

No. 3
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, January 28, 2009.

10:00 a.m.

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

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

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—excused
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—excused
Van Woerkom—present
Whitmer—present

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

Lord, we all work very hard on behalf of the citizens of this great state of Michigan. But, Lord, please give us the wisdom to see that even our best work and our strongest efforts won't save us. We can only be saved through our faith in God and through the word of God. Amen.

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

Motions and Communications

Senator Cropsy moved that Senators Brown, Cassis, Garcia, Hardiman, Kahn, Kuipers, McManus, Pappageorge, Richardville and Stamas be temporarily excused from today's session.

The motion prevailed.

Senator Anderson moved that Senators Clark-Coleman, Gleason, Barcia and Prusi be temporarily excused from today's session.

The motion prevailed.

Senator Anderson moved that Senators Thomas, Brater and Hunter be excused from today's session.

The motion prevailed.

The Secretary announced that the following official bills were printed on Tuesday, January 27, and are available at the legislative website:

Senate Bill Nos. 70 71 72 93

Messages from the Governor

The following messages from the Governor were received and read:

January 27, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 1 of 1963 (2nd Ex. Sess.) PA 48, MCL 390.551:

Central Michigan University Board of Control

Mr. John D. Hurd of 9827 Kennedy Road, Munith, Michigan 49259, county of Jackson, succeeding John G. Kulhavi, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Ms. Sarah R. Opperman of 3001 Scarborough Lane, Midland, Michigan 48640, county of Midland, succeeding Jeffrey R. Caponigro, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

January 27, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 38 of the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1238:

Detroit Public School Emergency Financial Manager

Mr. Robert C. Bobb, currently of 1737 Taylor Street, N.W., Washington, D.C., is appointed for a term commencing February 17, 2009 and expiring February 16, 2010.

January 27, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 2 of 1949 PA 114, MCL 390.802:

Ferris State University Board of Control

Ms. Alisha M. Baker of 75 Scott Boulevard, Mount Clemens, Michigan 48043, county of Macomb, succeeding Gary L. Granger, whose term has expired, representing the general public, for a term commencing January 27, 2009 and expiring December 31, 2016.

Mr. Arthur L. Tebo of 01580 North Shore Drive, P.O. Box 519, Walloon Lake, Michigan 49796, county of Charlevoix, reapointed to represent the general public, for a term expiring December 31, 2016.

Sincerely,
Jennifer M. Granholm
Governor

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

Senators Clark-Coleman, Kahn, Prusi, Pappageorge, McManus, Kuipers, Barcia, Stamas, Hardiman, Garcia and Gleason entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators McManus and Garcia introduced

Senate Joint Resolution C, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, to revise the signature requirements for initiative and referendum petitions and to clarify the power of referendum when making appropriations.

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

Senator Clarke introduced

Senate Bill No. 29, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3115, 3201, and 3236 (MCL 600.3115, 600.3201, and 600.3236), section 3201 as amended by 1981 PA 172, and by adding sections 3116 and 3237.

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

Senators Olshove and Clarke introduced

Senate Bill No. 30, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78k and 78m (MCL 211.78k and 211.78m), section 78k as amended by 2006 PA 611 and section 78m as amended by 2006 PA 498.

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

Senators Gleason and Clarke introduced

Senate Bill No. 31, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 44h.

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

Senators George, Basham, Birkholz, Brown, Gleason, Anderson and Switalski introduced

Senate Bill No. 79, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 129 and sections 12601 and 12905 (MCL 333.12601 and 333.12905), section 12601 as amended by 1988 PA 315 and section 12905 as amended by 1993 PA 242, and by adding section 12603a; and to repeal acts and parts of acts.

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

Senator Richardville introduced

Senate Bill No. 94, entitled

A bill to amend 1989 PA 88, entitled "An act to regulate watercraft and outboard motor manufacturers, distributors, dealers, and their representatives; and to regulate dealings between those manufacturers and distributors and their dealers," by amending the title and sections 1, 2, 3, 4, 5, 6, and 7 (MCL 445.541, 445.542, 445.543, 445.544, 445.545, 445.546, and 445.547) and by adding sections 4a, 4b, 4c, 4d, 4e, 4f, 4g, 7a, 7b, 7c, 7d, 7e, 7f, and 8.

