

No. 99
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2007

Senate Chamber, Lansing, Sunday, September 30, 2007.

12:01 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—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

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

Senator Roger Kahn, M.D., of the 32nd District offered the following invocation:

Lord, Michigan is struggling and we ask for Your help as we work for our people. Like Atlas, Michigan carries a world of problems on its shoulders. We have not enough jobs for our children who are leaving home hoping for work, hoping for a chance. And, Lord, those of us still here are tired, tired to the bone, tired of bad news. Yet, it seems life in Michigan is becoming still worse with our unemployment rate now a crushing 7.4 percent and rising. Truly, Lord, these are the times that try men's souls. Here in Lansing we are locked in a debate, a battle, to find help for our people—our people who are afraid they will lose their businesses, their work, their homes, and lose their children to some foreign shore. They worry that new burdens that we may pass on to them will render them unable to provide for their children and they are frightened, and their self-respect is threatened too.

And it has now come to this: our need to negotiate and Your help in those negotiations as we work to find a solution on this final day for our people. In Revelation it says, and I paraphrase, a cry will go out Lansing is fallen. It has fallen and has become the habitation of devils and the hold of every foul spirit. Please, Lord, help us to make that not be our fate here.

So often it seems we are just lost. We say, please, God, tell us what is right; tell us what is true; tell us what to do. It seems we have no answers, but we do know this. Government is not a deal, an angle, or a hustle. Our people are decent and deserve decency in turn from us. Please help us to find it, for hour by hour and day by day, the drumbeat of bad-faith negotiations is crushing and crushing us, and we who would keep the doors of government open begin to feel powerless. We become tired of hearing people lie, and after a time, we become dead, a little dead. Our people begin to think of themselves as victims and we, too, become victims. We become weak. We doubt ourselves. We doubt our institutions. We doubt our beliefs and we doubt our government.

Lord, help us find our way, for with Your help, this is something we can certainly do. We are the government, each of us. Government is not these desks or the paintings on the walls or the lobbyists outside these doors or a statue or a reporter. Those are just symbols of our desire to be fair, to be just, and to serve our people. They are, like this, a prayer and now a frightened prayer.

It is said, act as if you had faith and faith will be given to you. Help us believe and help us to believe in ourselves and to act for fairness which You have taught us is in our bones and in our hearts. Amen.

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

Motions and Communications

Senators Garcia and Kuipers entered the Senate Chamber.

Senator Thomas moved that Senators Cherry, Clark-Coleman and Whitmer be temporarily excused from today's session. The motion prevailed.

Senator Cropsey moved that Senators Allen, Bishop, Brown, Cassis, George, Jelinek, Hardiman and McManus be temporarily excused from today's session.

The motion prevailed.

Recess

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

The motion prevailed, the time being 12:12 a.m.

3:11 a.m.

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

During the recess, Senators George, Brown, Cassis, Jelinek, Whitmer, Clark-Coleman, Allen, Bishop, McManus, Cherry and Hardiman entered the Senate Chamber.

Senator Cropsey moved that rule 2.106 be suspended to allow conference committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

The Secretary announced that the following official bills were printed on Saturday, September 29, and are available at the legislative website:

House Bill Nos. 5271 5272 5273

By unanimous consent the Senate proceeded to the order of
Messages from the House

Senator Cropsey moved that consideration of the following bills be postponed temporarily:

Senate Bill No. 53

House Bill No. 4120

Senate Bill No. 419

Senate Bill No. 420

Senate Bill No. 421

Senate Bill No. 276

The motion prevailed.

Senate Bill No. 418, entitled

A bill to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

The House of Representatives has appointed Rep. Acciavatti to replace Rep. Ball as conferee.

The message was referred to the Secretary for record.

Senate Bill No. 418, entitled

A bill to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

The House of Representatives has appointed Rep. Cushingberry to replace Rep. Meadows as conferee.

The message was referred to the Secretary for record.

