

No. 14
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, March 3, 2009.

10:00 a.m.

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

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

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

Garcia—excused
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
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Reverend Darryl Bartlett of Holland Rescue Mission of Holland offered the following invocation:

Father, I thank You for the opportunity to come and to share this time together with the leaders of our state. As the psalmist declared and questioned: "If the foundations are destroyed, what can the righteous do?" The Lord answered from His holy temple that He rules and He reigns. Lord, it feels like the foundations are crumbling around us, from the tip of the state to the far points of the south. Lord, people are hurting.

I pray today that You would use each Senator. I pray that You would use this body, this session, to extend Your rule; that people might know that You are sovereign and in control.

Father, I pray for humility on the part of our leaders. I pray for integrity. I pray for great wisdom and discernment today, Lord, that we might have spirited debate and discussion; yet foremost in our minds, Lord, we would recognize that You rule and reign. You give authority and You vest it in us. I pray today that we would use that authority to extend Your kingdom. Lord, we recognize today that You are the sovereign one of the universe.

Thank you for ruling and reigning. I pray that You would do that in this house today. We pray in the name of the Father, the Son, and the Holy Spirit. Amen.

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

Motions and Communications

Senators Pappageorge, Jacobs, Kahn, Stamas, Bishop, Allen, Hunter and McManus entered the Senate Chamber.

Senator Cropsy moved that Senator Garcia be excused from today's session.
The motion prevailed.

The following communications were received and read:
Office of the Senate Majority Leader

February 19, 2009

Pursuant to PA 394 of 2008, Sec. 17313(1), I am appointing the following individuals to the electronic waste advisory council:

Meggan Ehert, Thomson Inc., 101 West 103rd Street, INH 3340, Indianapolis, Indiana 46290, as one individual representing covered video display device manufacturers.

Sandy Rosen, 30615 Groesbeck Highway, Roseville, Michigan 48066, as one individual representing recyclers of covered computers or covered video display devices.

Valerie Rickman, Information Technology Industry Council, 1250 Eye Street NW, Washington, D.C., as one individual representing a trade association of computer manufacturers and video display device manufacturers.

Senator Valde Garcia, The Capitol, S-132, Lansing, Michigan 48909, as one individual who is a member of the Senate.

If you have any questions, please contact Bill Sullivan in my office at 3-2417.

February 19, 2009

Pursuant to MCL 38.1026, I am appointing the following individuals to the legislative retirement system board of trustees:

Senator Hansen Clarke, Billie S. Farnum Building, P.O. Box 30038, Lansing, Michigan 48909, as a member of the Senate.

Senator Michelle McManus, Capitol Building, Room S-2, Lansing, Michigan 48909, as a member of the Senate.

Mr. John Jamian, 1862 Chippingway, Bloomfield Hills, Michigan 48302, as a deferred vested member.

If you have any questions, please call Bill Sullivan at 373-2417.

Sincerely,
Michael D. Bishop
Senate Majority Leader

February 23, 2009

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold hearings on the appointments of: John D. Hurd and Sarah R. Opperman to the Central Michigan University Board of Control; Alisha M.

Baker and Arthur L. Tebo to the Ferris State University Board of Control; Larry C. Inman, L. Garnet Lewis, and H. Sook Wilkinson to the Northern Michigan University Board of Control; and James F. Hettinger to the Western Michigan University Board of Control. After the hearings are conducted, please submit the written recommendations to the Senate Government Operations and Reform Committee.

Sincerely,
Senator Michael D. Bishop, Chairman
Government Operations and Reform Committee

The communications were referred to the Secretary for record.

The following communication was received and read:
Office of the Auditor General

February 19, 2009

Enclosed is a copy of the following audit report:
Performance audit of the Bureau of Passenger Transportation, Michigan Department of Transportation.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit report was referred to the Committee on Government Operations and Reform.

The following communication was received:
Wayne County Airport Authority

February 13, 2009

Please find enclosed a copy of our 2008 Audited Financial Statements per the requirements of Public Act 90 of 2002. If you have any questions, please contact me at (734) 247-6775.

Sincerely,
Marge Basrai, CPA
Controller

The communication was referred to the Secretary for record.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

February 20, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Treasury and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-018 TY (Secretary of State Filing #09-02-02) on this date at 3:00 p.m. for the Department of Treasury, entitled "State Tax Commission - General Rules."

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

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

The communication was referred to the Secretary for record.

The following communication was received:
Department of Community Health

February 23, 2009

In accordance with Public Act 336 of 1994 (Section 333.2723), the Michigan Department of Community Health is submitting the Michigan Essential Health Provider (MEHP) Recruitment Strategy Report. This report details the progress over the past three fiscal years. It also includes accomplishments since the program's inception in 1991.

If you have any questions, please contact William J. Hart, Jr., at (517) 241-3184.

