need to make concessions yet again this year. We heard another Senator from Novi talk about how the Department of Treasury should post tax breaks for businesses online. And, as you may recall, I asked: "What concessions have you made?" So I reiterate that question: What concessions have you made? And I ask the question: What efforts at transparency with taxpayer dollars have you made?

Also at the end of my comments last week, I told you that I had some ideas about cost-cutting and transparency—some ideas for you. So here goes: As we cinch our budget belt tighter and tighter, we should be examining all exorbitant expenses and work to embrace balance and equity. So the gist of this resolution is that all Senate offices would be treated equally. The Senate Majority Leader would have the same resources and allotment as the Senate Minority Leader. The Senate Majority Floor Leader would have the same as the Senate Minority Floor Leader. All other offices would also be treated equally.

We would receive the same pay and the same office allotment, as well as the same number of health care benefit packages. Additionally, the central staffs would be treated commensurately and the savings, when added up, tops \$3 million. That's the difference between your budget and the budget of the Democrats here. So I say let's save the taxpayers those dollars and turn them back over to the General Fund.

We could give back to the taxpayers this year and not cowardly pass a resolution passing the savings to come from the next Legislature. Let's do it this year, I say. For too long serving in the legislative majority has given you a superiority complex. Do you really think your job is more important or more difficult than ours? Or that the constituents you serve deserve more than the constituents we serve? That the constituents who live in Mason of Ingham County deserve \$100,000 more in constituent services than the constituents who live in East Lansing of Ingham County? We should be embracing balance, and during these tough economic times and following last week's budget announcement, we should all be making individual sacrifices for the greater good.

Under this resolution, the current disparity between our caucuses and member budgets will revert to the state's General Fund—rather than to the Senate Majority Leader's office—to help with our people, not just one particular party. Passage of this resolution could save Michigan taxpayers at least \$3 million—money desperately needed to help turn our economy around and provide essential state services. You might notice that I say at least \$3 million because it is ironic that I have to couch my statement because even I, as a member of the Senate, do not have access to all of the information on the Senate budget.

So as you have argued yourself on this very floor, the taxpayers deserve to see where every penny of theirs is going, and there should be transparency in state government. I agree, and shouldn't the same be true here in the State Senate? Don't the people deserve to see what you are doing with their money? Are you ready to put your money where your mouth is? You've talked the talk and taken credit for cutting spending and taxes and transparency in government, but now it is time to walk the walk. Let's cut your spending and ensure that all taxpayer dollars, the Senate expenses, are listed on the website so taxpayers know where that money is going.

The beauty of this plan is that we can do it today. We can have transparency in state government and show them what we mean. There can be real savings. This is 10 percent of the Senate budget. That's exactly what people are calling on us to save. And it is equal treatment for every constituent in every one of the 83 counties in our state. It's a no-brainer. So I ask you to come on over and co-sponsor this resolution. I will be turning it in today after session. I appreciate your consideration.

Senator Basham's statement is as follows:

On December 21, 2006, we lost a former Michigan State linebacker, a former sergeant of this chamber, a person who left his mark on everyone he came in contact with—that was Charlie "Mad Dog" Thornhill. There was a fund set up for Charlie Thornhill called the Memorial Page Scholarship Fund. Each year they give recipients \$1,000 in Charlie's name. So any member of this chamber who is interested in contributing to the memorial scholarship fund, if they could contact my office within the next week or two, we will turn those in and make sure we don't forget our good friend. Charlie was certainly a good friend, and he touched everyone he came in contact with.

Senator Hardiman stated that had he been present on February 12 when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 70

Senate Bill No. 71

Senate Bill No. 72

Senator Hardiman stated that had he been present on February 12 when the vote was taken on the adoption of the following resolution, he would have voted “nay”:

Senate Resolution No. 13

Senator Hardiman’s statement is as follows:

I was absent on February 12, 2009. Two hundred years after the birth of Abraham Lincoln was another birth. My daughter Valenta and son-in-law Felix went to the hospital early in the morning, gave us a call, and we traveled over to Ann Arbor. We sat and waited maybe somewhat impatiently for the arrival of our grandson. And on that day, Isaya Felix Wachira Kabo was born. Now “Isaya” is the Swahili form of the word “Isaiah,” which means “God is my salvation.” My son-in-law is from Kenya and so the names have so much meaning in the culture and certainly they do for my grandson. Indeed, there were complications and God was his salvation; now mother and son are doing very well.