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

Senator Jelinek introduced
Senate Bill No. 95, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

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

Senator Birkholz introduced
Senate Bill No. 96, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 13c (MCL 408.763c), as added by 2008 PA 159.

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

Senators Brater, Jacobs, Clark-Coleman, Scott, Gleason, Prusi, Switalski, Anderson, Whitmer, Olshove, Cherry, Clarke, Basham and Hunter introduced

Senate Bill No. 97, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

Senators Pappageorge, Cassis, Gilbert, Hardiman, Sanborn, Garcia, Cropsey, Van Woerkom, Richardville, Kahn, George and Birkholz introduced

Senate Bill No. 98, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 501 (MCL 208.1501).

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

Senators Jansen and Hardiman introduced

Senate Bill No. 99, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 2a, 5, 5a, 9a, 11a, 13, 15, 17, 17b, 19, 27, and 28 (MCL 552.502, 552.502a, 552.505, 552.505a, 552.509a, 552.511a, 552.513, 552.515, 552.517, 552.517b, 552.519, 552.527, and 552.528), sections 2 and 2a as amended by 2004 PA 210, sections 5, 13, and 15 as amended and section 5a as added by 2002 PA 571, section 9a as added by 1999 PA 150, section 11a as added by 2002 PA 569, sections 17, 17b, and 19 as amended by 2004 PA 207, and section 28 as added by 1996 PA 365.

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

Senators Jansen and Hardiman introduced

Senate Bill No. 100, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 3a, 5b, 5c, 5d, 5e, 7, 8, 9, 11a, 19, 24, 25a, 26b, 28, 29, 30, 31, 33, 35, 39, 44, 45, 46, and 48 (MCL 552.602, 552.603, 552.603a, 552.605b, 552.605c, 552.605d, 552.605e, 552.607, 552.608, 552.609, 552.611a, 552.619, 552.624, 552.625a, 552.626b, 552.628, 552.629, 552.630, 552.631, 552.633, 552.635, 552.639, 552.644, 552.645, 552.646, and 552.648), sections 2 and 3a as amended by 2004 PA 208, sections 3, 19, and 24 as amended by 2002 PA 572, section 5b as added and section 26b as amended by 2001 PA 106, section 5c as added and section 28 as amended by 2002 PA 565, section 5d as added by 2002 PA 570, section 5e as added by 2004 PA 211, sections 7, 33, and 35 as amended by 2004 PA 206, section 8 as amended by 1995 PA 236, sections 9, 11a, and 48 as amended by 1999 PA 160, section 25a as amended by 2004 PA 484, sections 29 and 30 as amended by 1998 PA 334, section 31 as amended by 2004 PA 569, and sections 44 and 45 as amended by 2002 PA 568.

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

Senators Jansen and Hardiman introduced

Senate Bill No. 101, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7b (MCL 722.27b), as amended by 2006 PA 353.

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

Senators Garcia and Jansen introduced

Senate Bill No. 102, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321c (MCL 257.321c), as added by 1996 PA 240.

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

Senators Garcia and Jansen introduced

Senate Bill No. 103, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2137, 2529, and 2538 (MCL 600.2137, 600.2529, and 600.2538), section 2137 as amended by 2001 PA 76, section 2529 as amended by 2004 PA 205, and section 2538 as amended by 2003 PA 178.

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

Senators Jansen and Hardiman introduced

Senate Bill No. 104, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending sections 3 and 3a (MCL 400.233 and 400.233a), section 3 as amended by 2002 PA 564 and section 3a as amended by 1998 PA 112; and to repeal acts and parts of acts.

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

Senators Scott and Jansen introduced

Senate Bill No. 105, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 23 and 24 (MCL 552.23 and 552.24), section 23 as amended and section 24 as added by 1999 PA 159.

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

Senators Jacobs and Jansen introduced

Senate Bill No. 106, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 2, 7, and 19a (MCL 722.712, 722.717, and 722.729a), section 2 as amended by 2004 PA 253, section 7 as amended by 2004 PA 209, and section 19a as added by 1999 PA 157; and to repeal acts and parts of acts.

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

Senators Hardiman and Jansen introduced

Senate Bill No. 107, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 2, and 8a (MCL 552.451, 552.452, and 552.458a), section 1 as amended by 2002 PA 8 and sections 2 and 8a as amended by 2002 PA 574; and to repeal acts and parts of acts.

