

No. 41
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, May 19, 2009.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—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 Bill Hardiman of the 29th District offered the following invocation:

Heavenly Father, we thank You, Lord, for who You are. We thank You for Your love. We thank You for how You care about us. We thank You for how You are involved in the affairs of mankind. Father God, Your word calls us to pray for those in leadership, and we do pray for President Obama today and those in the executive branch, legislative, and judicial. We pray for Governor Granholm. We pray for the leaders in the House and even in this place, in the Senate. I pray for all of my colleagues here and thank You for them, all those who support us, and those who live in this great state of Michigan who are here today.

Father, I ask for Your wisdom and insight. We live in difficult and challenging times. We need wisdom and we need insight, but we know that you have the answers to prepare our hearts to receive them and do Your will, that we might be a blessing to the people of this great state.

Father, I ask You to bless this state. Bless the people, Lord God. Bless them in their homes and in their lives, Lord God. Bless them in their emotions, give them hope, Lord God, and may they see hope in us. Father, bless our economy, Lord. May there be that sense of entrepreneurship that is willing to take risks to gain for not only one's self, but for others.

Father, I ask that You be witness today in our deliberations. We thank You once again for Your love. Father, we come from different places in this state. We come from different backgrounds and different walks of life and even different faiths, and You love us each and every one.

I ask these rich blessings in the precious name of Jesus Christ. Amen.

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

Motions and Communications

Senator Stamas entered the Senate Chamber.

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

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

House Bill No. 4579

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

Senator Cropsey moved that the Committee on Transportation be discharged from further consideration of the following bill:

Senate Bill No. 571, entitled

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

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders Calendar for consideration today:

Senate Bill No. 571

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

Senator Cropsey moved that the following bill, now on the order of the order of General Orders, be referred to the Committee on Finance:

Senate Bill No. 367, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2008 PA 243.

The motion prevailed.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

May 7, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Treasury and the State Office of Administrative Hearings and Rules filed Administrative Rule #2006-023-TY (Secretary of State Filing #09-05-01) on this date at 4:26 p.m. for the Department of Treasury, entitled "Children of Veterans Tuition Grant Program."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Secretary for record.

The following communication was received:
Joint Committee on Administrative Rules

Waiver of Remaining Session Days

May 14, 2009

The Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days, pursuant to MCL 24.245a(1), for the proposed rule set dated February 10, 2009 as follows: Department of Community Health—Director's Office Psychology—General Rules (2009-002 CH).

According to MCL 24.245a(2), if the Committee waives the remaining session days, the State Office of Administrative Hearings and Rules may immediately file the rule.

Sincerely,
Representative Dudley Spade
Chair

Senator John Pappageorge
Alternate Chair

The communication was referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:
Meeting held on Thursday, May 14, 2009, at 9:00 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Pappageorge (C), Van Woerkom, Kuipers, Barcia and Clarke

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 14:
House Bill Nos. 4261 4337 4890 4891

The Secretary announced that the following official bills were printed on Thursday, May 14, and are available at the legislative website:

House Bill Nos. 4933 4934 4935 4936 4937 4938 4939 4940 4941 4942 4943

The Secretary announced that the following official bills were printed on Friday, May 15, and are available at the legislative website:

Senate Bill Nos. 575 576 577 578 579 580 581 582

House Bill Nos. 4944 4945 4946 4947 4948 4949 4950 4951 4952

Messages from the Governor

The following message from the Governor was received on May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-23

Amendment of Executive Order 2009-17

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, Executive Order 2009-17 abolished the Campground Public Health Advisory Board;

WHEREAS, it is necessary and desirable to amend the final paragraph of Executive Order 2009-17;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that the final paragraph of Executive Order 2009-17 be amended to read as follows:

“In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective June 6, 2009 at 12:01 a.m.”

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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 May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-24

Abolishing the Reflex Sympathetic Dystrophy/Complex Regional Pain Syndrome Work Group 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, abolishing the Reflex Sympathetic Dystrophy/Complex Regional Pain Syndrome Work Group will contribute to a smaller and more efficient state government;

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” 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 1996-1, MCL 330.3101.

B. “Reflex Sympathetic Dystrophy/Complex Regional Pain Syndrome Work Group” or “RSD/CRPS Work Group” means the work group created under Section 5141 of the Public Health Code, 1978 PA 368, MCL 333.5141.

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(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The RSD/CRPS Work Group is transferred by Type III transfer to the Department of Community Health.

B. The RSD/CRPS Work Group is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

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

D. 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.

IV. MISCELLANEOUS

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

B. 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.

C. 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 July 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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 May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-25

**Abolishing the Private Sector Advisory Task Force
Department of Energy, Labor, and Economic Growth**

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, abolishing the Private Sector Advisory Task Force will contribute to a smaller and more efficient state government;

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 Energy, Labor, and Economic Growth" means the principal department of state government created by Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20.

B. "Private Sector Advisory Task Force" means the task force created under Section 8a of the Michigan Youth Corps Act, 1983 PA 69, MCL 409.228a.

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(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The Private Sector Advisory Task Force is transferred by Type III transfer to the Department of Energy, Labor, and Economic Growth.

B. The Private Sector Advisory Task Force is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Energy, Labor, and Economic Growth in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Private Sector Advisory Task Force for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

D. 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.

IV. MISCELLANEOUS

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

B. 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.

C. 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 July 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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 May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-26

**Abolishing the Siting Criteria Advisory Committee
Department of Environmental Quality**

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, abolishing the Siting Criteria Advisory Committee will contribute to a smaller and more efficient state government;

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 Environmental Quality" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. "Siting Criteria Advisory Committee" means the committee created under Section 8 of the Low-Level Radioactive Waste Authority Act, 1987 PA 204, MCL 333.26208.

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(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The Siting Criteria Advisory Committee is transferred by Type III transfer to the Department of Environmental Quality.

B. The Siting Criteria Advisory Committee is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Environmental Quality shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Environmental Quality in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Siting Criteria Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Environmental Quality.

D. 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.

IV. MISCELLANEOUS

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

B. 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.

C. 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 July 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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 May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-27

**Abolishing the Substance Abuse Advisory Committee
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, abolishing the Substance Abuse Advisory Committee will contribute to a smaller and more efficient state government;

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" 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 1996-1, MCL 330.3101.

B. "Substance Abuse Advisory Committee" means the committee created under Section 414a of the Nonprofit Healthcare Corporation Reform Act, 1980 PA 350, MCL 550.1414a.

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(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The Substance Abuse Advisory Committee is transferred by Type III transfer to the Department of Community Health.

B. The Substance Abuse Advisory Committee is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

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

D. 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.

IV. MISCELLANEOUS

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

B. 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.

C. 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 July 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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 May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-28

**Abolishing the Interdepartmental Medical Waste Advisory Council
Department of Environmental Quality**

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, abolishing the Interdepartmental Medical Waste Advisory Council will contribute to a smaller and more efficient state government;

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 Environmental Quality" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. "Interdepartmental Medical Waste Advisory Council" means the advisory council created under Section 13827 of the Public Health Code, 1978 PA 368, MCL 333.13827.

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(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The Interdepartmental Medical Waste Advisory Council is transferred by Type III transfer to the Department of Environmental Quality.

B. The Interdepartmental Medical Waste Advisory Council is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Environmental Quality shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Environmental Quality in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Interdepartmental Medical Waste Advisory Council for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Environmental Quality.

D. 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.

IV. MISCELLANEOUS

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

B. 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.

C. 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 July 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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 May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-29

**Abolishing the Third Party Administrator Advisory Board
Department of Energy, Labor, and Economic Growth**

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, abolishing the Third Party Administrator Advisory Board will contribute to a smaller and more efficient state government;

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 Energy, Labor, and Economic Growth" means the principal department of state government created by Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20.

B. “Third Party Administrator Advisory Board” or “TPA Advisory Board” means the board created under Section 19 of the Third Party Administrator Act, 1984 PA 218, MCL 550.919.

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(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The TPA Advisory Board is transferred by Type III transfer to the Department of Energy, Labor, and Economic Growth.

B. The TPA Advisory Board is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Energy, Labor, and Economic Growth in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the TPA Advisory Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

D. 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.

IV. MISCELLANEOUS

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

B. 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.

C. 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 July 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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 May 15, 2009, and read:

EXECUTIVE ORDER
No. 2009-30

Amendment of Executive Order 2007-47

Michigan Intelligence Operations Center for Homeland Security Department of State Police

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, under section 8 of Article V of the Michigan Constitution of 1963, it is the responsibility of the Governor to take care that the laws be faithfully executed;

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, the Michigan Intelligence Operations Center for Homeland Security and the Advisory Board for the Michigan Intelligence Operations Center for Homeland Security were established within the Department of State Police by Executive Order 2007-47;

WHEREAS, in the interests of efficient and effective administration of state government, it is necessary to amend Executive Order 2007-47 to alter the composition of the Advisory Board for the Michigan Intelligence Operations Center for Homeland Security;

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:

A. Section III.B. of Executive Order 2007-47 is amended to read as follows:

“B. The Advisory Board shall consist of the following 10 members:

1. The Director of the Department of State Police.
2. The Adjutant General or his or her designee from within the Department of Military and Veterans Affairs.
3. The Director of the Department of Civil Rights or his or her designee from within the Department of Civil Rights or from the Civil Rights Commission.
4. The Director of the Department of Corrections or his or her designee from within the Department of Corrections.
5. The following members appointed by the Governor:
 - a. An individual representing local police departments in Michigan or the Michigan Association of Chiefs of Police.
 - b. An individual representing local sheriffs’ departments in Michigan or the Michigan Sheriffs’ Association.
 - c. An individual representing the office of a county prosecuting attorney or the Prosecuting Attorneys Association of Michigan.
 - d. Three other residents of this state.”

B. Section III.C. of Executive Order 2007-47 is amended to read as follows:

“C. Members of the Advisory Board appointed or reappointed by the Governor under Section III.B.5 after December 31, 2008 shall be appointed for terms of 4 years. A vacancy caused other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the remainder of the term.”

C. Section III.I. of Executive Order 2007-47 is amended to read as follows:

“I. The Advisory Board may do all of the following:

1. Invite the participation of up to five Michigan residents representing federal homeland security or law enforcement agencies, such as the United States Department of Homeland Security, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Attorney’s Office for the Eastern District of Michigan, or the United States Attorney’s Office for the Western District of Michigan.
2. Establish advisory workgroups composed of representatives of law enforcement agencies participating in Center activities, other law enforcement or public safety agencies, and other public participation as the Advisory Board deems necessary to assist the Advisory Board in its duties and responsibilities. The Advisory Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.”

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective July 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of May 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.

By unanimous consent the Senate proceeded to the order of

Conference Reports

Senator Cropsey moved that joint rule 9 be suspended to permit immediate consideration of the conference reports relative to the following bills:

House Bill No. 4453

House Bill No. 4454

House Bill No. 4455

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

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

The President pro tempore, Senator Richardville, resumed the Chair.