Sincerely,
Janet Olszewski
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 24:
House Bill Nos. 4096 4276

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, February 25:
House Bill No. 4045

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 26:
House Bill Nos. 4230 4239

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, February 19, and are available at the legislative website:

Senate Bill Nos.	237	238	239	240	241	242	243	244	245	246	247	248	249	250
	251	252	253	254	255	257	258	259	260	261	262	263		
House Bill Nos.	4322	4323	4324	4325	4326	4327	4328	4329	4330	4331	4332	4333	4334	4335
	4336	4337	4338	4339	4340	4341	4342	4343	4344	4345	4346			
House Joint Resolutions		L	M											

The Secretary announced that the following official bills were printed on Friday, February 20, and are available at the legislative website:

Senate Bill Nos.	264	265	266	267	268	269	270	271	272	273	274	275	276	277
	278	279	280	281										
House Bill Nos.	4347	4348	4349	4350	4351	4352	4353	4354	4355	4356	4357	4358	4359	4360
	4361	4362	4363	4364	4365	4366	4367	4368	4369	4370	4371	4372	4373	4374
	4375	4376	4377	4378	4379	4380	4381	4382	4383	4384	4385	4386	4387	4388
	4389	4390	4391	4392	4393									

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, February 25, and are available at the legislative website:

House Bill Nos.	4394	4395	4396	4397	4398	4399	4400	4401	4402	4403	4404	4405	4406	4407
	4408	4409	4410	4411	4412	4413	4414	4415	4416	4417	4418	4419	4420	4421
	4422	4423	4424	4425	4426	4427	4428	4429	4430	4431	4432	4433	4434	4435
	4436	4437	4438	4439	4440	4441	4442	4443	4444	4445	4446	4447	4448	4449
	4450	4451	4452	4453	4454	4455	4456	4457	4458	4459	4460	4461	4462	4463
	4464													
House Joint Resolution														N

The Secretary announced that the following official bills and joint resolution were printed on Thursday, February 26, and are available at the legislative website:

House Bill Nos. 4465 4466 4467
House Joint Resolution O

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

House Bill Nos. 4468 4469 4470 4471 4472 4473 4474 4475 4476 4477 4478 4479

Messages from the Governor

The following message from the Governor was received and read:

February 26, 2009

Pursuant to Section 14 of Article V of the Michigan Constitution of 1963, I write to inform the Senate of the following commutations and a pardon granted during 2008:

Lawrence Drum — Sentenced on January 21, 1992 to a term of ten to 20 years imprisonment for the crime of delivery or manufacture of less than 50 grams of a controlled substance, ten to 20 years imprisonment for the crime of delivery or

manufacture of 50 to 224 grams of a controlled substance, and life imprisonment for the crime of delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on February 15, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Vicki Hoskins — Sentenced on January 8, 1998 and August 21, 1998 to terms of five to 20 years imprisonment for the crime of conspiracy to deliver or manufacture 50 to 224 grams of a controlled substance, five to 20 years imprisonment for the crime of delivery or manufacture of 50 to 224 grams of a controlled substance, and five to 20 years imprisonment for the crime of delivery or manufacture of less than 50 grams of a controlled substance. The commutation was granted on February 15, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Ronald Seeger — Sentenced on June 4, 1994 to a term of ten to 30 years imprisonment for the crime of conspiracy to deliver or manufacture less than 650 grams of a controlled substance. The commutation was granted on May 7, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Sally Smith — Sentenced on February 11, 1993 and February 17, 1993 to terms of one to four years imprisonment for the crime of absconding or forfeiting bond, and life imprisonment for the crime of conspiracy to deliver or manufacture less than 650 grams of a controlled substance. The commutation was granted on May 7, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

James Elkins — Sentenced on March 20, 1986 to a term of 25 to 80 years imprisonment for the crime of assault with intent to commit murder. The commutation was granted on May 8, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Thomas Hunter — Sentenced on December 21, 1994 to two terms of life imprisonment for the crimes of conspiracy to deliver or manufacture and delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on May 15, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Doreen Washington — Sentenced on August 23, 1988 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on May 16, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Fred Rogers — Sentenced on July 1, 1965 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on May 21, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Robert Walker — Sentenced on December 19, 1969 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on May 21, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

David Krzyminski — Sentenced on July 20, 2006 to a term of two years and ten months to ten years imprisonment for the crime of breaking and entering a vehicle with damage to the vehicle. The commutation was granted on May 27, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Krzyminski died on June 1, 2008 at Lakeland Correctional Facility.