Conference Reports

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

Senate Bill No. 418

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

Senator Jansen submitted the following:

FIRST CONFERENCE REPORT

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

Senate Bill No. 418, entitled

A bill to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

Recommends:

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

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

A bill to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the “public employees health benefit act”.

Sec. 3. As used in this act:

(a) “Carrier” means a health, dental, or vision insurance company authorized to do business in this state under, and a health maintenance organization or multiple employer welfare arrangement operating under, the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302; a system of health care delivery and financing operating under section 3573 of the insurance code of 1956, 1956 PA 218, MCL 500.3573; a nonprofit dental care corporation operating under 1963 PA 125, MCL 550.351 to 550.373; a nonprofit health care corporation operating under the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1704; a voluntary employees’ beneficiary association described in section 501(c)(9) of the internal revenue code, 26 USC 501(c)(9); a pharmacy benefits manager; and any other person providing a plan of health benefits, coverage, or insurance in this state.

(b) “Commissioner” means the commissioner of the office of financial and insurance services.

(c) “Medical benefit plan” means a plan, established and maintained by a carrier or 1 or more public employers, that provides for the payment of medical, optical, or dental benefits, including, but not limited to, hospital and physician services, prescription drugs, and related benefits, to public employees.

(d) “Public employee” means an employee of a public employer.

(e) “Public employer” means a city, village, township, county, or other political subdivision of this state; any inter-governmental, metropolitan, or local department, agency, or authority, or other local political subdivision; a school district, a public school academy, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852; or a community college or junior college described in section 7 of article VIII of the state constitution of 1963. Public employer includes a public university that elects to come under the provisions of this act.

(f) “Public employer pooled plan” or “pooled plan” means a public employer pooled plan established pursuant to section 5(1)(b).

(g) “Public university” means a public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

Sec. 5. (1) Subject to collective bargaining requirements, a public employer may provide medical, optical, or dental benefits to public employees and their dependents by any of the following methods:

(a) By establishing and maintaining a plan on a self-insured basis. A plan under this subdivision does not constitute doing the business of insurance in this state and is not subject to the insurance laws of this state.

(b) By joining with other public employers and establishing and maintaining a public employer pooled plan to provide medical, optical, or dental benefits to not fewer than 250 public employees on a self-insured basis as provided in this act. A pooled plan shall accept any public employer that applies to become a member of the pooled plan, agrees to make the required payments, agrees to remain in the pool for a 3-year period, and satisfies the other reasonable provisions of the pooled plan. A public employer that leaves a pooled plan may not rejoin the pooled plan for 2 years after leaving the plan. A pooled plan under this subdivision does not constitute doing the business of insurance in this state and, except as provided in this act, is not subject to the insurance laws of this state. A pooled plan under this subdivision may enter into contracts and sue or be sued in its own name.

(c) By procuring coverage or benefits from 1 or more carriers, either on an individual basis or with 1 or more other public employers.

(2) A public employer or pooled plan procuring coverage or benefits from 1 or more carriers shall solicit 4 or more bids when establishing a medical benefit plan, including at least 1 bid from a voluntary employees’ beneficiary association described in section 501(c)(9) of the internal revenue code, 26 USC 501(c)(9). A public employer or pooled plan procuring coverage or benefits from 1 or more carriers shall solicit 4 or more bids every 3 years when renewing or continuing a medical benefit plan, including at least 1 bid from a voluntary employees’ beneficiary association described in section 501(c)(9) of the internal revenue code, 26 USC 501(c)(9). A public employer or pooled plan that provides for administration of a medical benefit plan using an authorized third party administrator, an insurer, a nonprofit health care corporation, or other entity authorized to provide services in connection with a noninsured medical benefit plan shall solicit 4 or more bids for those administrative services when establishing a medical benefit plan. A public employer or pooled plan that provides for administration of a medical benefit plan using an authorized third party administrator, an insurer, a nonprofit health care corporation, or other entity authorized to provide services in connection with a noninsured medical benefit plan shall solicit 4 or more bids for those administrative services every 3 years when renewing or continuing a medical benefit plan.