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

Senators Kahn, Garcia, Van Woerkom, Kuipers and Pappageorge introduced

Senate Bill No. 108, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 3 (MCL 432.103), as amended by 2008 PA 401.

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

Senators Garcia, Kahn, Anderson, Basham, Prusi, Cherry and McManus introduced

Senate Bill No. 109, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Senators Olshove, Cherry, Scott, Kahn, George and Gleason introduced

Senate Bill No. 110, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 309 (MCL 257.309), as amended by 2004 PA 362.

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

Senators Olshove, Cherry, Scott, Kahn, George and Gleason introduced

Senate Bill No. 111, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5139.

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

Senators McManus, Garcia, Cropsey, Jansen, Kahn and Olshove introduced

Senate Bill No. 112, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 38.

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

Senators McManus, Garcia, Jansen and Kahn introduced

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

Senators Basham, Jacobs, Switalski, Gleason, Patterson, Birkholz, Clarke, Brater, Scott, Anderson, Hunter, Brown and George introduced

Senate Bill No. 114, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 129 and sections 12601, 12603, 12611, 12613, 12614, 12905, and 12915 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, 333.12905, and 333.12915), sections 12601 and 12613 as amended by 1988 PA 315, sections 12603 and 12611 as amended by 1993 PA 217, section 12614 as added by 1988 PA 296, section 12905 as amended by 1993 PA 242, and section 12915 as amended by 1982 PA 526, and by adding section 12606; and to repeal acts and parts of acts.

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

Senators Basham, Cherry, Clark-Coleman and Gilbert introduced

Senate Bill No. 115, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," (MCL 462.101 to 462.451) by adding section 318.

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

Senators Switalski, Clark-Coleman, Brater, Scott, Clarke, Hunter and Jacobs introduced

Senate Bill No. 116, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 31a and 34 (MCL 791.231a and 791.234), section 31a as added by 1992 PA 181 and section 34 as amended by 2006 PA 167, and by adding section 31b.

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

Senators Clark-Coleman, Cherry, Hunter, Clarke, Scott, Gleason, Brater and Jacobs introduced

Senate Bill No. 117, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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

Senators Clark-Coleman, Cherry, Clarke, Basham, Gleason, Brater, Anderson and Jacobs introduced

Senate Bill No. 118, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 12608b.

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

Senators Clark-Coleman, Scott and Jacobs introduced

Senate Bill No. 119, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 1 (MCL 423.201), as amended by 1999 PA 204.

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

Senators Clark-Coleman, Cherry, Hunter, Clarke, Scott, Basham, Brater and Jacobs introduced

Senate Bill No. 120, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10t (MCL 460.10t), as added by 2000 PA 141.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Clark-Coleman, Cherry, Hunter, Clarke, Scott, Basham, Gleason, Brater, Anderson and Jacobs introduced

Senate Bill No. 121, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 506 (MCL 206.506), as amended by 1996 PA 484.

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

Senators Clark-Coleman, Cherry, Hunter, Clarke, Scott, Gleason and Brater introduced

Senate Bill No. 122, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1147 and 1561 (MCL 380.1147 and 380.1561), section 1561 as amended by 1996 PA 339.

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

Senator Gilbert introduced

Senate Bill No. 123, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2008 PA 472.

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

Senators Gilbert and Gleason introduced

Senate Bill No. 124, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

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

Senators Gleason and Gilbert introduced

Senate Bill No. 125, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and

brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 2006 PA 598.

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

Senator Allen introduced

Senate Bill No. 126, entitled

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

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

Senators Brown, Cherry, Scott, Garcia, Richardville, Kahn, Van Woerkom, Kuipers, Cropsey, Birkholz and Basham introduced

Senate Bill No. 127, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

Senators Brown, Kahn, Birkholz, Jansen, Hardiman, Garcia, Richardville, Kuipers, Cropsey and Pappageorge introduced

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.

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

Senators Brown, Birkholz, Jansen, Richardville, Pappageorge and Hardiman introduced

Senate Bill No. 129, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 24a (MCL 168.24a), as amended by 1982 PA 154.