Joseph Puertas — Sentenced on December 2, 1999 to six terms of two to 40 years imprisonment for the crime of delivery or manufacture of less than 50 grams of a controlled substance (six counts), and a term of two to 20 years imprisonment for the crime of conducting a criminal enterprise. The commutation was granted on June 3, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Lonnie Render — Sentenced on May 17, 2005 to a term of four to 30 years imprisonment for the crime of second degree home invasion. The commutation was granted on June 17, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Jesus Gallego — Sentenced on September 17, 1993, September 29, 1993, and May 17, 1996 to three terms of life imprisonment for the crimes of conspiracy to deliver or manufacture 650 grams or more of a controlled substance and delivery or manufacture of 650 grams or more of a controlled substance (two counts). The commutation was granted on June 17, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

William Oguin — Sentenced on July 1, 1965 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on June 23, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Robert Darcy — Sentenced on February 1, 1993 to terms of life imprisonment for the crime of conspiracy to possess with intent to deliver more than 650 grams of a controlled substance, one to four years imprisonment for the crime of absconding or forfeiting bond, and two years imprisonment for the crime of possession of a weapon during the commission of a felony. The commutation was granted on June 23, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Nikole Alzoubi — Sentenced on May 1, 2006 to terms of three to 15 years imprisonment for the crime of stealing and retaining a financial transaction device without consent (fourth offense), and three to 30 years imprisonment for the crime of forgery (fourth offense). The commutation was granted on June 23, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Ms. Alzoubi died on July 2, 2008.

Bobbie Perry — Sentenced on March 30, 1984 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on June 30, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Keith Weiner — Sentenced on September 9, 1977 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on July 15, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Ellsworth White — Sentenced on November 6, 1972 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on July 15, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. White died on November 25, 2008.

Andres Colmines — Sentenced on June 9, 1994 to a term of life imprisonment for the crime of possession with intent to deliver over 650 grams of a controlled substance. The commutation was granted on July 18, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Kylleen Hargrave-Thomas — Sentenced on November 30, 1993 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on July 24, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Toni Bunton — Sentenced on December 6, 1991 to four terms of 25 to 50 years imprisonment for the crimes of second degree murder, assault with intent to do great bodily harm less than murder, and armed robbery (two counts). The commutation was granted on July 28, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

David Vanauker — Sentenced on July 17, 1989 to a term of 30 to 50 years imprisonment for the crime of breaking and entering. The commutation was granted on July 31, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

John Ulmer — Sentenced on October 26, 1973 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on July 31, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Joseph Page — Sentenced on January 7, 1963 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on August 5, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Byron Erby — Sentenced on January 13, 1992 to a term of 20 to 40 years imprisonment for the crime of assault with intent to commit murder. The commutation was granted on August 22, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Melvina Smith — Sentenced on November 29, 1993 to two terms of life imprisonment for the crimes of conspiracy to deliver 650 grams or more of a controlled substance and delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on September 11, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Enrique Bringuez — Sentenced on October 30, 1989 to two terms of life imprisonment for the crimes of conspiracy to possess with the intent to deliver and possession with the intent to deliver over 650 grams of a controlled substance. The commutation was granted on September 15, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

John Maxson Collard — Sentenced on July 9, 2007 to a term of two to five years imprisonment for the crime of receiving and concealing stolen property. The commutation was granted on September 15, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Edward Green — Sentenced on February 11, 2008 to a term of four to 20 years imprisonment for the crime of extortion. The commutation was granted on September 26, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Minnie Boose — Sentenced on January 9, 1980 to two terms of life imprisonment for the crimes of first degree murder and conspiracy to commit first degree murder. The commutation was granted on October 2, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Paula Campbell — Sentenced on May 7, 1976 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 2, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Joseph Kozlow — Sentenced on December 1, 1969 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 7, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Charles Mack Young — Sentenced on October 22, 1976 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 10, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Young died on November 7, 2008.

Ibis Lazo — Sentenced on December 11, 1989 to two terms of life imprisonment for the crimes of conspiracy to possess with the intent to deliver or manufacture 650 grams or more of a controlled substance and possession with the intent to deliver or manufacture 650 grams or more of a controlled substance. The commutation was granted on October 14, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

George Alford — Sentenced on October 27, 2005 to terms of four years and one month to 20 years imprisonment for the crime of possession with intent to deliver or manufacture methamphetamines, and four years and one month to

20 years imprisonment for the crime of delivery or manufacture of less than 50 grams of a controlled substance. The commutation was granted on October 14, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Dante Ferrazza — Sentenced on June 16, 1967 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 14, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