House Bill No. 4453, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4453, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of ~~such~~ **THE** courts, and of the judges and other officers ~~thereof~~ **OF THE COURTS**; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in ~~said~~ **THE** courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in ~~said~~ **THE** courts; **TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE GOVERNMENTAL OFFICERS AND ENTITIES**; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.

Sec. 3204. (1) ~~A~~ **SUBJECT TO SUBSECTION (4)**, A party may foreclose a mortgage by advertisement if all of the following circumstances exist:

(a) A default in a condition of the mortgage has occurred, by which the power to sell became operative.

(b) An action or proceeding has not been instituted, at law, to recover the debt secured by the mortgage or any part of the mortgage; or, if an action or proceeding has been instituted, the action or proceeding has been discontinued; or an execution on a judgment rendered in an action or proceeding has been returned unsatisfied, in whole or in part.

(c) The mortgage containing the power of sale has been properly recorded.

(d) The party foreclosing the mortgage is either the owner of the indebtedness or of an interest in the indebtedness secured by the mortgage or the servicing agent of the mortgage.

(2) If a mortgage is given to secure the payment of money by installments, each of the installments mentioned in the mortgage after the first shall be treated as a separate and independent mortgage. The mortgage for each of the installments may be foreclosed in the same manner and with the same effect as if a separate mortgage were given for each subsequent installment. A redemption of a sale by the mortgagor has the same effect as if the sale for the installment had been made upon an independent prior mortgage.

(3) If the party foreclosing a mortgage by advertisement is not the original mortgagee, a record chain of title shall exist prior to the date of sale under section 3216 evidencing the assignment of the mortgage to the party foreclosing the mortgage.

(4) A PARTY SHALL NOT COMMENCE PROCEEDINGS UNDER THIS CHAPTER TO FORECLOSE A MORTGAGE OF PROPERTY DESCRIBED IN SECTION 3205A(1) IF 1 OR MORE OF THE FOLLOWING APPLY:

(A) NOTICE HAS NOT BEEN MAILED TO THE MORTGAGOR AS REQUIRED BY SECTION 3205A.

(B) AFTER A NOTICE IS MAILED TO THE MORTGAGOR UNDER SECTION 3205A, THE TIME FOR A HOUSING COUNSELOR TO NOTIFY THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) OF A REQUEST BY THE MORTGAGOR UNDER SECTION 3205B(1) HAS NOT EXPIRED.

(C) WITHIN 14 DAYS AFTER A NOTICE IS MAILED TO THE MORTGAGOR UNDER SECTION 3205A, THE MORTGAGOR HAS REQUESTED A MEETING UNDER SECTION 3205B WITH THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) AND 90 DAYS HAVE NOT PASSED AFTER THE NOTICE WAS MAILED.

(D) THE MORTGAGOR HAS REQUESTED A MEETING UNDER SECTION 3205B WITH THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C), THE MORTGAGOR HAS PROVIDED DOCUMENTS IF REQUESTED UNDER SECTION 3205B(2), AND THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) HAS NOT MET OR NEGOTIATED WITH THE MORTGAGOR UNDER THIS CHAPTER.

(E) THE MORTGAGOR AND MORTGAGEE HAVE AGREED TO MODIFY THE MORTGAGE LOAN AND THE MORTGAGOR IS NOT IN DEFAULT UNDER THE MODIFIED AGREEMENT.

(F) CALCULATIONS UNDER SECTION 3205C(1) SHOW THAT THE MORTGAGOR IS ELIGIBLE FOR A LOAN MODIFICATION AND FORECLOSURE UNDER THIS CHAPTER IS NOT ALLOWED UNDER SECTION 3205C(7).

(5) SUBSECTION (4) APPLIES ONLY TO PROCEEDINGS UNDER THIS CHAPTER IN WHICH THE FIRST NOTICE UNDER SECTION 3208 IS PUBLISHED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND BEFORE 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

SEC. 3205. AS USED IN THIS SECTION AND SECTIONS 3205A TO 3205D:

(A) "BORROWER" MEANS THE MORTGAGOR.

(B) "MORTGAGE HOLDER" MEANS THE OWNER OF THE INDEBTEDNESS OR OF AN INTEREST IN THE INDEBTEDNESS THAT IS SECURED BY THE MORTGAGE.

(C) "MORTGAGE SERVICER" MEANS THE SERVICING AGENT OF THE MORTGAGE.

Enacting section 1. This amendatory act takes effect 45 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

(a) House Bill No. 4454.

(b) House Bill No. 4455.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

Andy Coulouris
Bert Johnson
Brian Calley
Conferees for the House

Randy Richardville
Alan Sanborn
Tupac Hunter
Conferees for the Senate

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 188

Yeas—36

Allen	Cherry	Jacobs	Prusi
Anderson	Clark-Coleman	Jansen	Richardville
Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kahn	Scott
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas

Brown
CassisGleason
HardimanPappageorge
PattersonVan Woerkom
Whitmer**Nays—0****Excused—1**

Hunter

Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Clarke's statement is as follows:

I am glad that the Legislature did indeed address the problem of foreclosure. This conference committee report contains language that would require a foreclosure case to go before a judge if the lender doesn't modify the loan and the borrower qualifies for a loan modification under the federal program. The problem is the federal program's guidelines are stricken. There are many people who are in trouble, who are under water on their mortgages, but may not qualify for the federal program. Those people will be helped here.