(3) This act does not prohibit a public employer from participating, for the payment of medical benefits and claims, in a purchasing pool or coalition to procure insurance, benefits, or coverage, or health care plan services or administrative services.

(4) A public university may establish a medical benefit plan to provide medical, dental, or optical benefits to its employees and their dependents by any of the methods set forth in this section.

(5) A medical benefit plan that provides medical benefits shall provide to covered individuals case management services that meet the case management accreditation standards established by the national committee on quality assurance, the joint commission on health care organizations, or the utilization review accreditation commission.

Sec. 7. (1) A person shall not establish or maintain a public employer pooled plan in this state unless the pooled plan obtains and maintains a certificate of registration pursuant to this act.

(2) A person wishing to establish a pooled plan shall apply for a certificate of registration on a form prescribed by the commissioner. The application shall be completed and submitted to the commissioner along with all of the following:

(a) Copies of all articles, bylaws, agreements, or other documents or instruments describing the rights and obligations of employers, employees, and beneficiaries with respect to the pooled plan and the expected number of public employees to be covered for medical, optical, or dental benefits under the pooled plan.

(b) Current financial statements of the pooled plan or, for a newly established pooled plan, 3 years of financial projections.

(c) A statement showing in full detail the plan upon which the pooled plan proposes to transact business and a copy of all contracts or other instruments that it proposes to make with or sell to its members, together with a copy of its plan description.

(3) The commissioner shall examine the application and documents submitted by the applicant for completeness and shall notify the applicant not later than 30 days after receipt of the application of any additional information needed. The commissioner may conduct any investigation that the commissioner considers necessary and examine under oath any person interested in or connected with the pooled plan.

(4) The commissioner shall issue or deny a certificate of registration within 90 days of receipt of the applicant's substantially completed application. The commissioner shall not issue a certificate of registration to the pooled plan unless the commissioner is satisfied that the pooled plan is in a stable and unimpaired financial condition, that the pooled plan is qualified to maintain a medical benefit plan in compliance with this act, and that the pooled plan meets the requirements in section 9(1)(a), (e), (f), (g), and (h). The commissioner shall deny a certificate of registration to an applicant who fails to meet the requirements of this act. Notice of denial shall be in writing and shall set forth the basis for the denial. If the applicant submits a written request within 60 days after mailing of the notice of denial, the commissioner shall promptly conduct a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in which the applicant shall be given an opportunity to show compliance with the requirements of this act.

(5) The pooled plan, upon receipt of its initial certificate of registration, which shall be a temporary certificate, shall proceed to the completion of organization of the proposed pooled plan.

(6) A pooled plan shall open its books to the commissioner, and a final certificate of registration shall not be issued by the commissioner to a pooled plan until the pooled plan has collected cash reserves as provided in section 9.

Sec. 9. (1) In addition to other requirements as provided in this act, a public employer pooled plan established on or after the effective date of this act shall do all of the following:

(a) Establish and maintain minimum cash reserves of not less than 25% of the aggregate contributions in the current fiscal year or in the case of new applicants, 25% of the aggregate contributions projected to be collected during its first 12 months of operation, as applicable; or not less than 35% of the claims paid in the preceding fiscal year, whichever is greater. Reserves established pursuant to this section shall be maintained in a separate, identifiable account and shall not be commingled with other funds of the pooled plan. The pooled plan shall invest the required reserve in the types of investments allowed under section 910, 912, or 914 of the insurance code of 1956, 1956 PA 218, MCL 500.910, 500.912, and 500.914. The pooled plan may satisfy up to 100% of the reserve requirement in the first year of operation, up to 75% of the reserve requirement in the second year of operation, and up to 50% of the reserve requirement in the third and subsequent years of operation, through an irrevocable and unconditional letter of credit. As used in this subdivision, "letter of credit" means a letter of credit that meets all of the following requirements:

(i) Is issued by a federally insured financial institution.

(ii) Is issued upon such terms and in a form as approved by the commissioner.

(iii) Is subject to draw by the commissioner, upon giving 5 business days' written notice to the pooled plan, or by the pooled plan for the member's benefit if the pooled plan is unable to pay claims as they come due.

(b) Within 90 days after the end of each fiscal year, file with the commissioner financial statements audited by a certified public accountant. An actuarial opinion regarding reserves for known claims and associated expenses and incurred but not reported claims and associated expenses, in accordance with subdivision (d), shall be included in the audited financial statement. The opinion shall be rendered by an actuary approved by the commissioner or who has 5 or more years of experience in this field.

(c) Within 60 days after the end of each fiscal quarter, file with the commissioner unaudited financial statements, affirmed by an appropriate officer or agent of the pooled plan.

(d) Within 60 days after the end of each fiscal quarter, file with the commissioner a report certifying that the pooled plan maintains reserves that are sufficient to meet its contractual obligations, and that it maintains coverage for excess loss as required in this act.

(e) File with the commissioner a schedule of premium contributions, rates, and renewal projections.

(f) Possess a written commitment, binder, or policy for excess loss insurance issued by an insurer authorized to do business in this state in an amount approved by the commissioner. The binder or policy shall provide not less than 30 days' notice of cancellation to the commissioner.

(g) Establish a procedure, to the satisfaction of the commissioner, for handling claims for benefits in the event of dissolution of the pooled plan.

(h) Provide for administration of the plan using personnel of the pooled plan, provided that the pooled plan has within its own organization adequate facilities and competent personnel to service the medical benefit plan, or by awarding a competitively bid contract, to an authorized third party administrator, an insurer, a nonprofit health care corporation, or other entity authorized to provide services in connection with a noninsured medical benefit plan.

(2) If the commissioner finds that a pooled plan's reserves are not sufficient to meet the requirements of subsection (1)(a), the commissioner shall order the pooled plan to immediately collect from any public employer that is or has been a member of the pooled plan appropriately proportionate contributions sufficient to restore reserves to the required level. The commissioner may take such action as he or she considers necessary, including, but not limited to, ordering the suspension or dissolution of a pooled plan, if the pooled plan is consistently failing to maintain reserves as required in this section, is using methods and practices that render further transaction of business hazardous or injurious to its members, employees, beneficiaries, or to the public, has failed, after written request by the commissioner, to remove or discharge an officer, director, trustee, or employee who has been convicted of any crime involving fraud, dishonesty, or moral turpitude, has failed or refused to furnish any report or statement required under this act, or if the commissioner, upon investigation, determines that it is conducting business fraudulently or is not meeting its contractual obligations in good faith. Any proceedings by the commissioner under this subsection shall be governed by the requirements and procedures of sections 7074 to 7078 of the insurance code of 1956, 1956 PA 218, MCL 500.7074 and 500.7078.

Sec. 11. The commissioner, or any person appointed by the commissioner, may examine the affairs of any pooled plan, and for such purposes shall have free access to all the books, records, and documents that relate to the business of the plan, and may examine under oath its trustees, officers, agents, and employees in relation to the affairs, transactions, and condition of the pooled plan. Each authorized pooled plan shall pay an assessment annually to the commissioner to be deposited into the insurance bureau fund created in section 225 of the insurance code of 1956, 1956 PA 218, MCL 500.225, in an amount equal to 1/4 of 1% of the annual self-funded contributions made to the pooled plan for that year. The assessments paid under this section shall be appropriated to the office of financial and insurance services to cover the additional costs incurred by the office of financial and insurance services in the examination and regulation of pooled plans under this act.

Sec. 13. (1) The articles, bylaws, and trust agreement of the pooled plan and all amendments thereto shall be filed with and presumed approved by the commissioner before becoming operative. The trust agreement shall be filed on a form prescribed by the commissioner.

(2) Each member employer of a pooled plan shall be given notice of every meeting of the members and shall be entitled to an equal vote, either in person or by proxy in writing by such member.

(3) The powers of a pooled plan, except as otherwise provided, shall be exercised by the board of trustees chosen to carry out the purposes of the trust agreement. Not less than 50% of the trustees shall be persons who are covered under the pooled plan or the collective bargaining representatives of those persons. No trustee shall be an owner, officer, or employee of a third party administrator providing services to the pooled plan.

Sec. 15. (1) Notwithstanding subsection (2), a public employer that has 100 or more employees in a medical benefit plan shall be provided with claims utilization and cost information as provided in subsection (3).

(2) A public employer who is in an arrangement with 1 or more other public employers, and together have 100 or more employees in a medical benefit plan or have signed a letter of intent to enter together 100 or more public employees into a medical benefit plan, shall be provided with claims utilization and cost information as provided in subsection (3) that is aggregated for all the public employees together of those public employers, and, except as otherwise permitted under subsection (1), shall not be separated out for any of those public employers.

(3) All medical benefit plans in this state shall compile, and shall make available electronically as provided in subsections (1) and (2), complete and accurate claims utilization and cost information for the medical benefit plan in the aggregate and for each public employer as follows:

(a) For persons covered under the medical benefit plan, census information, including date of birth, gender, zip code, and medical tier, such as single, dependent, or family.

(b) Monthly claims by provider type and service category reported by the total number and dollar amounts of claims paid and reported separately for in-network and out-of-network providers.

(c) The number of claims paid over \$50,000.00 and the total dollar amount of those claims.

- (d) The dollar amounts paid for specific and aggregate stop-loss insurance.
- (e) The dollar amount of administrative expenses incurred or paid, reported separately for medical, pharmacy, dental, and vision.
- (f) The total dollar amount of retentions and other expenses.
- (g) The dollar amount for all service fees paid.
- (h) The dollar amount of any fees or commissions paid to agents, consultants, or brokers by the medical benefit plan or by any public employer or carrier participating in or providing services to the medical benefit plan, reported separately for medical, pharmacy, stop-loss, dental, and vision.
- (i) Other information as may be required by the commissioner.

(4) The claims utilization and cost information required to be compiled under this section shall be compiled on an annual basis and shall cover a relevant period. For purposes of this subsection, the term “relevant period” means the 36-month period ending no more than 120 days prior to the effective date or renewal date of the medical benefit plan under consideration. However, if the medical benefit plan has been in effect for a period of less than 36 months, the relevant period shall be that shorter period.

(5) A public employer or combination of public employers shall disclose the claims utilization and cost information required to be provided under subsections (1) and (2) to any carrier or administrator it solicits to provide benefits or administrative services for its medical benefit plan, and to the employee representative of employees covered under the medical benefit plan, and upon request to any carrier or administrator who requests the opportunity to submit a proposal to provide benefits or administrative services for the medical benefit plan at the time of the request for bids. The public employer shall make the claims utilization and cost information required under this section available at cost and within a reasonable period of time.

(6) The claims utilization and cost information required under this section shall include only de-identified health information as permitted under the health insurance portability and accountability act of 1996, Public Law 104-191, or regulations promulgated under that act, 45 CFR parts 160 and 164, and shall not include any protected health information as defined in the health insurance portability and accountability act of 1996, Public Law 104-191, or regulations promulgated under that act, 45 CFR parts 160 and 164.

(7) All claims utilization and cost information described in this section is required to be compiled beginning 60 days after the effective date of this act. However, claims utilization and cost information already being compiled on the effective date of this act is subject to this section on the effective date of this act.

Enacting section 1. This act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

- (a) Senate Bill No. 419.
- (b) Senate Bill No. 420.
- (c) Senate Bill No. 421.

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

A bill to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

Mark Jansen
Wayne Kuipers
Conferees for the Senate

George Cushingberry, Jr.
Daniel Acciavatti
Conferees for the House

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. 373

Yeas—22

Allen	Garcia	Kuipers	Schauer
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Pappageorge	Switalski
Brown	Hardiman	Richardville	Thomas
Cassis	Jansen	Sanborn	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Patterson	

Excused—0**Not Voting—1**

Kahn

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey moved to reconsider the vote by which the conference report was adopted. The motion prevailed, a majority of the members serving voting therefor. The question being on the adoption of the conference report, The first conference report was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 374**Yeas—19**

Allen	Cropsey	Jansen	Sanborn
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brown	Gilbert	Pappageorge	Van Woerkom
Cassis	Hardiman	Richardville	

Nays—17

Anderson	Clark-Coleman	Jacobs	Patterson
Barcia	Clarke	Jelinek	Prusi
Basham	Gleason	Kahn	Scott
Brater	Hunter	Olshove	Whitmer
Cherry			

Excused—0**Not Voting—2**

Schauer

Thomas

In The Chair: President

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the conference report was not adopted.

The question being on the motion to suspend the rule,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Point of Order

Senator Thomas raised the Point of Order that two motions at the same time are not permitted.

The President, Lieutenant Governor Cherry, ruled that it is a well-established Senate practice to allow a motion to be made and then postponed.

Third Reading of Bills

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

House Bill No. 5257

House Bill No. 5258

The motion prevailed.

The following bill was read a third time:

House Bill No. 5257, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2003 PA 107.

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. 375

Yeas—35

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

Nays—3

Cassis	Patterson	Sanborn
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Excused—0

Not Voting—0

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 revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5258, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 1101 (MCL 450.5101), as amended by 2003 PA 81.

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. 376

Yeas—35

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

Nays—3

Cassis	Patterson	Sanborn
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Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies;”.

The Senate agreed to the full title.

Recess

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

The motion prevailed, the time being 3:37 a.m.

4:05 a.m.

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

By unanimous consent the Senate returned to the order of
Conference Reports

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 418, entitled

An act to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

(The conference report was not adopted earlier today, rule suspended to permit reconsideration and consideration postponed. See p.1539.)

The question being on the motion to suspend rule 3.311 to permit reconsideration of the vote by which the conference report was not adopted.

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

Senator Cropsey moved to reconsider the vote by which the conference report was not adopted.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 377

Yeas—18

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

Nays—17

Anderson	Clark-Coleman	Jacobs	Patterson
Barcia	Clarke	Jelinek	Prusi
Basham	Gleason	Kahn	Scott
Brater	Hunter	Olshove	Whitmer
Cherry			

Excused—0

Not Voting—3

Schauer	Switalski	Thomas
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In The Chair: President

Recess

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

The motion prevailed, the time being 4:11 a.m.

4:27 a.m.

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

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the conference report was not adopted.

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

Senator Cropsey moved to reconsider the vote by which the conference report was not adopted.

The motion prevailed.

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. 378**Yeas—21**

Allen	Garcia	Kuipers	Schauer
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Pappageorge	Switalski
Brown	Hardiman	Richardville	Thomas
Cassis	Jansen	Sanborn	Van Woerkom
Cropsey			

Nays—17

Anderson	Clark-Coleman	Jacobs	Patterson
Barcia	Clarke	Jelinek	Prusi
Basham	Gleason	Kahn	Scott
Brater	Hunter	Olshove	Whitmer
Cherry			

Excused—0**Not Voting—0**

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect,

The motion did not prevailed, 2/3 of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 379**Yeas—23**

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

Nays—15

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Kahn	Whitmer
Brater	Gleason	Olshove	

Excused—0**Not Voting—0**

In The Chair: President

By unanimous consent the Senate returned to the order of
Messages from the House

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 419, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 632 (MCL 380.632) and by adding sections 506a, 527a, 633, 1255, and 1311m.

(For text of amendment, see Senate Journal No. 85, p. 1357.)

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. 380**Yeas—23**

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

Nays—15

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Kahn	Whitmer
Brater	Gleason	Olshove	

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey moved that the bill be given immediate effect. The question being on the motion to give the bill immediate effect, Senator Cropsey moved that further consideration of the bill be postponed temporarily. The motion prevailed.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 420, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 5 (MCL 124.5), as amended by 1999 PA 83.

(For text of amendment, see Senate Journal No. 85, p. 1358.)

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. 381

Yeas—23

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

Nays—15

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Kahn	Whitmer
Brater	Gleason	Olshove	

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Cropsey moved that further consideration of the bill be postponed temporarily. The motion prevailed.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 421, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 123 and 124 (MCL 389.123 and 389.124), section 123 as amended by 1980 PA 5 and section 124 as amended by 1997 PA 135.

(For text of amendment, see Senate Journal No. 85, p. 1358.)

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. 382**Yeas—23**

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

Nays—15

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Kahn	Whitmer
Brater	Gleason	Olshove	

Excused—0**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
Senator Cropsey moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

Senate Bill No. 796, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

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.

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:49 a.m.

9:35 p.m.

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

Senator Cropsey moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

Senate Bill No. 772

Senate Bill No. 773

Senate Bill No. 1

Senate Bill No. 395

Senate Bill No. 396

Senate Bill No. 397

Senate Bill No. 398

Senate Bill No. 549

Senate Bill No. 632

House Bill No. 4800

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

Senate Bill No. 772, entitled

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to October 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

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

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

Roll Call No. 383

Yeas—34

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

Nays—3

Cassis	Patterson	Sanborn
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Excused—0

Not Voting—1

Kuipers

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

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

Senator Kuipers entered the Senate Chamber.

Senate Bill No. 773, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 8b, 11, 11j, 17b, 39a, and 147 (MCL 388.1608b, 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), section 8b as amended by 2003 PA 158, sections 11, 11j, 17b, and 147 as amended by 2007 PA 6, and section 39a as amended by 2006 PA 342; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 384

Yeas—35

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

Nays—3

Cassis	Patterson	Sanborn
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Excused—0

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect. The motion prevailed, 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. 1, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 105b. The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 385**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

Senate Bill No. 395, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding section 783. The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 386**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 396, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding chapter 7A; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 387

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 397, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding section 753.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 388**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

Senate Bill No. 398, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding chapter 7B; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 389**Yeas—38**

Allen	Clark-Coleman	Jansen	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Basham	Garcia	Kuipers	Scott
Birkholz	George	McManus	Stamas

Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Hunter	Prusi	Whitmer
Cherry	Jacobs		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 549, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1284a. The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 390

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 632, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 1996 PA 537.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 391

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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.

House Bill No. 4800, entitled

A bill to amend 1943 PA 240, entitled "An act to provide for a state employees' retirement system; to create a state employees' retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies," (MCL 38.1 to 38.69) by adding section 68c.

The House of Representatives has substituted (H-8) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-8), ordered that the bill be given immediate effect and agreed to the full title.

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

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

Roll Call No. 392

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:04 p.m.

11:16 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Monday, October 1, at 12:01 a.m. The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 11:17 p.m.

11:22 p.m.

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

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5096, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 9a (MCL 205.99a), as amended by 2004 PA 172.

House Bill No. 5097, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4i (MCL 205.54i), as amended by 2004 PA 173.

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 amendments, the following bill:

House Bill No. 4882, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 7 (MCL 205.92, 205.93, 205.94, and 205.97), sections 2, 3, and 4 as amended by 2004 PA 172.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 6, line 6, after "**PERMANENT.**" by inserting "**A MOTOR VEHICLE PURCHASED FOR RESALE BY A NEW VEHICLE DEALER LICENSED UNDER SECTION 248(8)(A) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.248, AND NOT TITLED IN THE NAME OF THE DEALER SHALL NOT BE CONSIDERED TO BE CONVERTED PRIOR TO SALE OR LEASE BY THAT DEALER.**".

2. Amend page 10, line 17, after "**PROPERTY**" by striking out the comma and "**OTHER THAN VEHICLES,**".

3. Amend page 10, line 18, after "**PURPOSES.**" by inserting "**FOR A NEW VEHICLE DEALER SELLING A NEW CAR OR TRUCK, EXEMPTION FOR DEMONSTRATION PURPOSES SHALL BE DETERMINED BY THE NUMBER OF NEW CARS AND TRUCKS SOLD DURING THE CURRENT CALENDAR YEAR OR THE IMMEDIATELY PRECEDING CALENDAR YEAR, WITHOUT REGARD TO SPECIFIC MAKE OR STYLE, ACCORDING TO THE FOLLOWING SCHEDULE BUT NOT TO EXCEED 25 CARS AND TRUCKS IN 1 CALENDAR YEAR FOR DEMONSTRATION PURPOSES:**

(A) 0 TO 25, 2 UNITS.

(B) 26 TO 100, 7 UNITS.

(C) 101 TO 500, 20 UNITS.

(D) 501 OR MORE, 25 UNITS."

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

Senator Cropsey moved that Senator Kuipers be temporarily excused from the balance of today's session.

The motion prevailed.

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 at the head of the Third Reading of Bills calendar:

House Bill No. 4882

House Bill No. 5096

House Bill No. 5097

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

The following bill was read a third time:

House Bill No. 4882, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 7 (MCL 205.92, 205.93, 205.94, and 205.97), sections 2, 3, and 4 as amended by 2004 PA 172.

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. 393**Yeas—20**

Basham	Clark-Coleman	Hunter	Scott
Bishop	Clarke	Jacobs	Stamas
Brater	Cropsey	Jelinek	Switalski
Cassis	Garcia	Prusi	Thomas
Cherry	Gilbert	Schauer	Van Woerkom

Nays—17

Allen	George	Kahn	Patterson
Anderson	Gleason	McManus	Richardville
Barcia	Hardiman	Olshove	Sanborn
Birkholz	Jansen	Pappageorge	Whitmer
Brown			

Excused—1

Kuipers

Not Voting—0

In The Chair: President

Senator Kuipers entered the Senate Chamber.

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5096, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 9a (MCL 205.99a), as amended by 2004 PA 172.

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. 394**Yeas—22**

Basham	Clark-Coleman	Jacobs	Scott
Birkholz	Clarke	Jelinek	Stamas
Bishop	Cropsey	Kuipers	Switalski
Brater	Garcia	Prusi	Thomas

Cassis
Cherry

Gilbert
Hunter

Schauer

Van Woerkom

Nays—16

Allen
Anderson
Barcia
Brown

George
Gleason
Hardiman
Jansen

Kahn
McManus
Olshove
Pappageorge

Patterson
Richardville
Sanborn
Whitmer

Excused—0

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

Senator Cropsey moved that Senator Kuipers be temporarily excused from the balance of today’s session.

The motion prevailed.

Senator Kuipers entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5097, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4i (MCL 205.54i), as amended by 2004 PA 173.

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. 395

Yeas—22

Basham
Birkholz
Bishop
Brater
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
Gilbert
Hunter

Jacobs
Jelinek
Kuipers
Prusi
Schauer

Scott
Stamas
Switalski
Thomas
Van Woerkom

Nays—16

Allen
Anderson

George
Gleason

Kahn
McManus

Patterson
Richardville

Barcia
Brown

Hardiman
Jansen

Olshove
Pappageorge

Sanborn
Whitmer

Excused—0

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Cropsey moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 622

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

Senate Bill No. 622, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 1003 (MCL 330.2003), as amended by 1993 PA 252.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 396

Yeas—22

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Pappageorge
Patterson

Richardville
Sanborn
Stamas
Switalski
Van Woerkom

Nays—16

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Schauer
Scott
Thomas
Whitmer

Excused—0

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 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 codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

Recess

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

The motion prevailed, the time being 11:38 p.m.

11:57 p.m.

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

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Thursday, October 18, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Families and Human Services - Tuesday, October 9, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Thursday, October 4, 2:00 p.m., Room 927, South Tower, Anderson House Office Building (373-0575)

Local, Urban and State Affairs - Tuesday, October 9, 3:00 p.m., Room 110, Farnum Building (373-1635) (CANCELED)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:58 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Monday, October 1, 2007, at 12:01 a.m.