King Gross — Sentenced on June 23, 1995 to terms of two to 20 years imprisonment for the crime of delivery or manufacture of 50 to 224 grams of a controlled substance, three to 30 years imprisonment for the crime of delivery or manufacture of 225 to 649 grams of a controlled substance, and three to 20 years imprisonment for the crime of delivery or manufacture of 50 to 224 grams of a controlled substance. The commutation was granted on October 17, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Jimmy Mass — Sentenced on October 4, 2001 to terms of ten to 20 years imprisonment for the crime of conspiracy to deliver or manufacture 25 to 49 grams of a controlled substance, and 20 to 30 years imprisonment for the crime of delivery or manufacture of 225 to 649 grams of a controlled substance. The commutation was granted on October 28, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Miguel Zarate — Sentenced on March 4, 2002 to terms of 20 to 30 years imprisonment for the crime of possession with the intent to deliver or manufacture 650 grams or more of a controlled substance, ten to 20 years imprisonment for the crime of possession with the intent to deliver or manufacture 225 to 649 grams of a controlled substance, and ten to 20 years imprisonment for the crime of possession with the intent to deliver or manufacture 50 to 224 grams of a controlled substance. The commutation was granted on November 13, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Mohamed A. Musleh — Sentenced on May 17, 1996 to three terms of six to 20 years imprisonment for the crime of possession of 50 to 224 grams of a controlled substance (three counts). The commutation was granted on December 1, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Orland Robinson — Sentenced on October 13, 1995 to a term of 20 to 50 years imprisonment for the crime of second degree murder. The commutation was granted on December 1, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Michael Chegwiddden — Sentenced on September 8, 1995 to terms of 15 to 22 years imprisonment for the crime of unarmed robbery, and 18 to 30 years imprisonment for the crime of first degree home invasion. The commutation was granted on December 1, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Mark Johnson — Sentenced on October 2, 1991 to a term of life imprisonment for the crime of conspiracy to deliver or manufacture 650 grams or more of a controlled substance. The commutation was granted on December 19, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

James Connelly — Sentenced on May 29, 1992 and December 17, 1992 to terms of six to 15 years imprisonment for the crime of unarmed robbery, and 20 to 30 years imprisonment for the crime of breaking and entering a building with intent. The commutation was granted on December 19, 2008 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Maimoona Hakim Husain — Sentenced on December 14, 1989 to a term of five years probation and payment of costs and restitution for the crimes of conspiracy to defraud Medicaid and conspiracy to deliver a schedule III controlled substance. The pardon was granted on September 15, 2008 and was based on the affirmative recommendation of the Michigan Parole Board.

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on February 27, 2009, and read:

EXECUTIVE ORDER
No. 2009-6

**Department of Agriculture
Department of Energy, Labor, and Economic Growth**

Executive Reorganization

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

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible to take care that the laws be faithfully executed;

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

WHEREAS, Executive Order 2008-20 created the Department of Energy, Labor, and Economic Growth and transferred, among other things, authority over the development, production, delivery, promotion, and use of biofuels from the Department of Agriculture to the Department of Energy, Labor, and Economic Growth;

WHEREAS, after Executive Order 2008-20 was issued, but before the Order took effect, 2008 PA 313 was enacted, requiring the Director of the Department of Agriculture to, among other things, establish purity and quality standards for biodiesel or biodiesel blend fuels sold or offered for sale in this state;

WHEREAS, consistency with the intent of Executive Order 2008-20 requires that the authority to establish purity and quality standards for biodiesel or biodiesel blend fuels be transferred from the Department of Energy, Labor, and Economic Growth to the Department of Agriculture;

WHEREAS, Section 460 of the Michigan Business Act, 2007 PA 36, MCL 208.1460, as added by 2008 PA 335, authorizes the Michigan Strategic Fund to reduce or terminate a credit claimed by a taxpayer for the installation of delivery systems to provide E85 fuel or qualified biodiesel blends, notwithstanding that the Department of Energy, Labor, and Economic Growth administers the state's grant program for the installation of these delivery systems, and is authorized by Section 460 to certify the credits to be claimed by a taxpayer for the installation of these delivery systems;

WHEREAS, consistency with the intent of Executive Order 2008-20 requires that the authority to reduce or terminate a credit claimed by a taxpayer for the installation of delivery systems to provide E85 fuel or qualified biodiesel blends be transferred from the Michigan Strategic Fund to the Department of Energy, Labor, and Economic Growth;

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

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

I. DEFINITIONS

As used in this Order:

A. "Biofuel" means any renewable liquid or gas fuel offered for sale as a fuel that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol, ethanol-blended fuel, biodiesel, and biodiesel blends.

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

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

D. "Michigan Strategic Fund" means the public body corporate and politic created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005.

E. "Type II transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFERS TO THE DEPARTMENT OF AGRICULTURE

A. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including, but not limited to, the functions of budgeting and procurement, of the Department of Energy, Labor, and Economic Growth related to establishing purity and quality standards for biofuels sold in Michigan under the Motor Fuels Quality Act, 1984 PA 44, MCL 290.641 to MCL 290.650, are transferred by Type II transfer from the Department of Energy, Labor, and Economic Growth to the Department of Agriculture.

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

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

D. The Director of the Department of Agriculture may delegate within the Department a duty or power conferred on the Director of the Department by this Order or by other law and the individual to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the power is delegated by the Director.

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

III. TRANSFERS TO THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

A. The authority, powers, duties, functions, and responsibilities of the Michigan Strategic Fund under Section 460 of the Michigan Business Tax Act, 2007 PA 36, MCL 208.1460, as added by 2008 PA 335, are transferred by Type II transfer from the Michigan Strategic Fund to the Department of Energy, Labor, and Economic Growth.

B. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of the transfers to the Department of Energy, Labor, and Economic Growth under this Order and shall make internal organization changes as necessary to effectuate the transfers.

C. The authority, powers, duties, functions, and responsibilities transferred to the Department of Energy, Labor, and Economic Growth under this Order shall be administered in such ways as to promote efficient administration.

D. The Director of the Department of Energy, Labor, and Economic Growth may delegate within the Department a duty or power conferred on the Director of the Department by this Order or by other law and the individual to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the power is delegated by the Director.

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

IV. MISCELLANEOUS

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

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 3, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of February, in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following messages from the Governor were received and read:

February 19, 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 1 of 1963 (2nd Ex. Sess.) PA 48, MCL 390.551:

Western Michigan University Board of Control

Mr. James F. Hettinger of 1712 North Darling Lane, Fennville, Michigan 49408, county of Allegan, succeeding Daniel Pero, whose term has expired, appointed for a term commencing February 19, 2009 and expiring December 31, 2016.

February 23, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005:

Michigan Strategic Fund Board of Directors

Mr. Mitchell A. Mondry of 1056 West Glengarry Circle, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Jayprakash Shah, whose term has expired, representing persons within the private sector with experience in private equity or venture capital investments, commercial lending, or commercialization of technology, for a term commencing February 23, 2009 and expiring December 31, 2011.

Mr. James G. Petcoff of 968 Arlington Street, Birmingham, Michigan 48009, county of Oakland, succeeding Jeffrey Leithauser, whose term has expired, appointed as a nominee of the Speaker of the House of Representatives, representing

persons within the private sector with experience in private equity or venture capital investments, commercial lending, or commercialization of technology, for a term commencing February 23, 2009 and expiring December 31, 2012.

Mr. Paul E. Hodges, III, of 5339 Trillium Court, Orchard Lake, Michigan 48323, county of Oakland, reappointed as a nominee of the Senate Majority Leader, representing persons within the private sector with experience in private equity or venture capital investments, commercial lending, or commercialization of technology, for a term expiring December 31, 2012.

February 24, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office pursuant to Executive Order 2001-5, MCL 28.621 and Executive Order 2008-19:

Michigan Commission on Law Enforcement Standards

Mr. Frederick F. Timpner of 28811 Glenbrook Drive, Farmington Hills, Michigan 48331, county of Oakland, appointed to represent individuals nominated by the Michigan Association of Police, for a term commencing February 24, 2009 and expiring November 1, 2009.

Mr. Richard R. Weiler of 2521 Foxhill Drive, Sterling Heights, Michigan 48310, county of Macomb, appointed to represent individuals nominated by the Police Officers Labor Council of Michigan, for a term commencing February 24, 2009 and expiring November 1, 2010.

Mr. Martin G. Bandemer of 18458 Sabine Drive, Macomb Township, Michigan 48042, county of Macomb, reappointed to represent individuals nominated by a police association representing police officers employed by a police agency employing more than 15 percent of the police officers in this state, for a term expiring November 1, 2012.

Mr. James W. DeVries of 14279 Rockwood Lane, Grand Haven, Michigan 49417, county of Ottawa, reappointed to represent individuals nominated by the Police Officers Association of Michigan, for a term expiring November 1, 2012.

Mr. Kurt R. Jones of 215 Dresser Street, Cheboygan, Michigan 49721, county of Cheboygan, reappointed to represent individuals nominated by the Michigan Association of Chiefs of Police, for a term expiring November 1, 2012.

Mr. Robert J. Pickell of 727 Shady Brook Lane, Flushing, Michigan 48433, county of Genesee, reappointed to represent elected county sheriffs nominated by the Michigan Sheriffs' Association, for a term expiring November 1, 2012.

February 25, 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 3 of the Firefighters Training Council Act of 1966, 1966 PA 291, MCL 29.363:

Firefighters Training Council

Mr. Michael G. Deprez of 43791 St. Julian Court, Sterling Heights, Michigan 48314, county of Macomb, succeeding David J. Purchase, whose term has expired, appointed from a list submitted by the Michigan Association of Fire Chiefs, for a term commencing February 25, 2009 and expiring December 31, 2011.

February 25, 20089

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 2 of 1885 PA 70, MCL 390.352 and Section 1 of 1963 (2nd Ex Sess.) PA 21, MCL 390.861:

Michigan Technological University Board of Control

Mr. Paul G. Ollila of 15236 Algomah Street, Painesdale, Michigan 49955, county of Houghton, succeeding Rodger Kershner, whose term has expired, appointed for a term commencing February 25, 2009 and expiring December 31, 2016.

February 25, 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 pursuant to Section 2 of 1968 PA 1, MCL 10.72:

Michigan Women's Commission

Mr. Thomas Wilson of 4045 23rd Street, Wyandotte, Michigan 48912, county of Wayne, succeeding Rosa Morales, who has resigned, appointed for a term commencing February 24, 2009 and expiring July 15, 2011.

February 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 4 of the Michigan Exposition and Fairgrounds Authority Act, 1978 PA 361, MCL 285.164:

State Exposition and Fairgrounds Authority Manager

Mr. Robert G. Porter of 855 Marshfield Street, Ferndale, Michigan 48220, county of Oakland, succeeding Steven R. Jenkins, who has resigned, appointed for a term commencing March 2, 2009 and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

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

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 Kuipers 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. 21, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 413 (MCL 168.413), as amended by 1999 PA 218.

Substitute (S-1).

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

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

Senate Bill No. 22, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 467b (MCL 168.467b), as amended by 1999 PA 218.

Substitute (S-1).

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

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

Senate Bill No. 23, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 433 (MCL 168.433), as amended by 1999 PA 218.

Substitute (S-1).

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

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

Senate Bill No. 24, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 426d (MCL 168.426d), as amended by 1999 PA 218.

Substitute (S-1).

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

During the Committee of the Whole, Senator Basham entered the Senate Chamber.

Resolutions

Senators Patterson, Richardville, Brown, Cropsey and Sanborn offered the following resolution:

Senate Resolution No. 17.

A resolution to affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government.

Whereas, The Tenth Amendment provides that powers not granted to the federal government nor prohibited to the states are reserved to the states and to the people. The Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states. Currently, the states are treated as agents of the federal government; and

Whereas, Many federal mandates are directly in violation of the Tenth Amendment. The United States Supreme Court has ruled that the United States Congress may not commandeer the legislative and regulatory processes of the states. By this resolution Michigan claims sovereignty under the Tenth Amendment over all powers not granted to the federal government under the United States Constitution; and

Whereas, All government agencies and their agents and employees operating within the geographic boundaries of the state of Michigan, or whose actions have an effect on the inhabitants, lands, or water of Michigan, shall operate within the confines of the original intent of the Constitution of the United States or be subject to penalty of law as provided for now or in the future within the Constitution of the state of Michigan, the Michigan statutes, or the common law. This resolution serves as notice and demand to the federal government, as Michigan's agent, to cease and desist immediately all mandates that are beyond the scope of the federal government's constitutionally delegated powers; now, therefore, be it

Resolved by the Senate, That we affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Allen, Barcia, Gleason, Kuipers and Pappageorge were named co-sponsors of the resolution.

Senators Patterson, Richardville, Brown, Cropsey and Sanborn offered the following concurrent resolution:

Senate Concurrent Resolution No. 4.

A concurrent resolution to affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government.

Whereas, The Tenth Amendment provides that powers not granted to the federal government nor prohibited to the states are reserved to the states and to the people. The Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states. Currently, the states are treated as agents of the federal government; and

Whereas, Many federal mandates are directly in violation of the Tenth Amendment. The United States Supreme Court has ruled that the United States Congress may not commandeer the legislative and regulatory processes of the states. By this resolution Michigan claims sovereignty under the Tenth Amendment over all powers not granted to the federal government under the United States Constitution; and

Whereas, All government agencies and their agents and employees operating within the geographic boundaries of the state of Michigan, or whose actions have an effect on the inhabitants, lands, or water of Michigan, shall operate within the confines of the original intent of the Constitution of the United States or be subject to penalty of law as provided for now or in the future within the Constitution of the state of Michigan, the Michigan statutes, or the common law. This resolution serves as notice and demand to the federal government, as Michigan's agent, to cease and desist immediately all mandates that are beyond the scope of the federal government's constitutionally delegated powers; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Allen, Barcia, Gleason, Kuipers and Pappageorge were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 8.

A concurrent resolution to request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested cormorants.

Whereas, The double-crested cormorants are dramatically depleting the public and private fishing industry throughout the Great Lakes and on inland lakes and streams. The destruction of the fisheries population is causing havoc to our recreational, tourist, and commercial industries; and

Whereas, The cormorants are also causing tree and vegetation destruction at an accelerated rate. The destruction is not limited to natural resources, but includes bridge and lighthouse deterioration. Public swimming beaches are being closed due to cormorant feces which poses a public health hazard in addition to its excessive and unpleasant odor; and

Whereas, The increase of the double-crested cormorant population has caused significant devastation to Michigan's Les Cheneaux Islands, destroying vegetation and depleting the yellow perch population. The cormorant population increase is being reversed through the U.S. Department of Agriculture Wildlife Services reduction program which includes egg oiling. This program has led to improved fish reproduction and improvements in the fish populations; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested Cormorants; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the U.S. Fish and Wildlife Service, the United States Department of Agriculture Wildlife Services Division, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Barcia, Gleason, Prusi and Richardville were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 3.