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

Senators Brown, Birkholz, Jansen, Richardville, Pappageorge and Hardiman introduced

Senate Bill No. 130, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 307 (MCL 168.307), as added by 2003 PA 302.

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

Senators Brown, Richardville, Birkholz, Pappageorge, Jansen and Jacobs introduced

Senate Bill No. 131, entitled

A bill to amend 2006 PA 384, entitled “Driver education provider and instructor act,” (MCL 256.621 to 256.705) by adding section 42.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Recess

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

The motion prevailed, the time being 10:20 a.m.

10:59 a.m.

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

During the recess, Senators Cassis, Brown and Richardville entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

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:

Senate Bill No. 1

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

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, 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 with a substitute therefor, the following bill:

Senate Bill No. 1, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 281 (MCL 208.1281), as added by 2007 PA 145.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 4

The resolution consent calendar was adopted.

Senators Kuipers, McManus, Gilbert, Van Woerkom, Kahn, Cropsey, Brown, George, Allen, Gleason, Pappageorge, Jansen, Hardiman, Patterson, Olshove, Cherry, Richardville, Birkholz, Cassis, Whitmer and Basham offered the following resolution:

Senate Resolution No. 4.

A resolution recognizing January 25-31, 2009, as Catholic Schools Week in the state of Michigan.

Whereas, There are 67,457 students attending 269 Catholic elementary and high schools throughout our great state; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, The Catholic Church sees the parents as the primary educators and that parental supervision and involvement play a major role in the education of students; and

Whereas, Catholic schools believe that teaching morals and values is essential to the complete education of the student since every member of society continually makes moral decisions; and

Whereas, Catholic schools educate many students who are non-Catholic; and

Whereas, Based upon Michigan's minimum public school foundation allowance of \$7,316, the Catholic schools of our state save taxpayers in excess of \$493,515,412 annually; and

Whereas, Catholic educators are dedicated to producing academically-strong students who also commit themselves to service; and

Whereas, The common good of the state of Michigan is strengthened through the existence of Catholic schools; and

Whereas, January 25-31, 2009, has been designated as Catholic Schools Week, with the theme "Catholic Schools Celebrate Service," as denoted by the National Catholic Educational Association (NCEA) and the United States Conference of Catholic Bishops; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize January 25-31, 2009, as Catholic Schools Week in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem. Senators Clarke, Jacobs and Scott were named co-sponsors of the resolution.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Gordon Parks was a groundbreaking American photographer, musician, poet, novelist, journalist, activist, and film director. He is best remembered for his photo essay for *Life* magazine as the director of the 1971 film *Shaft*.

Gordon Parks passed in March of 2006, and he said, "The one who takes a chance, who walks the line between known and unknown, who is unafraid of failure will succeed." Gordon Parks should be an inspiration to us all. We must all be inspired to take more chances to walk the line between the known and the unknown, and most of all, to not fear failure. I know that I am taking a chance every day when I stand before you. I risk your ridicule, and I risk your disdain, but I am not afraid of failure because I do not believe I am going to fail.

My resolution is firm, and my belief is strong. Some day some way you are going to move my bills, so get started and move my bills.

Committee Reports

The Committee on Finance reported

Senate Bill No. 1, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 281 (MCL 208.1281), as added by 2007 PA 145.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge and Jansen

Nays: Senator Jacobs, Cherry and Whitmer

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

The Committee on Finance reported

Senate Bill No. 70, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2003 PA 114.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 71, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 10 (MCL 207.810), as amended by 2006 PA 283.

With the recommendation that the bill pass.

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

Nancy Cassis

Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 72, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 513 (MCL 208.1513).

With the recommendation that the bill pass.

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

Nancy Cassis

Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, January 27, 2009, at 1:08 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, January 27, 2009, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville and Olshove

Excused: Senators Pappageorge, Hunter and Thomas

Scheduled Meetings

Agriculture - Thursday, January 29, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittee -**

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

Energy Policy and Public Utilities - Thursday, January 29, 1:00 p.m., Room 210, Farnum Building (373-7350)

Families and Human Services - Thursday, January 29, 9:00 a.m., Room 210, Farnum Building (373-0797)

Finance - Thursday, January 29, 11:00 a.m., Room 110, Farnum Building (373-1758)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:24 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, January 29, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate