

No. 96
STATE OF MICHIGAN
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REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, November 12, 2009.

10:00 a.m.

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

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

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

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

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

Senator James A. Barcia of the 31st District offered the following invocation:

Dear Lord, as we make our way through life, we constantly face many difficult challenges. Yet because of You, we never face these challenges alone. We offer our thanks to You, Lord, for this and the countless blessings that You continuously bestow upon this legislative body.

We humbly ask of You, Lord, to look down upon us with Your grace and grant us the wisdom to do what is right and just for the people of Michigan. Just as we are all servants to You, Lord, so also are we servants to all of our fellow citizens of this great state. Let us never forget that we have been entrusted by these very citizens with the great responsibility of leadership. Let us face the many challenges that lie before us with Your strength and compassion today, tomorrow, and throughout our service.

Lastly, we ask of You, O Lord, to never allow us to forget the bravery and courage of the countless men and women who fought on behalf of our freedom. As we reflect on their great sacrifices, please bless and protect those who continue making that very sacrifice. We ask this in the name of God. Amen.

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

Motions and Communications

Senators Brown, Allen, Hunter, Kahn and Kuipers entered the Senate Chamber.

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5514

Senate Bill No. 807

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

Senator Thomas moved that Senators Brater and Clarke be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Cropsey moved that the rules be suspended and that the following concurrent resolutions, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Concurrent Resolution No. 23

Senate Concurrent Resolution No. 24

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

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator George admittance to the Senate floor.

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

Senators Clarke, Brater and Basham entered the Senate Chamber.

Senators George, Pappageorge, Kahn, Jansen, Cherry, Stamas and Jacobs asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator George's statement is as follows:

I have been given permission to bring them on the Senate floor, so I would like my colleagues to join me in recognizing three of our Capitol docents who have all served in the Capitol now giving tours for at least ten years. I am going to tell you a little bit about each of them.

First, Lauralee Campbell has been a docent for ten years. She is originally from Indiana. She is a musician and has received a bachelor's degree in music. She was the principal harpist with the Lansing Symphony Orchestra, a professor of music at Michigan State University, and has performed with various symphony orchestras throughout Michigan. Then she

became a tour guide here in the fall of 1999. She is one of our volunteer docents, and over a ten-year period, Lauralee has conducted 525 tours of the Capitol, sharing her love and enthusiasm for the building and state history with approximately 19,000 students and adults. So please join me in recognizing first, Lauralee Campbell.

Next, we have Jill Meyers. Jill is also a ten-year docent. She is originally from Hillsdale, raised in Port Huron. She also was a teacher. She studied at the University of Michigan, Eastern Michigan, and has taught history, physical education, and French for the Port Huron School District, Delta College, and the East Lansing middle and high schools until her retirement. I would like to note also that she is an ice skater with Ladies Silver Blades. She also plays the flute with the MSU Community Music School. Jill also joined the Capitol docents team in the fall of 1999, and over a ten-year period, Jill has conducted 739 tours of the Capitol. She has shared her enthusiasm for state history with 26,000 Michigan students and adults. Thank you, Jill.

And now we also wish to honor Becky Jones. Becky has been a 13-year volunteer docent at the Capitol. She grew up in Detroit and graduated from Detroit's Cooley High School. She attended Western Michigan University and is also a teacher with a major in history and a minor in physical education. She also did work at the University of Michigan, and she taught in the Detroit Public Schools. She now resides in Grand Ledge and has been a volunteer Girl Scout leader and a softball coach. Becky has been a tour guide here for 13 years and has conducted over 1,000 tours of the Capitol, sharing her enthusiasm for state history with 38,000 Michigan students and adults. So please join me in thanking and congratulating Becky Jones.

We also have some family members in attendance. For Jill, we have her daughter-in-law Kelly Gough; for Lauralee, her son and daughter-in-law, David and Miriam Campbell, and their sons, Matthew and Douglas Campbell. Now, quite a few of the Capitol family—that is, the other docents, tour guides, and staff—will be in the Gallery.

So I ask you to join me in congratulating these ladies for their fine service.

Senator Pappageorge's statement is as follows:

I would like to read a tribute about Colleen Curtis:

“LET IT BE KNOWN, That Colleen began her service in the Legislature in 1991 as a Senate staffer. She started working on the Joint Committee on Administrative Rules as an administrative assistant in 1994. Her solid work ethic and appreciation for this critically important component of state government led her to become the clerk for JCAR in 2004.

Her tenure has spanned an area of many changes in the administrative rules process and the Legislature's role in it, including the transition to term limits. Her service as clerk of the committee has been invaluable. She has served as an adviser and expert analyst on the measures before the committee. It has been an honor and privilege working with Colleen. Her contributions will be sorely missed, and we wish her nothing but the best in all of her future endeavors.”

Now there is more to this declaration of special tribute. I didn't read it all, but for those of you who want to read the whole thing, you are invited to Colleen's house for breakfast tomorrow morning.

Senator Kahn's statement is as follows:

I rise today to speak with you for a bit about a truly outstanding public servant, a truly outstanding person, and a truly outstanding friend of the state of Michigan on this, what would have been his 60th birthday. I am speaking about Paul Reinhart who has left us. With me today is his wife Helen and his daughter Sandra, and I am delighted to have you here today as we remember your husband and father. So this tribute reads as follows:

“LET IT BE KNOWN, That on behalf of the citizens of Michigan, we extend our condolences and respect to the family and friends of Paul Reinhart, whose passing has saddened all who had the good fortune of knowing him. A caring person, dedicated public servant, and avid outdoorsman, Paul enriched countless lives and will be genuinely missed.

Paul earned his master's degree from Wayne State University in 1974 and soon after began what turned into a 35-year career in state government, the majority of that time spent working on the Medicaid program. He was admired by his colleagues for his creative thinking, dedication to the job, and dry wit that made it enjoyable to come into work. He rarely left work before his office staff, and when he did, he made sure they didn't stay much longer.

Individuals such as Paul are rare. He earned the respect of both sides of the aisle, working faithfully under three administrations and helping frame the financial structure of Michigan's Medicaid program. He was extraordinarily compassionate toward those on Medicaid and fought every year to preserve critical health care for those who needed it most. In fact, he found ways to use federal funds in order to spare hard cuts to the program, saving the state \$27 billion over the course of his career.

The hallmark of Paul Reinhart's professional life was the fact that no amount of red tape, no bureaucratic procedures, no column of numbers could ever keep him from seeing the faces and lives of the people he worked to help. His insistence on touring nursing homes, visiting beneficiaries, and following up on their concerns reflected a genuine connection to the men, women, and children at a point in life where they needed a friend. They had one in Paul Reinhart.

The passing of Paul has left an unfillable void, but his legacy will live on through the lives of those he helped and in all those who knew him.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to offer these words of praise as a memorial for Paul Reinhart, a man who had a profound impact on his family, community, and state.

May his family find comfort in their faith and their memories of this fine man and his distinguished career.”

A moment of silence was observed in memory of Paul Reinhart, Department of Community Health employee.

Senator Jansen’s statement is as follows:

Today we are honoring and remembering a dedicated and true public servant in Paul Reinhart. As a State Representative, I worked with him many hours. I took him away from his family as chair of the Family Independence Agency committee. We spent hours and hours going through those budgets, eating too much pizza, and spending time with people. I just think of the good memories that I had with him.

Everything that the previous speaker said about him is very true. He was very civil and respectful. He was a solution-driven public servant. His insight and approach was just outstanding for me as a freshman legislator, as I spent those six years in the House of Representatives with him.

I also know that he struggled with lung cancer. What I find amazing is that he never smoked. For some of us, we probably can’t say that, but he could. He spent a lot of time in closed rooms with people who did in an era when that was OK. Consequently, Paul contracted lung cancer, so smoking became an issue for him. What is amazing, too, is that today would have been his 60th birthday. Sixty is pretty young to some of us who have just turned 50. That is too young to leave us.

So, on his behalf and to my fellow colleagues, I actually did vote for the smoking ban this last time. I changed over time, and this is one of the reasons. So, not to make this political, I would ask that we find a solution to this for the future so that we don’t have to go through this for some of our children.

All in all, I just want to thank Paul and his family. He was an outstanding servant, and like it was said earlier, there are many servants in this state; we just don’t see them. That is what Paul was. He was quiet, but a servant, and the state needs more of them.

Senator Cherry’s statement is as follows:

Although I cannot add a whole lot more to what has already been said, I wish to speak for just a moment about the passing of Paul Reinhart. He was a friend, as you know, to many of us. I have known Paul throughout my career here in the Legislature. I met him and spent countless time with him in, at that time, Senator Emerson’s office working on both issues related to this state and issues related to Genesee County, helping this state serve the people who needed it the most.

I must say thank you to Helen and Sandra for their contributions and giving us Paul in the time that he served us. I can’t express enough the impact that he has had on this state. His talent will not be filled, but as Senator Kahn has said, he has taught a lot of people the importance of the work that he did, and in some cases, actually showed them how to do it.

I ask that my comments be printed in the Journal and want to again thank Helen and Sandra for giving Paul to us for the time he spent in the Legislature.

Senator Stamas’ statement is as follows:

I just want to join with my colleagues in speaking about Paul Reinhart. I had the opportunity as the chair of the Community Health budget to work with Paul. Oftentimes in this process, finding a consensus is a challenge and difficult, and we see this on a daily basis. But when we would look at an issue with respect to Medicaid in the Community Health budget, in a bipartisan and bicameral basis, we would look to Paul. If Paul said yes this could happen, then we knew it could happen. If Paul said no that can’t happen, then we knew it couldn’t happen. That was a reflection of his skill, his experience, knowledge, and creativity; but it was also a reflection of his integrity, honesty, and how respected he was.

So I also want to join in offering my sympathies and gratitude for his service to all of the citizens of this state.

Senator Jacobs’ statement is as follows:

I would like to share a story with this chamber. I didn’t know Paul that well, but I had on many occasions a need to call him and ask for his help. Several years ago, I called him about a quirk in our Medicaid funding system for adults who had strabismus—cross-eyedness. For children who have this condition, Medicaid took care of the surgery without a problem. There was no pre-authorization necessary, no red tape, or problems, but for adults, it was a different story. It was pretty difficult for adults with this condition to go on a job interview. It was really a condition that kept a lot of people from moving up in the world.

I was contacted by some ophthalmologists who asked if there was a way we could solve this problem. So I called Paul and asked him if there was a way to do this without legislation; just to take a look at the rules. Sure enough, I don’t think it was more than a couple of weeks and Paul had called me. He took care of it, and said it wasn’t a problem. As a result, there are probably dozens of adults who have this condition who now can have it taken care of just because Paul understood the need to have this handled. It was just done with no problem, just because he got it—he understood.

So I really thank him for that very unique kind of public service and for making things happen within his position.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Wednesday, November 18, at 10:00 a.m.; and when it adjourns on Wednesday, November 18, it stand adjourned until Tuesday, December 1, at 10:00 a.m.

The motion prevailed.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, November 10:
House Bill No. 4202

By unanimous consent the Senate proceeded to the order of

Messages from the House

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:32 a.m.

10:54 a.m.

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

During the recess, Senator Garcia entered the Senate Chamber.

House Bill No. 5246, entitled

A bill to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 339.101 to 339.2919) by amending the title, as amended by 1993 PA 93, and by adding section 1809a.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 2, line 23, after "(2)" by inserting "**IN THE CASE OF UNCLAIMED CREMATED REMAINS DETERMINED TO BELONG TO A VETERAN,**".

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the House amendment made to the Senate substitute,

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

Roll Call No. 596

Yeas—37

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

Nays—0

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

Senate Bill No. 776, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 151d (MCL 600.151d), as amended by 2008 PA 197.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 21, after “**THE**” by striking out “**GENERAL FUND**” and inserting “**COURT EQUITY FUND CREATED IN SECTION 151B**”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 597

Yeas—37

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

Nays—0

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 493, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431c (MCL 208.1431c), as added by 2008 PA 88.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Switalski as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5514, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2007 PA 217.

Senate Bill No. 807, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 301, 501, 503, 508, 510, 1101, 1301, 2521, 3101, 3131, 3132, 3133, 3301, 5201, 5402, 5703, 5705, 6306, 8307a, 8707, 8801, 9101, 11503, 11701, 11715d, 12101, 14301, 14501, 14701, 14721, 14802, 14804, 14810, 16901, 16903, 16903a, 16908a, 17203, 17301, 17327, 19601, 19701, 20101, 20104a, 20503, 21101, 21501, 21502, 21506, 21515, 21521, 21522, 21541, 21542, 21551, 21561, 21562, 30101, 30301, 30321, 31701, 32501, 32513, 32601, 32701, 32801, 32803, 33911, 33924, 33929, 35301, 40107c, 41303, 61501, 62501, 63101, 63201, 63502, 76111, 79501, 79504, 79505, and 79506 (MCL 324.301, 324.501, 324.503, 324.508, 324.510, 324.1101, 324.1301, 324.2521, 324.3101, 324.3131, 324.3132, 324.3133, 324.3301, 324.5201, 324.5402, 324.5703, 324.5705, 324.6306, 324.8307a, 324.8707, 324.8801, 324.9101, 324.11503, 324.11701, 324.11715d, 324.12101, 324.14301, 324.14501, 324.14701, 324.14721, 324.14802, 324.14804, 324.14810, 324.16901, 324.16903, 324.16903a, 324.16908a, 324.17203, 324.17301, 324.17327, 324.19601, 324.19701, 324.20101, 324.20104a, 324.20503, 324.21101, 324.21501, 324.21502, 324.21506, 324.21515, 324.21521, 324.21522, 324.21541, 324.21542, 324.21551, 324.21561, 324.21562, 324.30101, 324.30301, 324.30321, 324.31701, 324.32501, 324.32513, 324.32601, 324.32701, 324.32801, 324.32803, 324.33911, 324.33924, 324.33929, 324.35301, 324.40107c, 324.41303, 324.61501, 324.62501, 324.63101, 324.63201, 324.63502, 324.76111, 324.79501, 324.79504, 324.79505, and 324.79506), sections 301 and 503 as amended by 2004 PA 587, section 1301 as amended by 2008 PA 18, section 2521 as amended by 2005 PA 313, section 3101 as amended by 2006 PA 97, sections 3131, 3132, and 3133 as added by 1997 PA 29, section 3301 as added by 2004 PA 246, section 5201 as amended by 2005 PA 257, section 5402 as added by 1997 PA 26, section 6306 as amended by 1996 PA 564, section 8307a as added by 2002 PA 418, section 8707 as amended by 2000 PA 100, section 8801 as added by 1998 PA 287, section 9101 as amended by 2005 PA 55, section 11503 as amended by 2007 PA 212, section 11701 as amended by 2005 PA 199, section 11715d as added by 2004 PA 381, section 12101 as amended by 2008 PA 8, section 14301 as amended by 1998 PA 289, section 14501 as amended by 2007 PA 174, section 14701 as amended by 2004 PA 562, section 14721 as added by 2004 PA 526, sections 14802 and 14804 as amended by 1997 PA 133, section 14810 as added by 1996 PA 132, section 16901 as amended by 2006 PA 520, section 16903 as amended by 2006 PA 522, sections 16903a and 16908a as added by 1997 PA 17, section 17203 as added by 2002 PA 578, sections 17301 and 17327 as added by 2008 PA 394, section 19601 as added by 1998 PA 288, section 19701 as added by 2002 PA 397, section 20101 as amended section 20104a as added by 1996 PA 383, section 20503 as added by 2004 PA 229, section 21502 as amended by 2006 PA 318, section 21506 as amended by 2004

PA 390, section 21515 as amended by 1996 PA 181, sections 21561 and 21562 as added by 2006 PA 322, section 30101 as amended by 2006 PA 275, sections 30301 and 32501 as amended by 2003 PA 14, section 30321 as amended by 1996 PA 530, section 31701 as added by 2003 PA 177, section 32513 as amended by 2008 PA 276, section 32601 as added by 2000 PA 278, section 32701 as amended by 2008 PA 179, sections 32801 and 32803 as amended by 2008 PA 189, sections 33911, 33924, and 33929 as amended by 2006 PA 496, section 35301 as amended by 1995 PA 262, section 40107c as added by 2007 PA 47, section 41303 as amended by 2009 PA 52, section 61501 as amended by 1998 PA 303, section 62501 as amended by 1998 PA 467, section 63101 as amended section 63201 as added by 2004 PA 449, section 63502 as amended by 2001 PA 78, section 76111 as amended by 2001 PA 75, and sections 79501, 79504, 79505, and 79506 as added by 1998 PA 285, and by adding sections 501b, 501c, and 501d; and to repeal acts and parts of acts.

Senate Bill No. 882, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5839 (MCL 600.5839), as amended by 1985 PA 188.

Senate Bill No. 934, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81101 (MCL 324.81101), as amended by 2004 PA 587.

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

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

Senate Bill No. 388, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2005, 2030, 2035, 74101, 74102a, 74116, 74117, 74122, 74123, 78105, and 83106 (MCL 324.2005, 324.2030, 324.2035, 324.74101, 324.74102a, 324.74116, 324.74117, 324.74122, 324.74123, 324.78105, and 324.83106), sections 2005, 2030, and 2035 as added and sections 74101, 74122, 78105, and 83106 as amended by 2004 PA 587, section 74102a as amended by 2006 PA 307, sections 74116 and 74123 as added by 1995 PA 58, and section 74117 as amended by 2006 PA 477, and by adding sections 1911 and 2045; and to repeal acts and parts of acts.

Substitute (S-6).

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

1. Amend page 13, line 3, after "(13)" by striking out "BY DECEMBER 31, 2009" and inserting "NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION".

The Senate agreed to the substitute, as amended, 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. 389, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 805.

Substitute (S-9).

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:

House Bill No. 4674, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431a (MCL 208.1431a), as added by 2008 PA 92.

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 amendment, the following bill:

House Bill No. 4507, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81131 (MCL 324.81131), as amended by 2008 PA 240.

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

1. Amend page 6, line 13, after “SANILAC,” by inserting “SAGINAW, GRATIOT, MONTCALM,”.

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 5514

Senate Bill No. 388

Senate Bill No. 389

House Bill No. 4674

Senate Bill No. 807

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

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

House Bill No. 5514

Senate Bill No. 807

Senate Bill No. 713

Senate Bill No. 605

Senate Bill No. 388

Senate Bill No. 389

House Bill No. 4161

House Bill No. 4674

House Bill No. 5120

The motion prevailed.

The following bill was read a third time:

House Bill No. 5514, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 2007 PA 217.

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. 598

Yeas—37

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

Nays—0

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

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

The following bill was read a third time:

Senate Bill No. 807, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 301, 501, 503, 508, 510, 1101, 1301, 2521, 3101, 3131, 3132, 3133, 3301, 5201, 5402, 5703, 5705, 6306, 8307a, 8707, 8801, 9101, 11503, 11701, 11715d, 12101, 14301, 14501, 14701, 14721, 14802, 14804, 14810, 16901, 16903, 16903a, 16908a, 17203, 17301, 17327, 19601, 19701, 20101, 20104a, 20503, 21101, 21501, 21502, 21506, 21515, 21521, 21522, 21541, 21542, 21551, 21561, 21562, 30101, 30301, 30321, 31701, 32501, 32513, 32601, 32701, 32801, 32803, 33911, 33924, 33929, 35301, 40107c, 41303, 61501, 62501, 63101, 63201, 63502, 76111, 79501, 79504, 79505, and 79506 (MCL 324.301, 324.501, 324.503, 324.508, 324.510, 324.1101, 324.1301, 324.2521, 324.3101, 324.3131, 324.3132, 324.3133, 324.3301, 324.5201, 324.5402, 324.5703, 324.5705, 324.6306, 324.8307a, 324.8707, 324.8801, 324.9101, 324.11503, 324.11701, 324.11715d, 324.12101, 324.14301, 324.14501, 324.14701, 324.14721, 324.14802, 324.14804, 324.14810, 324.16901, 324.16903, 324.16903a, 324.16908a, 324.17203, 324.17301, 324.17327, 324.19601, 324.19701, 324.20101, 324.20104a, 324.20503, 324.21101, 324.21501, 324.21502, 324.21506, 324.21515, 324.21521, 324.21522, 324.21541, 324.21542, 324.21551, 324.21561, 324.21562, 324.30101, 324.30301, 324.30321, 324.31701, 324.32501, 324.32513, 324.32601, 324.32701, 324.32801, 324.32803, 324.33911, 324.33924, 324.33929, 324.35301, 324.40107c, 324.41303, 324.61501, 324.62501, 324.63101, 324.63201, 324.63502, 324.76111, 324.79501, 324.79504, 324.79505, and 324.79506), sections 301 and 503 as amended by 2004 PA 587, section 1301 as amended by 2008 PA 18, section 2521 as amended by 2005 PA 313, section 3101 as amended by 2006 PA 97, sections 3131, 3132, and 3133 as added by 1997 PA 29, section 3301 as added by 2004 PA 246, section 5201 as amended by 2005 PA 257, section 5402 as added by 1997 PA 26, section 6306 as amended by 1996 PA 564, section 8307a as added by 2002 PA 418, section 8707 as amended by 2000 PA 100, section 8801 as added by 1998 PA 287, section 9101 as amended by 2005 PA 55, section 11503 as amended by 2007 PA 212, section 11701 as amended by 2005 PA 199, section 11715d as added by 2004 PA 381, section 12101 as amended by 2008 PA 8, section 14301 as amended by 1998 PA 289, section 14501 as amended by 2007 PA 174, section 14701 as amended by 2004 PA 562, section 14721 as added by 2004 PA 526, sections 14802 and 14804 as amended by 1997 PA 133, section 14810 as added by 1996 PA 132, section 16901 as amended by 2006 PA 520, section 16903 as amended by 2006 PA 522, sections 16903a and 16908a as added by 1997 PA 17, section 17203 as added by 2002 PA 578, sections 17301 and 17327 as added by 2008 PA 394, section 19601 as added by 1998 PA 288, section 19701 as added by 2002 PA 397, section 20101 as amended section 20104a as added by 1996 PA 383, section 20503 as added by 2004 PA 229, section 21502 as amended by 2006 PA 318, section 21506 as amended by 2004 PA 390, section 21515 as amended by 1996 PA 181, sections 21561 and 21562 as added by 2006 PA 322, section 30101 as amended by 2006 PA 275, sections 30301 and 32501 as amended by 2003 PA 14, section 30321 as amended by 1996 PA 530, section 31701 as added by 2003 PA 177, section 32513 as amended by 2008 PA 276, section 32601 as added by 2000 PA 278, section 32701 as amended by 2008 PA 179, sections 32801 and 32803 as amended by 2008 PA 189, sections 33911, 33924, and 33929 as amended by 2006 PA 496, section 35301 as amended by 1995 PA 262, section 40107c as added by 2007 PA 47, section 41303 as amended by 2009 PA 52, section 61501 as amended by 1998 PA 303, section 62501 as amended by 1998 PA 467, section 63101 as amended section 63201 as added by 2004 PA 449, section 63502 as amended by 2001 PA 78, section 76111 as amended by 2001 PA 75, and sections 79501, 79504, 79505, and 79506 as added by 1998 PA 285, and by adding sections 501b, 501c, and 501d; and to repeal acts and parts of acts.

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. 599**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Jacobs	Switalski
Barcia	Clark-Coleman	Olshove	Thomas
Basham	Clarke	Prusi	Whitmer
Brater	Hunter	Scott	

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 713, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2008 PA 565.

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. 600**Yeas—37**

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

Nays—0

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 605, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 20135.

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. 601**Yeas—37**

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

Nays—0**Excused—1**

Gleason

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 388, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2001, 2005, 2030, 74101, 74102, 74102a, 74116, 74117, 74120, 74122, 78101, 78105, and 83106 (MCL 324.2001, 324.2005,

324.2030, 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, 324.74122, 324.78101, 324.78105, and 324.83106), sections 2001, 2005, and 2030 as added and sections 74101, 74122, 78105, and 83106 as amended by 2004 PA 587, sections 74102, 74116, and 74120 as added by 1995 PA 58, section 74102a as amended by 2006 PA 307, section 74117 as amended by 2006 PA 477, and section 78101 as amended by 2006 PA 466, and by adding sections 1911, 2045, and 78119; and to repeal acts and parts of acts.

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. 602**Yeas—25**

Allen	Clark-Coleman	Jacobs	Richardville
Anderson	Clarke	Jansen	Scott
Barcia	Cropsey	Jelinek	Stamas
Basham	George	Olshove	Switalski
Birkholz	Hardiman	Pappageorge	Thomas
Brater	Hunter	Patterson	Whitmer
Cassis			

Nays—12

Bishop	Garcia	Kuipers	Prusi
Brown	Gilbert	McManus	Sanborn
Cherry	Kahn	Nofs	Van Woerkom

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 389, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 805.

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. 603**Yeas—25**

Allen	Clark-Coleman	Jacobs	Richardville
Anderson	Clarke	Jansen	Scott
Barcia	Cropsey	Jelinek	Stamas
Basham	George	Olshove	Switalski
Birkholz	Hardiman	Pappageorge	Thomas

Brater
Cassis

Hunter

Patterson

Whitmer

Nays—12

Bishop
Brown
Cherry

Garcia
Gilbert
Kahn

Kuipers
McManus
Nofs

Prusi
Sanborn
Van Woerkom

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Van Woerkom and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 389.

Senator Van Woerkom's statement is as follows:

I am a supporter of our state parks. I have some beautiful state parks in my district. As a matter of fact, it was brought up earlier about some of the damage done to some of the buildings in the Ludington State Park, and I have seen that damage. I am hopeful that we can find a way to meet the needs of our state parks, but I don't believe that this fee is an appropriate way to fund our parks. I believe the user should pay. It is a recreational opportunity provided by the state of Michigan, and I don't see that as one of the needs of the state that we have to provide for. I believe the user should pay for that recreational opportunity. I don't see this as a 50 percent reduction to the taxpayers of the state. I see it as a 50 percent reduction to the users in the state and actually an increase in fees to the general public.

So I felt I should cast a "no" vote for this particular fee because I don't think it is the appropriate way to support our parks.

Senator Cherry's statement is as follows:

I voted "no" not because I think that just users should pay for the parks, but I believe that we all have a responsibility to pay for the parks, and I think we should be appropriating through our budget process to help that occur. So that is probably one reason for voting "no."

The other reason is that I really am unclear about the enforcement on how this will all work. It seems to me to not necessarily be a fair enforcement with the potential of a large fine if in violation. I understand there is a grace period, but I think that whole process needs to be worked out because I think we need to treat people who are using the parks fairly, especially when we are changing the fee structure.

The following bill was read a third time:

House Bill No. 4161, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 17708, and 17763 (MCL 333.7405, 333.17708, and 333.17763), as amended by 2006 PA 672.

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. 604**Yeas—37**

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

Nays—0**Excused—1**

Gleason

Not Voting—0

In The Chair: Richardville

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4674, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 431a (MCL 208.1431a), as added by 2008 PA 92.

The question being on the passage of the bill,

Senator Jansen offered the following amendment:

1. Amend page 2, line 24, after “section.” by inserting “**NOT LATER THAN JULY 1 OF EACH YEAR, THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL DISCLOSE TO THE SENATE MAJORITY LEADER OR HIS OR HER DESIGNEE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR HIS**

OR HER DESIGNEE, AND THE CHAIRPERSON OF EACH STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESSES AND HAS JURISDICTION OVER ISSUES PERTAINING TO TAXATION, FINANCE, AND ECONOMIC DEVELOPMENT THE NAME AND ADDRESS OF EACH QUALIFIED CUSTOMER WHOSE SALES ARE NOT CONSIDERED IN THE SALES FACTOR PURSUANT TO THIS SUBSECTION.”.

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

The question being on the passage of the bill,

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

Roll Call No. 605

Yeas—37

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

Nays—0

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

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

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

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

“An act to 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5120, entitled

A bill to amend 1985 PA 106, entitled “State convention facility development act,” by amending section 10 (MCL 207.630), as amended by 2009 PA 61.

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 8, line 14, after “**2009,**” by striking out the balance of the subdivision and inserting “**\$4,600,000.00 SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE AND \$2,000,000.00 SHALL BE DISTRIBUTED TO ALL COUNTIES IN THIS STATE IN THE SAME MANNER AS DISTRIBUTIONS UNDER SUBSECTION (2)(D)(i) AND (ii) ARE MADE.**”.

The amendment was not adopted, a majority of the members serving not voting therefor.
 The question being on the passage of the bill,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 606**Yeas—37**

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

Nays—0**Excused—1**

Gleason

Not Voting—0

In The Chair: Richardville

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

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

“An act to impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41**Senate Resolution No. 75****Senate Resolution No. 88**

The motion prevailed.

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

Senate Resolution No. 97

The resolution consent calendar was adopted.

Senators McManus and Stamas offered the following resolution:

Senate Resolution No. 97.

A resolution recognizing November 2009 as Adoption Awareness Month and November 15, 2009, as Adoption Day in the state of Michigan.

Whereas, Children thrive in loving families where they are nurtured, comforted, and protected; and

Whereas, Michigan recognizes the valuable contributions of individuals who travel the rewarding journey of adoption by providing love, guidance, and hope for children whose lives have been filled with change and uncertainty; and

Whereas, Michigan is committed to working as a partner with social service agencies, organizations in communities, and child advocates to help recruit and support adoptive families who make a difference in developing positive outcomes for our children; and

Whereas, Finding nurturing, permanent homes for waiting children is an objective Michigan works toward throughout the year. However, during Adoption Awareness Month, special efforts are made to instill a greater perception of the need for adoptive families; and

Whereas, Throughout November, communities across the nation observe National Adoption Month to raise awareness and encourage citizens to become involved in the lives of these youth—as adoptive parents, volunteers, or mentors. This body understands the importance of adoption, and we honor those who provide children with a loving home; now, therefore, be it

Resolved by the Senate, That we hereby recognize November 2009 as Adoption Awareness Month and November 15, 2009, as Adoption Day in the state of Michigan, and call this observance to the attention of all our citizens; and be it further

Resolved, That copies of this resolution be transmitted to Bethany Christian Services and Adoption Associates, Incorporated, as a token of our highest esteem.

Senate Concurrent Resolution No. 23.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

The question being on the adoption of the concurrent resolution,

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

Senator Cropsey requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 607

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Jacobs	Switalski
Barcia	Clark-Coleman	Olshove	Thomas
Basham	Clarke	Prusi	Whitmer
Brater	Hunter	Scott	

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Concurrent Resolution No. 23 and moved that the statement she made during the discussion of the resolution be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

I join my colleague from the 31st District in commending the good Senator from the 35th District in her efforts on behalf of the citizens of the state of Michigan. I know that we all have, ultimately, the same goal to protect and preserve the natural resources of this great state. Sometimes we just disagree a little bit about how to get there, but I want to reiterate a couple of things which I said in committee the other day.

I wanted to thank and congratulate Governor Granholm for her many efforts to reform state government, which she embarked upon when she was first elected almost seven years ago. The idea of putting these two departments back together, I think, is a very good one. It will be good for our environment to have the conservation and environmental protection functions put back together again as they were originally.

I think it is also a good idea to blend some of these boards and commissions, especially the ones which deal with various trails within our parks and along our roadways. Sometimes there is a diversity of interests among our citizens as to how those trails should be used. There could be conflicts among mountain bikers, hikers, and snowmobilers. I think it’s a healthy thing for these citizens with divergent needs and interests to come together and work out their differences in one commission, rather than having separate voices and separate commissions. So I think that will be better for the democratic process.

It’s absolutely consistent with the democratic process that the director of this department be accountable to our statewide elected top official of the state of Michigan, and it will create consistency in policy and have a cabinet-level member directing that department. So I think that is a good thing as well.

The good Senator from the 35th District has actually proposed some aspects in her version of the re-creation of these departments which actually expands and makes a bigger bureaucracy. For example, creating separate personnel for overseeing the permitting process. I don’t think we need that kind of redundancy right now. We need to keep that all under one roof. I think that the Governor’s approach is a much more efficient one.

I commend the Governor, and I oppose these resolutions today.

Senate Concurrent Resolution No. 24.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

The question being on the adoption of the concurrent resolution,

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

Senator Whitmer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 608**Yeas—22**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson	Cherry	Jacobs	Switalski
Barcia	Clark-Coleman	Olshove	Thomas
Basham	Clarke	Prusi	Whitmer
Brater	Hunter	Scott	

Excused—1

Gleason

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved to reconsider the vote by which the concurrent resolution was adopted. The question being on the motion to reconsider, Senator Cropsey moved that further consideration of the concurrent resolution be postponed for today. The motion prevailed.

Protests

Senators Barcia, Whitmer and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Concurrent Resolution Nos. 23 and 24.

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

The motion prevailed.

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

I would like to begin by saying that I have the greatest respect for Senator McManus, who I think has championed so many great causes involving our natural resources and other issues that we both have a mutual concern for. But I want to rise today to indicate my opposition to both Senate Concurrent Resolution Nos. 23 and 24.

While I understand the reasons that the sponsors of these resolutions have for opposing the Governor’s executive order, I believe that the DNR, DEQ, and the Department of Agriculture will be more efficient and responsive to the public with these changes. Combining the DNR and DEQ will allow these two entities to work together more efficiently to protect our natural resources.

Furthermore, it is critical in this economic environment for our regulatory agencies to streamline the process for permits and give our residents the confidence that state government is working together to balance the needs of businesses with the need to have a clean and healthy environment. It is also important to increase transparency in our executive branch of government and have clear lines of responsibility in environmental and agricultural policies.

Allowing the Governor the ability to directly appoint the directors of the Department of Agriculture and the new Department of Natural Resources and Environment will ensure that the directors of these departments are accountable to the state’s top elected official, rather than a commission that has no direct relationship with the voters of Michigan.

It should be apparent that allowing these important department heads to serve at the pleasure of the commissions that are relatively unknown to the general public is not consistent with the principles of good government and accountability. I truly believe that all of us in this chamber want to streamline government and reform the way that we do business. I appreciate the sentiments of those who oppose the Governor’s executive order, and I am sensitive to the argument that we should be careful to avoid changing something that seems to be working. However, I am confident that any reforms that increase efficiency, promote transparency, and consolidate departments with redundant responsibilities will be beneficial to both the industries they serve and the taxpayers of Michigan.

I urge my colleagues to oppose these resolutions.

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

The motion prevailed.

Senator Kuipers' statement is as follow:

I introduced this resolution at the request of many members of the agricultural community; both those back home and statewide. I remember the day the announcement came out that the Governor had issued her executive order, and I also remember that same day getting calls on my cell phone as I traveled around the state, urging me to introduce a resolution to suspend and reject the Governor's executive order.

None of us in this chamber fails to recognize the need to streamline the departments and the government process. I think we all agree that efficiencies are an important part of the discussions we are having right now. But I find it odd that as part of the streamlining these two departments that we would want to pick a fight with one of the smallest departments in state government.

Why would we, at a time when agriculture is rising to the No. 1 industry in the state, send a shot across their bow suggesting that we completely overturn decades and decades of a practice that has historically worked very well? My concurrent resolution does essentially what the previous concurrent resolution does, only it focuses on a slightly different angle. We are asking this body to reject the Governor's executive order specifically for the reasons outlined as it pertains to the agricultural community.

As I said before, state government should be working to become more streamlined, more transparent, and more efficient. But I believe that the executive order, at least as it pertains to the agricultural community, goes in the wrong direction.

Senator Brown's statement is as follows:

I rise to speak to Senate Concurrent Resolution No. 24, a resolution to reject the Governor's executive order. Mr. President, the Senate Agriculture and Bioeconomy Committee and Agriculture Appropriations Subcommittee held a joint hearing to take testimony on Senate Concurrent Resolution No. 24 just the other week. More than 30 agricultural organizations and individuals provided testimony and submitted cards of support for the resolution. My office has also received numerous e-mails, including a letter signed by hundreds of individuals and organizations from across the state, asking for the rejection of the Governor's executive order because of the negative effects it could have on that one bright spot in our state's economy—agriculture.

While it is safe to say we all recognize and value of reforms, I do not believe the Governor's changes to the Michigan Department of Agriculture will benefit the residents of this state and its agriculture industry. The removal of authority from the nonpartisan Agriculture Commission and appointment of the MDA director by the Governor will not be more efficient, save taxpayers dollars, or consolidate government. It will simply silence the involvement of people who know and work in the agriculture industry. Having the Agriculture Commission serve as the head of the department has served this state well. There have been no complaints.

One area of reform that we can work on in the executive order involves the abolishment of the racing commissioner and transfer of duties. Through working with the industry, we believe a better placement for horse racing duties is with the MDA director rather than with the Gaming Control Board, as the Governor has proposed.

The MDA budget as passed by the Legislature called for this transfer to the MDA director and saved \$1 million through efficiencies, consolidation, and reduction of staff. The Senate, Mr. President, has passed a package of bills that amend the statute to transfer these duties to the MDA director. I ask the Governor to consider the views of industry and support this approach.

At this time of economic crisis in our state, we should do all that we can to bolster and encourage one of Michigan's leading industries—agriculture—instead of engaging in changes with that have no real benefit.

House Concurrent Resolution No. 29.

A concurrent resolution to memorialize the Congress of the United States to enact a Taxpayer Equity Act (TEA), prohibiting states with levels of unemployment that exceed the national average from being donor states.

Whereas, Michigan has been buffeted by the tumultuous forces of global economic change, volatile energy costs, and turmoil in the financial markets. This confluence of forces has been particularly hard on the manufacturing sector which has long been the bulwark of Michigan's economy. As a result, Michigan has led the nation in unemployment, all the while being a donor state when it comes to federal investment and reimbursement funding. Clearly the Great Lakes State has been paying more than its fair share at a time when it can afford it the least; and

Whereas, As of July 2009, Michigan's unemployment rate of 15% continues to lead the nation. In fact, the state's unemployment rate has led the nation for 26 of the last 27 months, and has exceeded the national average by more than 50% for most of this decade. Despite years of effort to diversify our state economy and streamline industrial and manufacturing operations, Michigan has been stuck in an economic whirlpool. Efforts to revitalize our economy, such as the recent economic recovery package and a host of other state-level development programs will take time to see fruition, but in the meantime Michigan is one of the nation's largest donor states when it comes to federal revenue returns; and

Whereas, Indeed, Michigan, and many of the Midwestern states, have long been donor states when it comes to federal highway funding, military spending, and a number of other federal programs that could go a long way toward jumpstarting the state economy. In the classic example of highway funding, since the mid-1950's when the interstate highway system was created, Michigan has been a donor state for transportation funding. Michigan contributes a greater proportionate share to the Federal Highway Trust Fund than the share of federal highway transportation funds returned to Michigan. Currently, Michigan receives 92% of the share of the federal tax revenue that the state generates. Simple fairness and equity demand that states, like Michigan, with extraordinarily high unemployment rates should not also be donor states; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we hereby memorialize the Congress of the United States to enact a Taxpayer Equity Act (TEA), prohibiting states with levels of unemployment that exceed the national average from being donor states; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Barcia, Clark-Coleman, Clarke, Nofs and Pappageorge were named co-sponsors of the concurrent resolution.

Senator McManus offered the following resolution:

Senate Resolution No. 98.

A resolution to memorialize the Congress of the United States to enact a credit in the federal excise tax on sparkling wines equivalent to the credit for still wines from small wineries.

Whereas, Michigan has a tradition of agricultural excellence that continues to grow despite the challenging economic times faced in numerous other segments of the state economy; and

Whereas, In recent decades, the Michigan wine industry has become a substantial part of the agricultural growth in the state. This industry consists of 14,600 acres of vineyards, making Michigan the fourth-largest grape-growing state. The success of Michigan's wineries is responsible for creating jobs across the state both in the growing and manufacturing of the product, as well as promoting tourism through the natural beauty of Michigan's wine country, which attracts more than 800,000 visitors annually; and

Whereas, The wine and grape and grape juice industry in Michigan account for more than 5,000 jobs across the state, which amounted to a payroll of more than \$190 million and nearly \$790 million of total economic value to the state of Michigan in 2005. Those numbers continue to grow every year; and

Whereas, The majority of wineries in Michigan qualify for a small winery per-gallon credit of \$0.90, as they produce less than 250,000 gallons of wine during the calendar year. They also pay federal excise taxes on still wines containing not more than 14 percent of alcohol by volume at a per-gallon rate of \$1.07. After the credit for these small wineries is applied to the federal excise tax, it results in a tax of \$0.17 per bottle; and

Whereas, In addition to their still wines, many wineries in Michigan produce sparkling wines, which are charged an excise tax of \$3.40 per bottle with no credit available for small wineries producing under 250,000 gallons. That is 20 times the tax they pay on the majority of the wines they produce; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact a credit in the federal excise tax on sparkling wines equivalent to the value of the \$0.90 per-gallon credit on still wines from small wineries; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Commerce and Tourism.

The motion prevailed.

Introduction and Referral of Bills

Senators Brown and Cropsey introduced

Senate Bill No. 984, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 44a.

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

Senator Brown introduced

Senate Bill No. 985, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 32 and 33 (MCL 169.232 and 169.233), section 32 as amended by 1999 PA 236 and section 33 as amended by 1999 PA 238.

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

Senator Richardville introduced

Senate Bill No. 986, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.

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

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

Senate Bill No. 987, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 261 (MCL 206.261), as amended by 2008 PA 207.

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

Senators Pappageorge, Gleason, Sanborn, Allen, Jacobs and Olshove introduced

Senate Bill No. 988, entitled

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending sections 4a and 4b (MCL 124.404a and 124.404b), section 4a as amended by 1998 PA 75 and section 4b as added by 1988 PA 481.

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

House Bill No. 4202, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2 and 7 (MCL 390.1472 and 390.1477), as amended by 2007 PA 153.

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

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

House Bill No. 4610, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101, 72102, and 72110 (MCL 324.72101, 324.72102, and 324.72110), section 72101 as amended by 1997 PA 129 and sections 72102 and 72110 as added by 1995 PA 58, and by adding sections 72114 and 72115.

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

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

Statements

Senators Garcia, Scott, Birkholz, McManus and Whitmer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Garcia's statement is as follows:

I rise to give my voting intentions for November 10. I missed that day because of a funeral. One of our former colleagues, Congressman Mike Rogers, lost his mom, and I attended the funeral. I used to work for him and, obviously, took his place in the Senate, and he is our Congressman. So I attended the funeral of his mother.

In doing so, I missed record Roll Call Nos. 586-593. I would like to state that I would have voted "yes" had I been here.

Senator Scott's statement is as follows:

This week, the state approved language for a ballot proposal that would lower insurance rates statewide and ban the use of credit history, occupation, and education in the setting of rates. It's too bad ZIP code wasn't included in that list, but this would still be a big step forward in making insurance in Michigan fair and affordable. The proposal still needs its required number of signatures before it can go on the November 2010 ballot, but I certainly hope that it meets its requirements and voters have the opportunity to decide for themselves how insurance rates are set.

I've said this before and it bears repeating: Since insurance is mandated by the state, the state has an obligation to make sure the product is affordable. I think this proposal will go a long way for affordability. A number of my colleagues spoke recently about protecting their constituents in the course of insurance reform. Well, here is the opportunity for your constituents to decide for themselves if it's fair to base auto insurance rates on your credit history, on what type of job you have, and on how much education you have.

I hope the voters will be afforded the chance to make this decision, and I hope everyone here will support this opportunity to let citizens speak for themselves about what is fair and what is affordable.

Senator Birkholz's statement is as follows:

This summer in June, our Michigan Department of Natural Resources celebrated an important milestone—the 90th anniversary of the Michigan State Parks Commission. This 10-person commission was created by the Michigan Legislature in 1919 to begin to forge the foundation of our state parks system.

You know, today wherever you are in Michigan, you are never more than a one-hour drive from a state park. Many state parks are recreation areas and are open all year long offering four seasons of recreation from snowshoeing and hiking to skiing and kiteboarding. Twenty-two million annual visitors visit our state parks, generating \$650 million in economic benefit to our local communities.

State parks provide low-cost, high-quality recreational opportunities for all Michigan citizens, especially in these tough times. It is important that we maintain these opportunities because all is not well with our state parks system on this 90th anniversary.

Earlier, I outlined the collapsing buildings, the collapsing bridges, the outdated and, in some cases, illegal infrastructure systems, and the lack of care for our natural resources. But this morning, I would like to thank you for helping to save our citizens 60 percent of the cost of their entry into a state park and for helping to reform something we have all been talking about—our state parks operations in this state.

We now have recreational opportunities for our constituents to continue once these bills pass the House and final passage in the Senate. I would like to congratulate you in supporting and maintaining a healthy, vibrant parks system for another 90 years. May we all keep in mind that the natural resources of this state and the citizens' access to these resources are our responsibility as legislators to protect.

With the passage of this important bipartisan package of bills, we can maintain our strong commitment to our irreplaceable natural resources that fuel both our souls and provide opportunity for recreation while supporting our local economies.

Senator McManus' statement is as follows:

I rise to speak to Senate Resolution No. 97. You know, I'm very proud to sponsor this for a number of reasons. I'm not the only sponsor on this particular resolution. My colleague from District No. 36 is a sponsor as well.

What Senate Resolution No. 97 does is it recognizes November as Adoption Awareness Month and November 15 as Adoption Day in Michigan. There is a great need for permanent homes for so many Michigan children. This resolution just highlights the importance of our efforts to do that very thing.

On a personal note, this is a very important and special resolution to me and my family. My husband Keith and I adopted our son Benjamin over a year ago from South Korea. He is a blessing every day. He keeps me running—if I wasn't running before. We cherish every moment with him, and we are very grateful for the adoption process which allowed us to have him in our family.

I would urge all of my colleagues to join me in supporting Senate Resolution No. 97.

Senator Whitmer's statement is as follows:

I rise to ask a question. My question is just this: Are we really coming in next Wednesday? There are a lot of kids and schools all across our state who are wondering if we are going to fix the cuts that we've imposed on schools. So my only question is this: Are we really going to be here to work on that, or are we gone until December?

Committee Reports

The Committee on Appropriations reported

Senate Concurrent Resolution No. 23.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

(For text of resolution, see Senate Journal No. 85, p. 2003.)

With the recommendation that the concurrent resolution be adopted.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus and Stamas

Nays: Senators Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 24.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

(For text of resolution, see Senate Journal No. 85, p. 2003.)

With the recommendation that the concurrent resolution be adopted.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus and Stamas

Nays: Senators Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 807, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 301, 501, 503, 508, 510, 1101, 1301, 2521, 3101, 3131, 3132, 3133, 3301, 5201, 5402, 5703, 5705, 6306, 8307a, 8707, 8801, 9101, 11503, 11701, 11715d, 12101, 14301, 14501, 14701, 14721, 14802, 14804, 14810, 16901, 16903, 16903a, 16908a, 17203, 17301, 17327, 19601, 19701, 20101, 20104a, 20503, 21101, 21501, 21502, 21506, 21515, 21521, 21522, 21541, 21542, 21551, 21561, 21562, 30101, 30301, 30321, 31701, 32501, 32513, 32601, 32701, 32801, 32803, 33911, 33924, 33929, 35301, 40107c, 41303, 61501, 62501, 63101, 63201, 63502, 76111, 79501, 79504, 79505, and 79506 (MCL 324.301, 324.501, 324.503, 324.508, 324.510, 324.1101, 324.1301, 324.2521, 324.3101, 324.3131, 324.3132, 324.3133, 324.3301, 324.5201, 324.5402, 324.5703, 324.5705, 324.6306, 324.8307a, 324.8707, 324.8801, 324.9101, 324.11503, 324.11701, 324.11715d, 324.12101, 324.14301, 324.14501, 324.14701, 324.14721, 324.14802, 324.14804, 324.14810, 324.16901, 324.16903, 324.16903a, 324.16908a, 324.17203, 324.17301, 324.17327, 324.19601, 324.19701, 324.20101, 324.20104a, 324.20503, 324.21101, 324.21501, 324.21502, 324.21506, 324.21515, 324.21521, 324.21522, 324.21541, 324.21542, 324.21551, 324.21561, 324.21562, 324.30101, 324.30301, 324.30321, 324.31701, 324.32501, 324.32513, 324.32601, 324.32701, 324.32801, 324.32803, 324.33911, 324.33924, 324.33929, 324.35301, 324.40107c, 324.41303, 324.61501, 324.62501, 324.63101, 324.63201, 324.63502, 324.76111, 324.79501, 324.79504, 324.79505, and 324.79506), sections 301 and 503 as amended by 2004 PA 587, section 1301 as amended by 2008 PA 18, section 2521 as amended by 2005 PA 313, section 3101 as amended by 2006 PA 97, sections 3131, 3132, and 3133 as added by 1997 PA 29, section 3301 as added by 2004 PA 246, section 5201 as amended by 2005 PA 257, section 5402 as added by 1997 PA 26, section 6306 as amended by 1996 PA 564, section 8307a as added by 2002 PA 418, section 8707 as amended by 2000 PA 100, section 8801 as added by 1998 PA 287, section 9101 as amended by 2005 PA 55, section 11503 as amended by 2007 PA 212, section 11701 as amended by 2005 PA 199, section 11715d as added by 2004 PA 381, section 12101 as amended by 2008 PA 8, section 14301 as amended by 1998 PA 289, section 14501 as amended by 2007 PA 174, section 14701 as amended by 2004 PA 562, section 14721 as added by 2004 PA 526, sections 14802 and 14804 as amended by 1997 PA 133, section 14810 as added by 1996 PA 132, section 16901 as amended by 2006 PA 520, section 16903 as amended by 2006 PA 522, sections 16903a and 16908a as added by 1997 PA 17, section 17203 as added by 2002 PA 578, sections 17301 and 17327 as added by 2008 PA 394, section 19601 as added by 1998 PA 288, section 19701 as added by 2002 PA 397, section 20101 as amended section 20104a as added by 1996 PA 383,

section 20503 as added by 2004 PA 229, section 21502 as amended by 2006 PA 318, section 21506 as amended by 2004 PA 390, section 21515 as amended by 1996 PA 181, sections 21561 and 21562 as added by 2006 PA 322, section 30101 as amended by 2006 PA 275, sections 30301 and 32501 as amended by 2003 PA 14, section 30321 as amended by 1996 PA 530, section 31701 as added by 2003 PA 177, section 32513 as amended by 2008 PA 276, section 32601 as added by 2000 PA 278, section 32701 as amended by 2008 PA 179, sections 32801 and 32803 as amended by 2008 PA 189, sections 33911, 33924, and 33929 as amended by 2006 PA 496, section 35301 as amended by 1995 PA 262, section 40107c as added by 2007 PA 47, section 41303 as amended by 2009 PA 52, section 61501 as amended by 1998 PA 303, section 62501 as amended by 1998 PA 467, section 63101 as amended section 63201 as added by 2004 PA 449, section 63502 as amended by 2001 PA 78, section 76111 as amended by 2001 PA 75, and sections 79501, 79504, 79505, and 79506 as added by 1998 PA 285, and by adding sections 501b, 501c, and 501d; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus and Stamas

Nays: Senators Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, November 10, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 610, entitled

A bill to create a lien against real property for unpaid commercial real estate broker's commissions and services; and to provide remedies.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen and Gilbert

Nays: Senator Jacobs

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 901, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1006.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert and Jacobs

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4565, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 1029.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas and Jacobs

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4989, entitled

A bill to regulate guaranteed asset protection waivers offered or provided in connection with finance agreements for certain motor vehicles; to provide for the powers and duties of certain state governmental officers and entities; and to provide remedies.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4990, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 127.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4991, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 13 (MCL 492.113), as amended by 2002 PA 699.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 4992, entitled

A bill to amend 1966 PA 224, entitled "Retail installment sales act," by amending section 3 (MCL 445.853).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 5235, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3801, 3803, 3807, 3808, 3809, 3811, 3815, 3819, 3831, and 3839 (MCL 500.3801, 500.3803, 500.3807, 500.3808, 500.3809, 500.3811, 500.3815, 500.3819, 500.3831, and 500.3839), sections 3801, 3807, 3809, 3811, 3815, 3819, 3831, and 3839 as amended by 2006 PA 462 and sections 3803 and 3808 as added by 1992 PA 84, and by adding sections 3807a, 3809a, 3811a, and 3819a.

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.

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert and Jacobs

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 Economic Development and Regulatory Reform submitted the following:

Meeting held on Tuesday, November 10, 2009, at 1:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert and Jacobs

Absent: Senators Thomas and Hunter

The Committee on Families and Human Services reported

House Bill No. 5514, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2007 PA 217.

With the recommendation that the bill pass.

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

Mark C. Jansen

Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Thursday, November 12, 2009, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Tuesday, November 10, 2009, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Kahn (C), Pappageorge, George, Cherry and Switalski

Excused: Senators George, Stamas and Barcia

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, November 12, 2009, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators McManus (C), Jelinek, Brown, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

Excused: Senator Cropsey

Scheduled Meetings

Legislative Commission on Statutory Mandates - Monday, November 16, 9:00 a.m., Waterford Room, 1st Floor, Oakland County Executive Office Building, 2100 North Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

State Drug Treatment Court Advisory Committee - Tuesday, November 24, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 12:37 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, November 18, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