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

(For text of resolution, see Senate Journal No. 11, p. 188.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Jelinek's statement is as follows:

Just last week, I received yet another letter from a small business owner in my district that showed the detrimental effects the MBT is having on their bottom line. The owners and veterinarians of the Dowagiac Animal Hospital just received their 2008 tax information and discovered their tax burden had gone from \$12,800 under the old SBT to \$36,000 under the new MBT. That is a difference of almost \$24,000 in one year. The letter goes on to state and I quote: "It is no wonder so many businesses in our corner of the state are moving out." Who can blame them?

The MBT is not perfect, but we have done what we can to remove erroneous burdens, such as passing legislation to remove the surcharge. Unfortunately, our colleagues in the other chamber do not seem to care about the burdens our small business owners are facing. They don't see that passing this important legislation would prevent more companies from closing or laying off workers.

That is why I have risen to implore the leadership and members of the House to vote immediately to repeal the MBT surcharge. For the sake of Michigan small business owners, for the sake of Michigan's economy, and for the sake of doing what is right, please pass Senate Bill No. 1 today.

Senator Scott's statement is as follows:

I offer up today yet another wise African proverb. This one says, "When you pray, move your feet." What that means is that it isn't enough just to sit around and wish for what you want. You've got to match your words with actions. You've got to move your feet.

I stand here every session day and ask for support of my mission. The words I've spoken from this spot over the past four years could probably now fill a book, but talking isn't all I'm doing. I am out advocating for fairness in insurance rates everywhere I go—to every group I speak to, to every media outlet, and every political and industry leader I know.

I continue to point out the unfairness of the current system. I recount the many, many complaints I receive from drivers trapped between a legal requirement and unaffordability. I define for them the bias inherent in the rating system today.

I am moving my feet on insurance, and I continue to pray that you will heed my call, move your feet, and, most importantly, move my bills.

Senator Patterson's statement is as follows:

I rise today not just in my capacity as a Senator, but as the chair of the Senate energy policy committee. As many, perhaps most, of you know, it is 2009. Over 30 years ago, August 4, 1977, the Carter Administration established the Department of Energy. Today, the budget for this essential department is at \$24.2 billion a year. The department employs 16,000 federal employees and approximately 100,000 contract employees, and they perform the essential duty for which it was originally created: to lessen our dependence on foreign oil.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Sanborn, Gilbert, Jansen, Pappageorge, Jelinek, Kuipers, Hardiman and Birkholz introduced

Senate Bill No. 282, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2008 PA 198.

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

Senators Jelinek, Jansen, Richardville, Pappageorge, Van Woerkom, Kahn, Hardiman and Brown introduced

Senate Bill No. 283, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 2003 PA 274.

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

Senator Van Woerkom introduced

Senate Bill No. 284, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2008 PA 22.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

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

Senate Bill No. 285, 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 4 (MCL 207.554), as amended by 2004 PA 437.

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

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

Senate Bill No. 286, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 13 (MCL 247.913) and by adding section 9a.

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

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

Senate Bill No. 287, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 8 and 10 (MCL 207.808 and 207.810), section 8 as amended by 2008 PA 257 and section 10 as amended by 2006 PA 283.

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

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

Senate Bill No. 288, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 264 (MCL 18.1264), as added by 1988 PA 504, and by adding section 264a.

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

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

Senate Bill No. 289, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 241a (MCL 18.1241a), as added by 1988 PA 504.

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

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

Senate Bill No. 290, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 15 (MCL 125.2665), as amended by 2007 PA 201.

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

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

Senate Bill No. 291, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 241c.

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

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

Senate Bill No. 292, entitled

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act of 1963," (MCL 125.1251 to 125.1267) by adding section 5a.

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

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

Senate Bill No. 293, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 15 and 16 (MCL 125.2695 and 125.2696), and by adding sections 8g and 8h.

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

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

Senate Bill No. 294, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 11 (MCL 125.2011), as amended by 1987 PA 278.

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

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

Senate Bill No. 295, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788), as amended by 2006 PA 667.

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

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

Senate Bill No. 296, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

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

Senator Scott introduced

Senate Bill No. 297, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senator Clark-Coleman introduced

Senate Bill No. 298, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senator Cherry introduced
Senate Bill No. 299, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

Senator Brater introduced
Senate Bill No. 300, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senator Switalski introduced
Senate Bill No. 301, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Senator Scott introduced
Senate Bill No. 302, entitled

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Senator Switalski introduced
Senate Bill No. 303, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Anderson introduced
Senate Bill No. 304, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Senator Switalski introduced
Senate Bill No. 305, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senator Switalski introduced
Senate Bill No. 306, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Senator Brater introduced
Senate Bill No. 307, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senator Barcia introduced
Senate Bill No. 308, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Senator Brater introduced
Senate Bill No. 309, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Switalski introduced
Senate Bill No. 310, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 11, 11a, 11g, 11j, 11k, 11m, 11n, 15, 18, 20, 20d, 20j, 22a, 22b, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32d, 32l, 32n, 39, 39a, 51a, 51c, 51d, 53a, 54, 54a, 56, 61a, 62, 64, 74, 81, 94a, 98, 99, 101, 104, 107, 147, and 164c (MCL 388.1603, 388.1606, 388.1608b, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1611n, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1629, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632l, 388.1632n, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1661a, 388.1662, 388.1664, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704, 388.1707, 388.1747, and 388.1764c), sections 3, 6, 11, 11a, 11g, 11j, 11k, 11m, 15, 18, 20, 20d, 20j, 22a, 22b, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32d, 32l, 39, 39a, 51a, 51c, 51d, 53a, 54, 54a, 56, 61a, 62, 64, 74, 81, 94a, 98, 99, 104, 107, 147, and 164c as amended and section 11n as added by 2008 PA 268, section 8b as amended by 2007 PA 92, section 32n as added by 2007 PA 137, and section 101 as amended by 2006 PA 342; 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 Appropriations.

Senator Barcia introduced

Senate Bill No. 311, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

Senator Anderson introduced

Senate Bill No. 312, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2010; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; 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 Pappageorge introduced

Senate Bill No. 313, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241 (MCL 18.1241), as amended by 1999 PA 8.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senator Gleason introduced

Senate Bill No. 314, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17769.

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

Senator Gleason introduced

Senate Bill No. 315, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

Senator Gleason introduced

Senate Bill No. 316, entitled

A bill to amend 1988 PA 426, entitled "An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings," by amending sections 1 and 2 (MCL 287.321 and 287.322).

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

Senator Gleason introduced

Senate Bill No. 317, 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.

Senator Gleason introduced

Senate Bill No. 318, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17769.

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

Senators Pappageorge, Stamas, Allen, Birkholz, Kahn, Richardville, Patterson and Kuipers introduced
Senate Bill No. 319, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

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

House Bill No. 4045, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2008 PA 284.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4096, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending sections 1, 2, and 4 (MCL 780.651, 780.652, and 780.654), section 1 as amended by 2003 PA 185 and section 4 as amended by 2002 PA 112.

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

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

House Bill No. 4230, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2007 PA 154.

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

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

House Bill No. 4239, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 11 and 19a (MCL 421.11 and 421.19a), section 11 as amended by 2005 PA 182 and section 19a as amended by 1983 PA 247.

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

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

House Bill No. 4276, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2919) by adding section 1807a.

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

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Committee Reports

The Committee on Energy Policy and Public Utilities reported

Senate Bill No. 190, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 10 (MCL 484.3310).

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Brown, Birkholz, Kuipers, Richardville, Olshove and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 19, 2009, at 1:00 p.m., Room 210, Farnum Building

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

Absent: Senator Thomas

The Committee on Economic Development and Regulatory Reform reported

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.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, February 18, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senators Thomas and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, February 19, 2009, at 11:11 a.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, February 19, 2009, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis and Whitmer

Excused: Senator Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, February 19, 2009, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Pappageorge (C), Jansen and Anderson

Excused: Senators McManus and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, February 19, 2009, at 3:00 p.m., Room 405, Capitol Building

Present: Senators Garcia (C) and Barcia

Excused: Senator Cropsey

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
 Meeting held on Tuesday, February 24, 2009, at 10:00 a.m., Rooms 402 and 403, Capitol Building
 Present: Senators Garcia (C) and Cropsey
 Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:
 Meeting held on Wednesday, February 25, 2009, at 10:00 a.m., Room 110, Farnum Building
 Present: Senators Pappageorge (C), Jansen and Anderson
 Excused: Senators McManus and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:
 Meeting held on Friday, February 27, 2009, at 10:30 a.m., Kent County Commission Chambers, Room 310,
 300 Monroe Avenue NW, Grand Rapids
 Present: Senators Hardiman (C), Cropsey and Anderson

Scheduled Meetings

Appropriations -

Subcommittees -

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

Capital Outlay - Thursday, March 5, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

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

General Government - Thursdays, March 5, March 12 and March 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

Higher Education - Thursday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building and Wednesday, April 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

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

Human Services Department - Tuesday, March 10, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary and Corrections - Thursday, March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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

Transportation Department - Wednesdays, March 4, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Transportation Department and Commerce and Tourism - Thursday, March 5, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Commerce and Tourism - Wednesday, March 4, 8:30 a.m., Room 100, Farnum Building (373-2413)

Commerce and Tourism and Department of Transportation Appropriations Subcommittee - Thursday, March 5, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2413)

Energy Policy and Public Utilities - Thursday, March 5, 1:00 p.m., Room 210, Farnum Building (373-7350)

Health Policy - Wednesday, March 4, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Natural Resources and Environmental Affairs - Wednesday, March 4, 1:00 p.m., Room 110, Farnum Building (373-3447) (CANCELED)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:40 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, March 4, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