I am making these comments because this bill has been touted as relief for homeowners facing foreclosure; for families who have received a notice that they are in foreclosure, even those families who may have been able to save up the money. They may have several thousand dollars to pay on the mortgage. They may not have the entire amount to pay off the entire mortgage balance; very few of us do.

For any family facing foreclosure, these bills don't help you. Now, what it does provide, though, is a 90-day window to be able to meet with a lender. That is only if the homeowner meets a very strict timetable and is able to produce all the documents necessary to modify a loan if the lender requests it. Even if the borrower is able to meet that timeline, they probably don't have 90 days, but more like 60 days, which is half of what lenders typically provide currently. If you default on your mortgage payment, a lender will typically give you three or four months to catch up before they place an advertisement on foreclosing your property.

These bills are better than nothing, but they are barely better than nothing. For all of the retirees and those who are planning on retirement who have seen their 401(k)s plummet to half of their value from a year ago; to all of the homeowners who have seen their property values totally evaporate; to all of the families who have ended up in motels and homeless shelters, this bill provides relief that is too little and too late.

House Bill No. 4454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 3205A. (1) SUBJECT TO SUBSECTION (6), BEFORE PROCEEDING WITH A SALE UNDER THIS CHAPTER OF PROPERTY CLAIMED AS A PRINCIPAL RESIDENCE EXEMPT FROM TAX UNDER SECTION 7CC OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7CC, THE FORECLOSING PARTY SHALL SERVE A WRITTEN NOTICE ON THE BORROWER THAT CONTAINS ALL OF THE FOLLOWING INFORMATION:

(A) THE REASONS THAT THE MORTGAGE LOAN IS IN DEFAULT AND THE AMOUNT THAT IS DUE AND OWING UNDER THE MORTGAGE LOAN.

(B) THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF THE MORTGAGE HOLDER, THE MORTGAGE SERVICER, OR ANY AGENT DESIGNATED BY THE MORTGAGE HOLDER OR MORTGAGE SERVICER.

(C) A DESIGNATION OF 1 OF THE PERSONS NAMED IN SUBDIVISION (B) AS THE PERSON TO CONTACT AND THAT HAS THE AUTHORITY TO MAKE AGREEMENTS UNDER SECTIONS 3205B AND 3205C.

(D) THAT ENCLOSED WITH THE NOTICE IS A LIST OF HOUSING COUNSELORS PREPARED BY THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY AND THAT WITHIN 14 DAYS AFTER THE NOTICE IS SENT, THE BORROWER MAY REQUEST A MEETING WITH THE PERSON DESIGNATED UNDER SUBDIVISION (C) TO ATTEMPT TO WORK OUT A MODIFICATION OF THE MORTGAGE LOAN TO AVOID FORECLOSURE AND THAT THE BORROWER MAY ALSO REQUEST A HOUSING COUNSELOR TO ATTEND THE MEETING.

(E) THAT IF THE BORROWER REQUESTS A MEETING WITH THE PERSON DESIGNATED UNDER SUBDIVISION (C), FORECLOSURE PROCEEDINGS WILL NOT BE COMMENCED UNTIL 90 DAYS AFTER THE DATE THE NOTICE IS MAILED TO THE BORROWER.

(F) THAT IF THE BORROWER AND THE PERSON DESIGNATED UNDER SUBDIVISION (C) REACH AN AGREEMENT TO MODIFY THE MORTGAGE LOAN, THE MORTGAGE WILL NOT BE FORECLOSED IF THE BORROWER ABIDES BY THE TERMS OF THE AGREEMENT.

(G) THAT IF THE BORROWER AND THE PERSON DESIGNATED UNDER SUBDIVISION (C) DO NOT AGREE TO MODIFY THE MORTGAGE LOAN BUT IT IS DETERMINED THAT THE BORROWER MEETS CRITERIA FOR A MODIFICATION UNDER SECTION 3205C(1) AND FORECLOSURE UNDER THIS CHAPTER IS NOT ALLOWED UNDER SECTION 3205C(7), THE FORECLOSURE OF THE MORTGAGE WILL PROCEED BEFORE A JUDGE INSTEAD OF BY ADVERTISEMENT.

(H) THAT THE BORROWER HAS THE RIGHT TO CONTACT AN ATTORNEY, AND THE TELEPHONE NUMBERS OF THE STATE BAR OF MICHIGAN'S LAWYER REFERRAL SERVICE AND OF A LOCAL LEGAL AID OFFICE SERVING THE AREA IN WHICH THE PROPERTY IS SITUATED.

(2) A PERSON WHO SERVES A NOTICE UNDER SUBSECTION (1) SHALL ENCLOSE WITH THE NOTICE A LIST PREPARED BY THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY UNDER SECTION 3205D OF THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF HOUSING COUNSELORS APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OR THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.

(3) A PERSON SHALL SERVE A NOTICE UNDER SUBSECTION (1) BY MAILING THE NOTICE BY REGULAR FIRST-CLASS MAIL AND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH DELIVERY RESTRICTED TO THE BORROWER, BOTH SENT TO THE BORROWER'S LAST KNOWN ADDRESS.

(4) WITHIN 7 DAYS AFTER MAILING A NOTICE UNDER SUBSECTION (3), THE PERSON WHO MAILES THE NOTICE SHALL PUBLISH A NOTICE INFORMING THE BORROWER OF THE BORROWER'S RIGHTS UNDER THIS SECTION. THE PERSON SHALL PUBLISH THE INFORMATION 1 TIME IN THE SAME MANNER AS IS REQUIRED FOR PUBLISHING A NOTICE OF FORECLOSURE SALE UNDER SECTION 3208. THE NOTICE UNDER THIS SUBSECTION SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

(A) THE BORROWER'S NAME AND THE PROPERTY ADDRESS.

(B) A STATEMENT THAT INFORMS THE BORROWER OF ALL OF THE FOLLOWING:

(i) THAT THE BORROWER HAS THE RIGHT TO REQUEST A MEETING WITH THE MORTGAGE HOLDER OR MORTGAGE SERVICER.

(ii) THE NAME OF THE PERSON DESIGNATED UNDER SUBSECTION (1)(C) AS THE PERSON TO CONTACT AND THAT HAS THE AUTHORITY TO MAKE AGREEMENTS UNDER SECTIONS 3205B AND 3205C.

(iii) THAT THE BORROWER MAY CONTACT A HOUSING COUNSELOR BY VISITING THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY'S WEBSITE OR BY CALLING THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.

(iv) THE WEBSITE ADDRESS AND TELEPHONE NUMBER OF THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.

(v) THAT IF THE BORROWER REQUESTS A MEETING WITH THE PERSON DESIGNATED UNDER SUBSECTION (1)(C), FORECLOSURE PROCEEDINGS WILL NOT BE COMMENCED UNTIL 90 DAYS AFTER THE DATE NOTICE IS MAILED TO THE BORROWER.

(vi) THAT IF THE BORROWER AND THE PERSON DESIGNATED UNDER SUBSECTION (1)(C) REACH AN AGREEMENT TO MODIFY THE MORTGAGE LOAN, THE MORTGAGE WILL NOT BE FORECLOSED IF THE BORROWER ABIDES BY THE TERMS OF THE AGREEMENT.

(vii) THAT THE BORROWER HAS THE RIGHT TO CONTACT AN ATTORNEY, AND THE TELEPHONE NUMBER OF THE STATE BAR OF MICHIGAN'S LAWYER REFERRAL SERVICE.

(5) A BORROWER ON WHOM NOTICE IS REQUIRED TO BE SERVED UNDER THIS SECTION WHO IS NOT SERVED AND AGAINST WHOM FORECLOSURE PROCEEDINGS ARE COMMENCED UNDER THIS CHAPTER MAY BRING AN ACTION IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE MORTGAGED PROPERTY IS SITUATED TO ENJOIN THE FORECLOSURE.

(6) IF THE BORROWER AND THE PERSON DESIGNATED UNDER SUBSECTION (1)(C) HAVE PREVIOUSLY AGREED TO MODIFY THE MORTGAGE LOAN UNDER SECTION 3205B, THIS SECTION AND SECTIONS 3205B AND 3205C DO NOT APPLY UNLESS THE BORROWER HAS COMPLIED WITH THE TERMS OF THE MORTGAGE LOAN, AS MODIFIED, FOR 1 YEAR AFTER THE DATE OF THE MODIFICATION.

SEC. 3205B. (1) A BORROWER WHO WISHES TO PARTICIPATE IN NEGOTIATIONS TO ATTEMPT TO WORK OUT A MODIFICATION OF A MORTGAGE LOAN SHALL CONTACT A HOUSING COUNSELOR FROM THE LIST PROVIDED UNDER SECTION 3205A WITHIN 14 DAYS AFTER THE LIST IS MAILED TO THE BORROWER. WITHIN 10 DAYS AFTER BEING CONTACTED BY A BORROWER, A HOUSING COUNSELOR SHALL INFORM THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) IN WRITING OF THE BORROWER'S REQUEST.

(2) AFTER BEING INFORMED OF A BORROWER'S REQUEST TO MEET UNDER THIS SECTION, THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) MAY REQUEST THE BORROWER TO PROVIDE ANY DOCUMENTS THAT ARE NECESSARY TO DETERMINE WHETHER THE BORROWER IS ELIGIBLE FOR A MODIFICATION UNDER SECTION 3205C. THE BORROWER SHALL GIVE THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) COPIES OF ANY DOCUMENTS REQUESTED UNDER THIS SECTION.

(3) A HOUSING COUNSELOR CONTACTED BY A BORROWER UNDER THIS SECTION SHALL SCHEDULE A MEETING BETWEEN THE BORROWER AND THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) TO ATTEMPT TO WORK OUT A MODIFICATION OF THE MORTGAGE LOAN. AT THE REQUEST OF THE BORROWER, THE HOUSING COUNSELOR WILL ATTEND THE MEETING. THE MEETING AND ANY LATER MEETINGS SHALL BE HELD AT A TIME AND PLACE THAT IS CONVENIENT TO ALL PARTIES, OR IN THE COUNTY WHERE THE PROPERTY IS SITUATED.

Enacting section 1. This amendatory act takes effect 45 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

(a) House Bill No. 4453.

(b) House Bill No. 4455.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

Andy Coulouris
Bert Johnson
Brian Calley
Conferees for the House

Randy Richardville
Alan Sanborn
Tupac Hunter
Conferees for the Senate

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 189**Yeas—36**

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

Nays—0**Excused—1**

Hunter

Not Voting—0

In The Chair: Richardville

House Bill No. 4455, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4455, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 3205C. (1) IF A BORROWER HAS CONTACTED A HOUSING COUNSELOR UNDER SECTION 3205B BUT THE PROCESS HAS NOT RESULTED IN AN AGREEMENT TO MODIFY THE MORTGAGE LOAN, THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) SHALL WORK WITH THE BORROWER TO DETERMINE WHETHER THE BORROWER QUALIFIES FOR A LOAN MODIFICATION. UNLESS THE LOAN IS DESCRIBED IN SUBSECTION (2) OR (3), IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) SHALL USE A LOAN MODIFICATION PROGRAM OR PROCESS THAT INCLUDES ALL OF THE FOLLOWING FEATURES:

(A) THE LOAN MODIFICATION PROGRAM OR PROCESS TARGETS A RATIO OF THE BORROWER’S HOUSING-RELATED DEBT TO THE BORROWER’S GROSS INCOME OF 38% OR LESS, ON AN AGGREGATE BASIS. HOUSING-RELATED DEBT UNDER THIS SUBDIVISION INCLUDES MORTGAGE PRINCIPAL AND INTEREST, PROPERTY TAXES, INSURANCE, AND HOMEOWNER’S FEES.

(B) TO REACH THE 38% TARGET SPECIFIED IN SUBDIVISION (A), 1 OR MORE OF THE FOLLOWING FEATURES:

(i) AN INTEREST RATE REDUCTION, AS NEEDED, SUBJECT TO A FLOOR OF 3%, FOR A FIXED TERM OF AT LEAST 5 YEARS.

(ii) AN EXTENSION OF THE AMORTIZATION PERIOD FOR THE LOAN TERM, TO 40 YEARS OR LESS FROM THE DATE OF THE LOAN MODIFICATION.

(iii) DEFERRAL OF SOME PORTION OF THE AMOUNT OF THE UNPAID PRINCIPAL BALANCE OF 20% OR LESS, UNTIL MATURITY, REFINANCING OF THE LOAN, OR SALE OF THE PROPERTY.

(iv) REDUCTION OR ELIMINATION OF LATE FEES.

(2) IN MAKING THE DETERMINATION UNDER SUBSECTION (1), IF THE MORTGAGE LOAN IS POOLED FOR SALE TO AN INVESTOR THAT IS A GOVERNMENTAL ENTITY, THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) SHALL FOLLOW THE MODIFICATION GUIDELINES DICTATED BY THE GOVERNMENTAL ENTITY.

(3) IN MAKING THE DETERMINATION UNDER SUBSECTION (1), IF THE MORTGAGE LOAN HAS BEEN SOLD TO A GOVERNMENT-SPONSORED ENTERPRISE, THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) SHALL FOLLOW THE MODIFICATION GUIDELINES DICTATED BY THE GOVERNMENT-SPONSORED ENTERPRISE.

(4) THIS SECTION DOES NOT PROHIBIT A LOAN MODIFICATION ON OTHER TERMS OR ANOTHER LOSS MITIGATION STRATEGY INSTEAD OF MODIFICATION IF THE OTHER MODIFICATION OR STRATEGY IS AGREED TO BY THE BORROWER AND THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C).

(5) THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) SHALL PROVIDE THE BORROWER WITH BOTH OF THE FOLLOWING:

(A) A COPY OF ANY CALCULATIONS MADE BY THE PERSON UNDER THIS SECTION.

(B) IF REQUESTED BY THE BORROWER, A COPY OF THE PROGRAM, PROCESS, OR GUIDELINES UNDER WHICH THE DETERMINATION UNDER SUBSECTION (1) WAS MADE.

(6) SUBJECT TO SUBSECTION (7), IF THE RESULTS OF THE CALCULATION UNDER SUBSECTION (1) ARE THAT THE BORROWER IS ELIGIBLE FOR A MODIFICATION, THE MORTGAGE HOLDER OR MORTGAGE SERVICER SHALL NOT FORECLOSE THE MORTGAGE UNDER THIS CHAPTER BUT MAY PROCEED UNDER CHAPTER 31. IF THE RESULTS OF THE CALCULATION UNDER SUBSECTION (1) ARE THAT THE BORROWER IS NOT ELIGIBLE FOR A MODIFICATION OR IF SUBSECTION (7) APPLIES, THE MORTGAGE HOLDER OR MORTGAGE LENDER MAY FORECLOSE THE MORTGAGE UNDER THIS CHAPTER.

(7) IF THE DETERMINATION UNDER SUBSECTION (1) IS THAT THE BORROWER IS ELIGIBLE FOR A MODIFICATION, THE MORTGAGE HOLDER OR MORTGAGE SERVICER MAY PROCEED TO FORECLOSE THE MORTGAGE UNDER THIS CHAPTER IF BOTH OF THE FOLLOWING APPLY:

(A) THE PERSON DESIGNATED UNDER SECTION 3205A(1)(C) HAS IN GOOD FAITH OFFERED THE BORROWER A MODIFICATION AGREEMENT PREPARED IN ACCORDANCE WITH THE MODIFICATION DETERMINATION.

(B) FOR REASONS NOT RELATED TO ANY ACTION OR INACTION OF THE MORTGAGE HOLDER OR MORTGAGE SERVICER, THE BORROWER HAS NOT EXECUTED AND RETURNED THE MODIFICATION AGREEMENT WITHIN 14 DAYS AFTER THE BORROWER RECEIVED THE AGREEMENT.

(8) IF A MORTGAGE HOLDER OR MORTGAGE SERVICER BEGINS FORECLOSURE PROCEEDINGS UNDER THIS CHAPTER IN VIOLATION OF THIS SECTION, THE BORROWER MAY FILE AN ACTION IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE MORTGAGED PROPERTY IS SITUATED TO CONVERT THE FORECLOSURE PROCEEDING TO A JUDICIAL FORECLOSURE. IF A BORROWER FILES AN ACTION UNDER THIS SECTION AND THE COURT DETERMINES THAT THE BORROWER PARTICIPATED IN THE PROCESS UNDER SECTION 3205B, A MODIFICATION AGREEMENT WAS NOT REACHED, AND THE BORROWER IS ELIGIBLE FOR MODIFICATION UNDER SUBSECTION (1), AND SUBSECTION (7) DOES NOT APPLY, THE COURT SHALL ENJOIN FORECLOSURE OF THE MORTGAGE BY ADVERTISEMENT AND ORDER THAT THE FORECLOSURE PROCEED UNDER CHAPTER 31.

SEC. 3205D. THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY SHALL DEVELOP THE LIST OF HOUSING COUNSELORS APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OR BY THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY WHO MAY PERFORM THE DUTIES OF HOUSING COUNSELOR UNDER SECTIONS 3205A TO 3205C.

SEC. 3205E. SECTIONS 3205A TO 3205D ARE REPEALED EFFECTIVE 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

Enacting section 1. This amendatory act takes effect 45 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) House Bill No. 4453.
- (b) House Bill No. 4454.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

Andy Coulouris
Bert Johnson
Brian Calley
Conferees for the House

Randy Richardville
Alan Sanborn
Tupac Hunter
Conferees for the Senate

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 190

Yeas—36

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: Richardville

Third Reading of Bills

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

Senate Bill No. 113

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 113, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 15 (MCL 169.215), as amended by 2001 PA 250.

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. 191

Yeas—36

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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 Sanborn 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:

Senate Bill No. 49, entitled

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

Senate Bill No. 59, entitled

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

Senate Bill No. 128, entitled

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

Senate Bill No. 135, entitled

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

Senate Bill No. 199, entitled

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

Senate Bill No. 324, entitled

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

Senate Bill No. 571, entitled

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

House Bill No. 4224, entitled

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

House Bill No. 4781, entitled

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

The 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:

House Bill No. 4579, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 41301, 41305, 41306, 41309, 41311, 41313, and 41323 (MCL 324.41301, 324.41305, 324.41306, 324.41309, 324.41311, 324.41313, and 324.41323), section 41301 as amended by 2005 PA 77, section 41305 as amended and section 41306 as added by 2005 PA 79, section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as added by 2005 PA 80, and section 41323 as added by 2005 PA 75; and to repeal acts and parts of acts.

Substitute (S-4).

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.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

President Teddy Roosevelt said, "The first requirement of a good citizen in this republic of ours is that he should be able and willing to pull his weight." Sadly, there are some Michigan citizens who are not only pulling their weight, but also pulling the weight of others when it comes to auto insurance costs. We all know that there are terrible and unfair differences between what a person pays for insurance at one address and what someone else pays at another address. And sometimes those addresses are across the street or across the highway.

We have an auto insurance rate-setting system that puts the burden on some citizens so that others can enjoy reasonable rates. Like I say every day, this has to change. As legislators, we have to do our job, pull our weight, and make the system

fair for every Michigan citizen. All of us have to budget our money even more carefully now because of our economy. Unfair auto insurance rates just make it that much harder for families to take care of their needs right now.

Join me today to work on this issue, and we can give Michigan families at least one piece of good financial news for this summer.

Senator Whitmer's statement is as follows:

I just wanted to take a moment to thank my colleagues for joining me in the effort to Stamp Out Hunger. It was an effort with the United States post office and we participated. I want to single out a few people, a few of my colleagues, and recognize them for their generosity in this effort. The Senate Majority Leader sent over a big bag of food to my office, as well as the Senate Minority Leader. I just wanted to show my appreciation for your bipartisan efforts.

This is a time of year that people don't think about how much need there is and how much hunger there is. Like I said before the event, 1 in 3 people standing in a food line is a child. While it is a bright, sunny day today, there are still a lot of hungry people in our state, and when times are tough, it is critical that we continue these efforts. The United States post office, a lot of working people, and a lot of unions came together and put this effort forth.

We filled two enormous bins full of food. Notably, very little came over from the other side of the Capitol. I think next year when we do this, perhaps it will be a challenge, and we will challenge our colleagues on the other side of the Capitol; not a partisan challenge, but a challenge of the two branches to come together and see if we can't Stamp Out Hunger again next year.

I just ask that we recognize this effort, and I appreciate your contributions and your generosity.

Senator Garcia's statement is as follows:

I rise to state my voting intentions for last week. Last Thursday, May 14, the first record Roll Call Vote No. 177, I was absent from the chamber at the time. There had been a change in the voting schedule, and I was in the office conducting a meeting having to do with economic development and job training. I realized much to my chagrin that the voting had been moved up, and despite the fact that I have the world record for falling down the stairs, I could not run up the stairs as quickly and, therefore, missed that vote. I would have voted "yes" to confirm Sue Carnell to the Grand Valley State University Board of Control.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Stamas, Allen, Richardville and Pappageorge introduced

Senate Bill No. 583, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 142 (MCL 389.142), as amended by 2008 PA 237.

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

Senator Patterson introduced

Senate Bill No. 584, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2003 PA 216.

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

Senators Gilbert, Allen, Bishop and Cassis introduced

Senate Bill No. 585, entitled

A bill to amend 2008 PA 554, entitled "Regional convention facility authority act," by amending sections 5 and 19 (MCL 141.1355 and 141.1369).