Imbedded in memory are some times of these last few days, certainly the first time I saw my beautiful grandson and many of you have received e-mails with his picture and I’m sure you can agree. I can still hear my beautiful wife Clova and her sweet voice singing to my grandson a praise song to our God. I can still feel the impression of holding that beautiful baby boy, and although I’m looking at all of you, I can see his face before me. Life is so precious. My grandson is so precious, but human life is so precious. Whether born or unborn, it’s precious. Sometimes I think about other kids during these past few days and perhaps even life and how casually it’s treated. I’m distressed by that, and I’m reminded about how precious life really is.

As I said, there were complications, but now my grandson is doing very well. And like his name Isaya, “God is my salvation,” he truly is my grandson’s salvation. But I would say this even further; now God has a mighty arrow in his quiver: My grandson Isaya, a mighty arrow in the quiver of God.

May God bless the children of this state, of this nation, and of the world.

Senator Scott’s statement is as follows:

Congratulations to the new grandfather. I hope your grandson will continue to do well; and for Charlie who was such a wonderful person.

There is a traditional African saying that says, “Jump at the sun. You may not land on the sun, but at least you’ll be off the ground.” Well, not only do I continue to jump at the sun in my pursuit of fairness in Michigan’s insurance system, but sometimes I even feel the heat. But I’ve taken the heat before, and not even some heat is going to deter me from my efforts.

While it’s taken my entire political career to get there, I do believe that we are at least off the ground. That’s because more and more of Michigan’s citizens, including drivers, homeowners, newspaper editors, and consumer advocates, are speaking up and speaking out against this biased system. Butch Hollowell, our state commissioner of the Office of Financial and Insurance Regulation, has pledged his support as well.

So don’t count on me to stop jumping anytime soon. In fact, don’t be surprised if one day I don’t actually land on it. And it might be the same day that you move my bills.

Senator Switalski’s statement is as follows:

I would also like to congratulate Senator Hardiman on the birth of his grandchild, and I share with him the idea that the life of children is so precious.

By coincidence, I introduced my little package of children’s health agenda bills today. It’s a mixture of old and new, borrowed and blue. I’ve got an old bill that I’ve had around for awhile on steroid testing in high schools, but I’ve added something new where we would just do some education on steroids in high school health classes.

Also I have a bill on caffeine. You know, we’ve got an escalating war on caffeine levels and these energy drinks out there that are targeted at kids. I say we should put the caffeine level on the can or bottle of these products, and let people know what they are putting into their bodies. I mean, it’s a free country; you can choose your own poison, but unless you know what you are putting into yourself and know the facts, your choice isn’t really free.

I’ve got some borrowed things. I took Senator Bernero’s old bill on healthy food in the schools. He’s not around anymore so I’m going to carry on the fight with that. I’ve got some bills on kids with allergies in schools and how schools should adopt policies to provide for them

And something blue, well, that’s all of the bluebacks.

I hope my colleagues will take a look at these, and I know several of them have also introduced bills which deal with the same general topic. Senator Cherry, Senator George, and Senator Kahn have introduced some interesting bills that I look forward to discussing. I hope we will have the opportunity to work on these in committee together, and I appreciate the time.

Senator Kahn’s statement is as follows:

I rise today to talk for a moment about the struggles that we are all going to be facing coming up with a budget for our people over the next year and where opportunity might be. I refer those in the chamber to a document called Section 1686 of Public Act 123 of 2007. It is a single point of entry report on how the pilots have been going. It says that the

department shall submit a report by April 30, 2008, to the members of the House and of the Senate regarding the cost-effectiveness. That report is to include information on the total cost of the single point of entry; cost of each designated single point of entry; an amount of Medicaid dollars saved because of the program; total number of emergent single point of entry cases handled; the average length of time for placement, and on and on. That is page one.

Page two does give the total expenditures. We spend \$20 million on the single point of entry pilots. The remainder of the report—the next two pages—it does not mention once the total amount of Medicaid dollars saved because of the program. Instead, it alludes to the potential for savings in the future. This is pretty disappointing.

As you start to look through exactly what was done for \$20 million for emergent cases, by the way, this report mentions only 1.1 percent of the total number of levels of determination done during the course of the study period. That is, it is pretty close to flying blind. In any case, the number that were unknown in terms of what level of care was provided; the number that took up to one week or more. If added together, there were over a quarter of those referred to—over a quarter. Not only is that not a savings; that is, in fact, an increase in expenditures.

Then, as for—placement after single point of entry services have been determined, no formal program had been reported for 35 percent. And of those who actually received home- and community-based program service, of the 196 that were referred to, there were only five—five.

So we are looking over the next year for a place where we might be able to save money and prove cost-effectiveness. I suggest that we strongly look at the single point of entry for return to the private sector, where the hospitals interact with the families and interact with long-term care to efficiently move patients to the place where they get the care they deserve and need.

Senator Gleason's statement is as follows:

I rise today to pay deep respect to a man who meant a great deal to me and to many others. Eight minutes from now, there will be a funeral up in Davison, Michigan. It will be for Clarence A. Jared, my oldest uncle. He was indeed a great man. Last night when we were reveling about what he had done and all of the accomplishments in his life, it brought back many memories.

Mr. Lieutenant Governor, I know that your mother herself went to the true holy land, Ireland, a few years ago. Most of the pictures on display at the funeral home last night in Davison were of that particular trip. He was a great man who had many talents. It was brought to his attention on short notice that there was a celebration at a church in our county. The church at that time was rather new, and it didn't have the stations of the cross which is a great tradition and devotion in the Catholic church. So he went home to his garage and literally hand-painted the fifteen stations of the cross, and those stations of the cross have been in nearly every Catholic church in Michigan. That was the talent that the good Lord gave to Clarence A. Jared. Many of the churches in our districts today have had presented on their walls those hand-painted stations of the cross.

He was a great man who loved to hunt and fish. He literally loved politics. I hope that many of us can remember our great uncles; our oldest uncles and all we have shared with them. That is my tribute to a great man and a tremendous uncle.

I rise also today in support of the resolution that the Senator spoke to about fairness in office allotments. I might have set a record this past year in giving back money of my office allotment; I gave back about \$30,000. The discussion I had in regard to that contribution, which should have gone to the State Treasury instead of to one particular party, was rather intriguing and indeed interesting. When the good Senator rose today and spoke about fairness, here is a resolution about fairness that every Michigan resident would be treated fairly and equally.

I think this discussion is quite serious because even in our lifetime, there were landmark decisions based on equality. Now some of us might say that was probably a black and white or racial issue that politicians and religious leaders across this state and country said would be all right. But there was some money involved in those decisions too—separate but equal. When we are talking about \$3 million, just because there are more sitting on that side than this side, that is hardly equitable and it is really not fair. I would say that it would be wrong if it happened on this side of the aisle too.

We were given the great example only two years ago when the House Democrats said that everyone was going to be treated fair. It doesn't matter whether you have a family in Monroe or Marquette. The same amount of money, the same resources are going to be used in the offices. Yet this chamber sits idly by saying, "Well, if you live in Monroe or Oakland County or thicker districts, you will receive more money than my folks in representation." Since this country was founded, there have been people who have said it is all right. You may not have the same representation as I do. In fact, you may not have the same skin color or be the same gender as I am, or, by the grace of God, you may think differently than I do with your religious beliefs, and it was all right to use every resource, the power of office or finances to discriminate against our brothers and sisters.

Now we begin every single day of session in this beautiful time-honored chamber with a prayer. Every prayer that I have heard in two years and two months has said that we are all in this together; that we should all be treated fairly. We ask that the good Lord intervene on the decisions made in these chambers. What would Jesus do? What would the supreme being of any of our religions say when we say, "Well, you are all going to be treated differently because you live in a different district than someone else who was elected to a different party than those in charge." Now "minority" is a tremendous word. We always seem to use power of office or purses to distinguish the representation of our fellow men and women.

So I think we ought to move this resolution. First of all, I don't think we should have to pass one. If fairness, honesty, and integrity are really part of our individual make-ups, we wouldn't even be talking about passing a resolution where my folks have as many resources as yours. So I think everyone's name should be on this resolution, and I think we all should stand up for fairness. To me, as I have looked at this for the past six years as a minority in the House and now here in the Senate, I believe that there is a constitutional obligation that should be met. Separate but equal has been used for a long time in this country. Even those who thought differently, who even wore robes that made it a final decision in our courts, said it was all right for a long time to be separate but equal. I know those are two different words—separate and equal. What we are doing with the \$3 million discrepancy in office allotments is separate, but it isn't a darn bit equal. So I would say each and every one of you should have your name on this resolution. Let's move this state forward in a bipartisan fashion; in an equal and not separate fashion.

I commend the Senator from the 23rd District, and I think we should all join our signatures and voices together to say fairness is fair.

Senator Patterson's statement is as follows:

I move to rise and offer some comments due to the scholarly commentary that has preceded mine. I would cite Thomas Jefferson: "It is incumbent upon every generation to pay its own debts as it goes. A principle which, if acted on, would save one-half the wars of the world." He also stated, "The democracy will cease to exist when you take away from those who are willing to work and give to those that would not."

By unanimous consent the Senate returned to the order of
Resolutions

Senator Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 3.

A concurrent resolution for the adoption of the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That the following rules be and are hereby adopted as the Joint Rules of the Senate and House of Representatives:

**JOINT RULES OF THE
SENATE AND HOUSE OF REPRESENTATIVES**

Transmission of Messages.

Rule 1. All messages necessary for conducting legislative business between the two houses shall be communicated in writing and electronically by the Secretary of the Senate and the Clerk of the House of Representatives.

Amendments.

Rule 2. It shall be in the power of either house to amend an amendment made by the other to any bill or resolution.

Conference Committees.

Rule 3. (a) The house not concurring in the amendments of the other house shall appoint conferees and notify the amending house of its action. The amending house shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each house, to be appointed as each house may determine. The first named member of the house in which the bill or resolution originated shall be chairperson of the conference committee. Upon appointment of conferees by both houses, the bill or resolution shall be referred to the conference committee. When one house amends or substitutes a bill that has been returned for concurrence from the other house, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred to the conference committee. The conference committee shall serve until the conference report has been adopted by both houses or rejected by a house.

(b) The conference committee shall consist of committees of the two houses with those two committees voting separately while in conference. The adoption of a conference report shall require concurring majorities of the members of each house. The conference committees of the two houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each house who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the house of origin where the question shall be on the adoption of the conference report. If the conference report is adopted in the house of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other house where the question shall be on the adoption of the conference report. If the conference report is adopted in the other house, the bill or resolution and the original signed copy of the conference report shall be returned to the house of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Conference Committee Clerk.

Rule 4. The conference committee clerk shall be from the house of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each house indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel from the same house as the Chairperson for clerks.

Conference Report: Rejection.

Rule 5. If the conference report is rejected by the house of origin, it shall appoint second conferees and notify the other house of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other house, it shall appoint second conferees, notify the house of origin of its action, and transmit the bill or resolution to the house of origin. Upon receipt of the bill or resolution, the house of origin shall appoint second conferees and refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Disagreement of Conferees.

Rule 6. If the conferees are unable to agree, a report of that fact shall be made to both houses. The report, that the conferees were unable to agree, shall be signed by at least a majority of the conferees of each house who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report that the conferees were unable to agree, and three copies shall be filed in the house of origin. Both houses shall appoint second conferees, and the house of origin shall refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Second Conference: Failure.

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either house, no further conference is in order.

Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two houses.

For all bills making appropriations, adoption of a substitute by either house shall not open identical provisions contained in the other house-passed version of the bill as a matter of difference; nor shall the adoption of a substitute by either house open provisions not contained in either house version of the bill as a matter of difference.

When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill or resolution, the conferees may recommend amendments to conform with the agreement. In addition, the conferees may also recommend technical amendments to the other parts of the bill or resolution, such as, necessary date revisions, adjusting totals, cross-references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or resolution or the title.

Adoption of Conference Report.

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by "yeas" and "nays" and shall require the same number of votes constitutionally required for passage of the bill or adoption of the resolution. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a house by a majority vote in that house, provided that a copy of the conference report has been made available to each Member.

Conference Reports: Points of Order.

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. When a conference report is ruled out of order, the conference report is returned to the originating conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

Either House May Recede.

Rule 11. At any time while in possession of the bill or resolution, either house may recede from its position in whole or in part, and the bill or resolution upon request may be returned to the other house for that purpose. If this further action is agreed to by both houses, the bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Correction of Errors.

Rule 12. If errors are found in a bill or resolution which has been passed or adopted by both houses, the house in which the bill or resolution originated may make amendments to correct the errors and shall notify the other house of its action. If the corrective amendments are agreed to by the other house, the corrected bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

In addition, the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, shall correct obvious technical errors in the enrolled bill or resolution, including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms.

Bills and Joint Resolutions.

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment.

Yeas and Nays.

Rule 14. The yeas and nays shall be taken and printed in the Journal of the house taking action upon the passage or adoption of any bill, joint resolution, conference report, and amendments made by the other house to a bill or joint resolution.

No Members Present.

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that house to order at the designated time and announce the absence of a quorum. That house shall be declared adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may, by a unanimous vote of that committee, convene either or both houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. No other action shall be taken by the Senate during session convened under this provision. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

Passage, Adoption, and Enrollment Printing.

Rule 16. Every bill passed or joint resolution adopted by both houses and returned to the house of origin shall forthwith be enrolled and signed by the Secretary of the Senate and the Clerk of the House of Representatives. Enrolled bills shall be presented to the Governor, and enrolled joint resolutions that propose an amendment to the Constitution shall be filed with the Secretary of State with a certificate attached to the effect that the joint resolution has been adopted by the Senate and House of Representatives, respectively, in accordance with the provisions of the Constitution. If the house having last passed the bill or adopted the joint resolution requests its return and such request is granted or a motion is made in the house of origin to amend errors in the bill or joint resolution or to give the bill immediate effect, the enrollment printing shall not occur.

Every bill, joint resolution, and concurrent resolution passed or adopted by either house shall be transmitted to the other house unless a motion for reconsideration is pending.

Immediate Effect.

Rule 17. Whenever both houses, by the constitutional vote, order that a bill take immediate effect, a statement shall be added at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

Joint Resolutions.

Rule 18. Joint resolutions shall be used for the following purposes:

1. Amendments to the Constitution of Michigan.
2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members elected and serving in each house for adoption. Other joint resolutions shall require a majority of the members elected and serving in each house for adoption. All joint resolutions shall require a record roll call vote.

Veto Override: Filing with Secretary of State.

Rule 19. When a bill is passed by both houses over the objections of the Governor or a bill is not filed by the Governor with the Secretary of State within the constitutionally mandated 14-day period, and the Legislature continues in session, an official enrolled bill with a letter from the house of origin signed by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, shall be filed with the Secretary of State for a public act number to be assigned. The letter shall certify that the Governor's veto has been overridden by both houses of the Legislature or that the bill has not been returned within the specified time, as the case may be, in accordance with the provisions of the Constitution.

Section Numbers of Compiled Laws - Amendments.

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed. If the bill was passed at an extra session of the Legislature, the title shall designate which extra session.

Such title shall contain the last title of the act it is proposed to amend. However, the short title (e.g., This act shall be known and may be cited as "The revised judicature act of 1961,") shall be used in acts where it has been defined by legislative enactment. The title shall also contain the chapter, part numbers and compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title, the house other than the house of origin shall replace the short title with the last full title of the act it is proposed to amend or repeal. Other corrective amendments to the title shall be made as may be necessary. The full title and amended title shall be agreed to by both houses.

When an amendment to a bill or a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in upper case bold type, and the words to be omitted shall be printed in stricken-through type. This style requirement also applies to joint resolutions that amend the Constitution of Michigan.

All bills and joint resolutions introduced, amendments to joint resolutions, substitute bills and joint resolutions, and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

Tie-bars.

Rule 21. A bill or resolution that is tie-barred to a request number shall not be considered for passage or adoption unless that tie-barred request item has been introduced. No bill or resolution shall be passed or adopted by either house until the tie-barred item has been designated in the appropriate blank space provided.

Elections in Joint Convention.

Rule 22. Whenever there is an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives. The results shall be announced by the presiding officers to their respective houses, printed in the Journal of each house, and communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

Legislative Handbook.

Rule 23. The initial appointment of the standing committee members of the two houses shall be printed in their respective Journals as soon as possible after the announcement. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing these appointments and other information they deem appropriate.

Compensation.

Rule 24. Compensation for members, officers, and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and transmitted directly to the payee.

If the office of a member of the Legislature becomes vacant, the compensation for the elected successor shall begin on the date of his or her oath of office.

Committee Expenses.

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$2,500.00 unless authorized in the resolution creating that committee.

Final Adjournment of Regular Sessions.

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

Daily Adjournment.

Rule 27. Neither house shall remain in session on any legislative day beyond 12:00 midnight. If either house is in session at 12:00 midnight, the presiding officer shall declare that house adjourned until a fixed hour for meeting on the next legislative day. That house shall stand adjourned until the next fixed meeting time.

Pending Business.

Rule 28. Any business, bill, or joint resolution which has not been defeated by either house shall be considered pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either house, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution, or veto override was defeated in a previous year unless there is a pending motion to reconsider offered in the odd-numbered year.

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

Senator Cropsey moved that the rule be suspended.

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

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

Senators Birkholz, Clarke, Pappageorge and Switalski were named co-sponsors of the concurrent resolution.

Committee Reports

The Committee on Agriculture and Bioeconomy reported

Senate Bill No. 134, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending the title and sections 2, 2a, and 3 (MCL 285.302, 285.302a, and 285.303), the title and section 2 as amended by 2006 PA 423 and section 2a as added by 2006 PA 424.

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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

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 Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, February 12, 2009, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Thursday, February 12, 2009, at 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Hardiman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 12, 2009, at 1:00 p.m., Room 210, Farnum Building

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

Scheduled Meetings

Appropriations - Wednesday, February 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Agriculture - Wednesdays, February 18, March 4, March 11 and March 18, 3:00 p.m., Room 405, Capitol Building (373-2768)

Capital Outlay - Thursday, February 19, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Economic Development - Wednesdays, February 18, March 4, March 11 and March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursday, February 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

History, Arts, and Libraries - Thursdays, February 19, March 5, March 12 and March 19, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesdays, February 24 and March 3, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

State Police and Military Affairs - Thursday, February 19, 3:00 p.m.; Tuesday, February 24, 10:00 a.m.; Tuesday, March 10, 3:00 p.m.; Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 3:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Wednesday, February 18, 8:30 a.m., Room 405, Capitol Building; Friday, February 27, 10:30 a.m., Grand Rapids, meeting place to be determined; and Wednesdays, March 4, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, February 18, 9:00 a.m., Room 210, Farnum Building (373-3543)

Economic Development and Regulatory Reform - Wednesday, February 18, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, February 19, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, February 19, 11:00 a.m., Room 110, Farnum Building (373-1758)

Legislative Commission on Government Efficiency - Monday, March 2, 2:00 p.m., Room 428, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Friday, February 27, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Natural Resources and Environmental Affairs - Wednesday, February 18, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:02 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 18, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