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

Senators Stamas, Gilbert, Allen, Bishop and Cassis introduced

Senate Bill No. 586, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending section 5 (MCL 141.475), as amended by 2008 PA 586.

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

Senators Allen, Gilbert, Bishop and Cassis introduced

Senate Bill No. 587, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 8, 9, 10, and 12 (MCL 207.623, 207.628, 207.629, 207.630, and 207.632), as amended by 2008 PA 553.

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

Senators Jansen, Allen, Gilbert and Bishop introduced

Senate Bill No. 588, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 7 (MCL 12.257), as amended by 2008 PA 256.

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

House Bill No. 4261, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 496a.

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 Campaign and Election Oversight.

House Bill No. 4337, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 496b.

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 Campaign and Election Oversight.

House Bill No. 4890, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by amending the title, as amended by 2002 PA 304, and by adding chapter 43; and to repeal acts and parts of acts.

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

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

House Bill No. 4891, entitled

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

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 Economic Development and Regulatory Reform.

Committee Reports

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 142, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1998 PA 302, and by adding section 4.

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 Hunter

Nays: Senators Thomas and 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. 434, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 32, 39, 40, 43, 45, 61, and 64 (MCL 24.203, 24.232, 24.239, 24.240, 24.243, 24.245, 24.261, and 24.264), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, section 45 as amended by 2004 PA 491, and section 61 as amended by 1982 PA 413.

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: Senators Thomas, Hunter and Jacobs

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 Wednesday, May 13, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4145, entitled

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

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4579, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 41301, 41305, 41306, 41309, 41311, 41313, and 41323 (MCL 324.41301, 324.41305, 324.41306, 324.41309, 324.41311, 324.41313, and 324.41323), section 41301 as amended by 2005 PA 77, section 41305 as amended and section 41306 as added by 2005 PA 79, section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as added by 2005 PA 80, and section 41323 as added by 2005 PA 75; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

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 Natural Resources and Environmental Affairs submitted the following:
Meeting held on Wednesday, May 13, 2009, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason
Excused: Senator Patterson

The Committee on Banking and Financial Institutions reported
Senate Bill No. 462, entitled

A bill to provide for the licensing of mortgage loan originators; to regulate the business practices of mortgage loan originators; to establish certain obligations of employees and principals of mortgage loan originators; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Stamas, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported
Senate Bill No. 463, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending the title and sections 1a, 2, 8, 10, 11, 12, 14, 29, and 33 (MCL 445.1651a, 445.1652, 445.1658, 445.1660, 445.1661, 445.1662, 445.1664, 445.1679, and 445.1683), the title and section 1a as amended by 2008 PA 66, section 2 as amended by 2008 PA 328, section 8 as amended by 2008 PA 326, section 10 as amended by 2008 PA 69, sections 11 and 12 as amended by 2008 PA 62, section 14 as amended by 2008 PA 63, section 29 as amended by 2008 PA 529, and section 33 as amended by 2008 PA 324; and to repeal acts and parts of acts.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Stamas, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported
Senate Bill No. 464, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending the title and sections 1, 2, 6, 6a, 6b, 11, 13, 20, 22, and 27 (MCL 493.51, 493.52, 493.56, 493.56a, 493.56b, 493.61, 493.63, 493.70, 493.72, and 493.77), the title and sections 1, 2, 6, 6a, 6b, 11, 13, 20, and 22 as amended by 2008 PA 325 and section 27 as amended by 2008 PA 530; and to repeal acts and parts of acts.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Stamas, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 465, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending section 9 (MCL 487.2059), as amended by 1999 PA 275.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Cassis, Stamas, Clarke and Olshove

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 Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, May 13, 2009, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Cassis, Stamas, Clarke and Olshove

Excused: Senators Sanborn and Hunter

The Committee on Health Policy reported

Senate Bill No. 365, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1502 (MCL 380.1502), as amended by 1993 PA 335.

With the recommendation that the bill and the substitute (S-1) be referred to the Committee on Appropriations.

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Allen, Sanborn, Clarke, Gleason and Jacobs

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee on Appropriations.

The Committee on Health Policy reported

Senate Bill No. 366, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 22b (MCL 388.1622b), as amended by 2008 PA 268.

With the recommendation that the bill be referred to the Committee on Appropriations.

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Allen, Sanborn, Clarke, Gleason and Jacobs

Nays: None

The bill was referred to the Committee on Appropriations.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, May 13, 2009, at 3:10 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Allen, Sanborn, Clarke, Gleason and Jacobs

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Thursday, May 14, 2009, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), George, Hardiman, Kahn, Barcia and Anderson

Excused: Senator Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, May 15, 2009, at 10:00 a.m., University of Michigan-Ann Arbor, Michigan League, Vandenberg Room, 911 North University Street, Ann Arbor

Present: Senators Stamas (C), Hardiman, Barcia, Anderson and Brater

Excused: Senators George and Kahn

Scheduled Meetings**Appropriations -****Subcommittees -**

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

Community Colleges - Wednesday, May 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

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

Environmental Quality Department - Wednesdays, May 20 (CANCELED) and May 27, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Federal Stimulus Oversight - Wednesday, May 20, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesday, May 20, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

Commerce and Tourism - Wednesday, May 20, 9:00 a.m., Room 100, Farnum Building (373-2413)

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

Health Policy - Wednesday, May 20, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

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

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

Michigan Law Revision Commission - Wednesday, June 24, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:58 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, May 20, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate