

**No. 104**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

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Senate Chamber, Lansing, Thursday, December 17, 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  
Nofs—present

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

Senator Hansen Clarke of the 1st District offered the following invocation:  
Blessed is the nation whose God is the Lord. Amen.

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

### Motions and Communications

Senators McManus, Kahn, Van Woerkom, Gilbert, Basham, George, Pappageorge, Gleason and Birkholz entered the Senate Chamber.

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

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

**House Bill No. 5501**

**House Bill No. 5502**

**House Bill No. 5503**

**House Bill No. 5504**

**House Bill No. 5469**

**House Bill No. 5584**

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

Senator Cropsey moved that the Committee on Energy Policy and Public Utilities be discharged from further consideration of the following bill:

**House Bill No. 5375, entitled**

A bill to provide for loans, grants, and other assistance for energy efficiency and renewable energy projects; to create a restricted fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

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

**House Bill No. 5375**

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

Senator Cropsey moved that the following bills, now on the order of Third Reading of Bills, be referred to the Committee on Energy Policy and Public Utilities:

**House Bill No. 4656, 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," (MCL 460.1 to 460.11) by adding section 9p.

**House Bill No. 4659, 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;" (MCL 460.1 to 460.11) by adding section 9q.

The motion prevailed.

Senator Cropsey moved that the following bill, now on the order of General Orders, be referred to the Committee on Energy Policy and Public Utilities:

**House Bill No. 4649, entitled**

A bill to amend 1984 PA 34, entitled "Michigan low income heating assistance and shut-off protection act," by amending section 7 (MCL 400.1207).

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 10:

**House Bill Nos. 4677 4678 4885 4886 5220 5329 5404 5593 5596 5621 5626 5645**

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 16:

**House Bill Nos. 5009 5010 5176 5177 5178**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, December 11, for her approval the following bills:

**Enrolled Senate Bill No. 89 at 10:22 a.m.**

**Enrolled Senate Bill No. 91 at 10:24 a.m.**

**Enrolled Senate Bill No. 935 at 10:26 a.m.**

**Enrolled Senate Bill No. 163 at 10:28 a.m.**

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, December 10, and are available at the legislative website:

**Senate Bill Nos. 1012 1013**

**House Bill Nos. 5668 5669 5670 5671 5672 5673 5674 5675 5676 5677**

**House Joint Resolutions PP QQ**

The Secretary announced that the following official bills were printed on Friday, December 11, and are available at the legislative website:

**Senate Bill Nos. 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027  
1028 1029 1030**

**House Bill Nos. 5678 5679 5680 5681 5682 5683 5684 5685 5686 5687 5688 5689 5690 5691  
5692 5693 5694 5695 5696 5697**

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

**House Bill Nos. 5698 5699 5700**

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 41**

**Senate Resolution No. 75****Senate Resolution No. 88****Senate Concurrent Resolution No. 24**

The motion prevailed.

Senator Scott offered the following resolution:

**Senate Resolution No. 101.**

A resolution in memory of the Honorable Erma Henderson, president emeritus of the Detroit City Council, the first African-American woman elected president of the Detroit City Council, and the only person to have served as president for three consecutive terms.

Whereas, Erma Henderson was born in 1917 and raised in Black Bottom of Detroit. As a child, she joined Calvary Baptist Church. By the age of 14, she was singing solos, teaching Sunday School, and running health programs for the church. Later, Mrs. Henderson transitioned to the Unity Church, and in 1974, she became an ordained minister in Ryan's Divine Temple of Mental Science; and

Whereas, At age 21, Mrs. Henderson was elected precinct delegate in the Republican Party. Later, inspired by the union movement, she allied with the Democratic Party and the Progressive Party in 1943; and

Whereas, Mrs. Henderson founded the Women's Conference of Concerns, representing 250,000 women at its peak, with the objective to take a stance on women's rights. She was head of the Equal Justice Council, a group that revealed gender- and race-based discrepancies in judicial sentencing. Mrs. Henderson organized Women in Municipal Government in Michigan, uniting women in city governments across the country; and

Whereas, On November 27, 1972, Mrs. Henderson was sworn into the Detroit City Council and served for 16 years. In 1975, she became the first African-American woman to be elected Detroit City Council president and the only person to have held that position for three consecutive terms; and

Whereas, In 1975, Mrs. Henderson organized the Michigan Statewide Coalition Against Redlining, which is credited for the state's anti-redlining law. In July of 1982, she held an unprecedented four-day international trade conference for the Michigan Chapter of the Continental African Chamber of Commerce, bringing together ambassadors and ministers of finance from 23 African nations to effectuate trade packages; and

Whereas, Mrs. Henderson devoted her life to social activism, racial and cultural inclusion, democratic ideals, and spiritual principles. During her political career, Mrs. Henderson consistently focused on issues regarding peace and human rights, particularly equal rights for women; and

Whereas, Mrs. Henderson met Paul Robeson and Albert Einstein, led the battle against insurance redlining in the city of Detroit, and traveled to Cape Town, South Africa, for the ordination of Archbishop Desmond Tutu; and

Whereas, Mrs. Henderson shared her experiences through her book *Down Through the Years*. After losing her sight in 1993, Mrs. Henderson retained her focus on writing books and letting others know that the power of God lives inside them; now, therefore, be it

Resolved by the Senate, That we hereby offer our words of praise as a memorial for Detroit City Council President Emeritus Erma Henderson; and be it further

Resolved, That copies of this resolution be transmitted to the city of Detroit and the family of Erma Henderson, that they may find comfort in their faith and their memories of this fine woman and her distinguished life.

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 resolution was adopted by a unanimous standing vote of the Senate.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

A moment of silence was observed in memory of former Detroit City Council President Erma Henderson.

**Senate Concurrent Resolution No. 28.**

A concurrent resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

(For text of resolution, see Senate Journal No. 99, p. 2310.)

The House of Representatives has adopted the concurrent resolution and named Reps. Agema, Ball, Booher, Terry Brown, Byrum, Caul, Constan, Crawford, Cushingberry, Daley, Dean, Durhal, Espinoza, Geiss, Genetski, Haines, Hansen, Haugh, Haveman, Horn, Robert Jones, Kennedy, LeBlanc, Lemmons, Liss, Lori, Marleau, McDowell, Meekhof, Moore, Opsommer, Pavlov, Polidori, Proos, Rocca, Rogers, Sheltroun, Smith, Spade, Stamas, Stanley, Valentine, Meltzer, Schuitmaker and Warren as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of  
**Messages from the Governor**

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

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

**Senate Bill No. 254**

**Senate Bill No. 237**

**Senate Bill No. 243**

**Senate Bill No. 245**

**Senate Bill No. 248**

The motion prevailed.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
 The motion prevailed, the time being 10:15 a.m.

12:02 p.m.

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

During the recess, Senator Hunter entered the Senate Chamber.

The following messages from the Governor were received:

Date: December 10, 2009

Time: 9:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 671 (Public Act No. 157), being**

An act to amend 2007 PA 36, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," by amending section 267 (MCL 208.1267).

(Filed with the Secretary of State on December 10, 2009, at 10:18 a.m.)

Date: December 11, 2009

Time: 12:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 935 (Public Act No. 158), being**

An act to authorize the county board of commissioners of any county in this state to establish a farmers market or flea market; and to prescribe the powers and duties of certain local officers and officials.

(Filed with the Secretary of State on December 11, 2009, at 1:12 p.m.)

Date: December 11, 2009

Time: 3:58 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 493 (Public Act No. 160), being**

An act to amend 2007 PA 36, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and

financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 431c (MCL 208.1431c), as added by 2008 PA 88.

(Filed with the Secretary of State on December 14, 2009, at 9:52 a.m.)

Date: December 11, 2009

Time: 4:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 358 (Public Act No. 161), being**

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending section 12a (MCL 125.2162a), as amended by 2008 PA 105.

(Filed with the Secretary of State on December 14, 2009, at 9:54 a.m.)

Date: December 11, 2009

Time: 4:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 428 (Public Act No. 162), being**

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending sections 2, 3, 12, and 12a (MCL 125.2152, 125.2153, 125.2162, and 125.2162a), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 12a as amended by 2008 PA 105, and by adding section 12c.

(Filed with the Secretary of State on December 14, 2009, at 9:56 a.m.)

Date: December 11, 2009

Time: 4:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 674 (Public Act No. 163), being**

An act to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 7 (MCL 124.287), as amended by 2002 PA 241.

(Filed with the Secretary of State on December 14, 2009, at 9:58 a.m.)

Date: December 11, 2009

Time: 4:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 675 (Public Act No. 164), being**

An act to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management

systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 1 (MCL 124.281), as amended by 1981 PA 154.

(Filed with the Secretary of State on December 14, 2009, at 10:00 a.m.)

Date: December 11, 2009

Time: 4:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 676 (Public Act No. 165), being**

An act to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 124.290), as amended by 1981 PA 154.

(Filed with the Secretary of State on December 14, 2009, at 10:02 a.m.)

Date: December 11, 2009

Time: 4:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 677 (Public Act No. 166), being**

An act to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 8 (MCL 124.288), as amended by 1981 PA 154.

(Filed with the Secretary of State on December 14, 2009, at 10:04 a.m.)

Date: December 11, 2009

Time: 4:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 678 (Public Act No. 167), being**

An act to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 4d (MCL 124.284d), as added by 1985 PA 178.

(Filed with the Secretary of State on December 14, 2009, at 10:06 a.m.)

Date: December 11, 2009

Time: 4:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 679 (Public Act No. 168), being**

An act to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 4e (MCL 124.284e), as added by 1985 PA 178.

(Filed with the Secretary of State on December 14, 2009, at 10:08 a.m.)

Date: December 11, 2009

Time: 4:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 433 (Public Act No. 169), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 724 (MCL 257.724), as amended by 2005 PA 179.

(Filed with the Secretary of State on December 14, 2009, at 10:10 a.m.)

Date: December 14, 2009

Time: 4:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 553 (Public Act No. 170), being**

An act to amend 1984 PA 34, entitled “An act to establish a low income heating assistance and shut-off protection program; to promote conservation of home heating energy; to coordinate weatherization programs; and to prescribe certain duties of certain state agencies,” by amending section 7 (MCL 400.1207).

(Filed with the Secretary of State on December 15, 2009, at 8:57 a.m.)

Date: December 14, 2009

Time: 4:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 557 (Public Act No. 172), being**

An act 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,” (MCL 460.1 to 460.11) by adding section 9p.

(Filed with the Secretary of State on December 15, 2009, at 9:01 a.m.)

Date: December 14, 2009

Time: 4:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 554 (Public Act No. 171), being**

An act 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,” (MCL 460.1 to 460.11) by adding section 9q.

(Filed with the Secretary of State on December 15, 2009, at 8:59 a.m.)

Date: December 15, 2009

Time: 2:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 204 (Public Act No. 177), being**

An act to amend 1985 PA 148, entitled “An act to provide for a lien on personal property stored at a self-service storage facility or self-contained storage unit in favor of the owner of the facility or self-contained storage unit; to limit the liability of self-service storage facility and self-contained storage unit owners; and to provide for enforcement,” by amending sections 2, 3, 4, and 5 (MCL 570.522, 570.523, 570.524, and 570.525), as amended by 2000 PA 443.

(Filed with the Secretary of State on December 15, 2009, at 2:45 p.m.)

Date: December 15, 2009

Time: 2:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 583 (Public Act No. 179), being**

An act to amend 1966 PA 331, entitled “An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to authorize community college districts to operate a new jobs training program, enter into certain training agreements, and issue bonds to finance the training program; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 142 (MCL 389.142), as amended by 2008 PA 237.

(Filed with the Secretary of State on December 15, 2009, at 2:49 p.m.)

Date: December 15, 2009

Time: 2:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 163 (Public Act No. 180), being**

An act to amend 1935 PA 59, entitled “An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,” by amending section 4 (MCL 28.4).

(Filed with the Secretary of State on December 15, 2009, at 2:51 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following messages from the Governor were received and read:

December 15, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 16121 and 17903 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.17903:

**Michigan Athletic Trainer Board**

Mr. Robert J. Baker, M.D., Ph.D., ATC, of 6460 Ormada Drive, Kalamazoo, Michigan 49048, county of Kalamazoo, is reappointed to represent physicians licensed under part 170 or 175 of the Public Health Code, for a term expiring December 31, 2012.

Ms. Ann L. Berry of 410 South Sheldon, Canton, Michigan 48188, county of Wayne, is reappointed to represent athletic trainers, for a term expiring December 31, 2013.

Mr. Dennis R. Corbin of 2249 Chevy Chase Boulevard, Kalamazoo, Michigan 49008, county of Kalamazoo, is reappointed to represent athletic trainers, for a term expiring December 31, 2013.

Mr. Lawrence G. Nassar, D.O., of 2255 Tiffany Lane, Holt, Michigan 48842, county of Ingham, is reappointed to represent physicians licensed under Part 170 or 175 of the Public Health Code, for a term expiring December 31, 2013.

Mr. Rodney A. Sorge of 1040 Greenhills, Ann Arbor, Michigan 48105, county of Washtenaw, is reappointed to represent athletic trainers, for a term expiring December 31, 2012.

December 15, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 5 of 1966 PA 1, MCL 125.1355:

**Barrier Free Design Board**

Mr. James F. McGaugh of 1253 Cleveland Street, Lansing, Michigan 48906, county of Ingham, succeeding Marvin L. Petty, whose term has expired, is appointed to represent a member of the general public who is also physically limited, for a term commencing December 15, 2009 and expiring October 31, 2012.

Mr. Daryl D. Domke of 2100 Wyndham Hill Drive N.E., #102, Grand Rapids, Michigan 49505, county of Kent, is reappointed to represent wheelchair users, for a term expiring October 31, 2012.

Mr. Donald A. Link of 310 East Elm Avenue, Monroe, Michigan 48162, county of Monroe, is reappointed to represent professional engineers, for a term expiring October 31, 2012.

December 15, 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 Boiler Act of 1965, 1965 PA 290, MCL 408.753:

**Board of Boiler Rules**

Mr. Robert D. Hutsell of 3336 Gertrude Street, Dearborn, Michigan 48124, county of Wayne, succeeding Anthony N. Jacobs, who has resigned, is appointed to represent organized labor in the state engaged in the erection, fabrication, installation, operation, or repair of boilers, for a term commencing December 15, 2009 and expiring June 30, 2011.

December 15, 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 Sections 16121 and 17305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17305:

**Michigan Board of Nursing Home Administrators**

Ms. Hermina A. Breuker of 6838 East Michillinda Road, Twin Lake, Michigan 49457, county of Muskegon, succeeding Samuel Shaheen, whose term has expired, is appointed to represent nursing home administrators, for a term commencing December 15, 2009 and expiring June 30, 2013.

Mr. Thomas J. Ensign of 37669 Charter Oaks Boulevard, Clinton Township, Michigan 48036, county of Macomb, succeeding Thomas Meyer, whose term has expired, is appointed to represent nursing home administrators, for a term commencing December 15, 2009 and expiring June 30, 2013.

Sincerely,  
Jennifer M. Granholm  
Governor

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Thomas introduced

**Senate Bill No. 1031, entitled**

A bill to create the Detroit area regional transportation authority; to transfer certain powers of authorities to the Detroit area regional transportation authority; to provide regional transportation; to prescribe certain powers and duties of the authorities and of certain state agencies and officials; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments; 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 Transportation.

Senator Thomas introduced

**Senate Bill No. 1032, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10c, 10h, 10l, and 10n (MCL 247.660c, 247.660h, 247.660l, and 247.660n), section 10c as amended by 2008 PA 485, section 10h as amended by 2002 PA 498, section 10l as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

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

Senator Thomas introduced

**Senate Bill No. 1033, entitled**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

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

Senator Garcia introduced

**Senate Bill No. 1034, entitled**

A bill to amend 1974 PA 163, entitled "C.J.I.S. policy council act," by amending section 4 (MCL 28.214), as amended by 2005 PA 311, and by adding section 4a.

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

Senator Garcia introduced

**Senate Bill No. 1035, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2007 PA 76.

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

Senator Garcia introduced

**Senate Bill No. 1036, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2007 PA 76.

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

Senator Cropsey introduced

**Senate Bill No. 1037, entitled**

A bill to license and regulate professional employer organizations; to define certain relationships and allocate certain rights and duties between those relationships; to provide for certain powers and duties for state agencies; to impose certain fees and provide for certain security devices; and to provide for penalties and remedies.

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

Senators Allen, Barcia and Cropsey introduced

**Senate Bill No. 1038, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 13m.

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

Senators Barcia, Allen and Cropsey introduced

**Senate Bill No. 1039, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3701 (MCL 500.3701), as added by 2003 PA 88.

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

**House Bill No. 4677, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101, 78105, and 83106 (MCL 324.78101, 324.78105, and 324.83106), section 78101 as amended by 2006 PA 466 and sections 78105 and 83106 as amended by 2004 PA 587, and by adding section 78119.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders calendar for consideration today.

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

**House Bill No. 4678, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2005, and 2030 (MCL 324.2001, 324.2005, and 324.2030), as added by 2004 PA 587, and by adding sections 1911 and 2045; and to repeal acts and parts of acts.

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

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

**House Bill No. 4885, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1304, 1312, 1321, and 1344 (MCL 600.1304, 600.1312, 600.1321, and 600.1344), sections 1304 and 1321 as amended by 2004 PA 12, section 1312 as amended by 2005 PA 6, and section 1344 as amended by 2002 PA 739, and by adding sections 1301c, 1310a, and 1310b.

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. 4886, 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 2009 PA 124.

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. 5009, entitled**

A bill to amend 2008 PA 148, entitled "Personal property trust perpetuities act," by amending section 4 (MCL 554.94).

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. 5010, entitled**

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending section 5 (MCL 554.75), as amended by 2008 PA 149.

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. 5220, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders calendar for consideration today.

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

**House Bill No. 5329, entitled**

A bill to authorize the state administrative board to accept and convey certain real property in Calhoun county; to prescribe certain conditions for the acceptance and conveyance; and to provide for disposition of the revenue derived from the conveyance.

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 Appropriations.

**House Bill No. 5404, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

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 Appropriations.

**House Bill No. 5593, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315 and 16327 (MCL 333.16315 and 333.16327), section 16315 as amended by 2007 PA 166 and section 16327 as added by 1993 PA 80.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders calendar for consideration today.

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

**House Bill No. 5596, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531i.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders calendar for consideration today.

**House Bill No. 5621, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2008 PA 122.

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 Finance.

**House Bill No. 5626, entitled**

A bill to amend 1981 PA 80, entitled "Fiscal stabilization act," by amending the title and sections 3, 4, 8, and 9 (MCL 141.1003, 141.1004, 141.1008, and 141.1009), the title and sections 3, 8, and 9 as amended by 1987 PA 279 and section 4 as amended by 2002 PA 444.

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. 5645, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2150, 2151, 2154, and 51106 (MCL 324.2150, 324.2151, 324.2154, and 324.51106), section 2150 as amended by 1996 PA 585, section 2151 as added by 1995 PA 60, section 2154 as amended by 2004 PA 513, and section 51106 as amended by 2006 PA 382.

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 Appropriations.

By unanimous consent the Senate returned to the order of

**General Orders**

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

**House Bill No. 4677, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101, 78105, and 83106 (MCL 324.78101, 324.78105, and 324.83106), section 78101 as amended by 2006 PA 466 and sections 78105 and 83106 as amended by 2004 PA 587, and by adding section 78119.

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

1. Amend page 9, line 21, by striking out all of subdivision (c).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5220, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

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.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 4677**

**House Bill No. 5220**

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

The following bill was read a third time:

**House Bill No. 4677, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78101, 78105, and 83106 (MCL 324.78101, 324.78105, and 324.83106), section 78101 as amended by 2006 PA 466 and sections 78105 and 83106 as amended by 2004 PA 587, and by adding section 78119.

The question being on the passage of the bill,

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

**Roll Call No. 696**

**Yeas—22**

Anderson	Cropsey	Jelinek	Scott
Basham	George	Kahn	Stamas
Birkholz	Gleason	Pappageorge	Switalski
Brater	Hardiman	Patterson	Thomas
Clark-Coleman	Hunter	Richardville	Whitmer
Clarke	Jacobs		

**Nays—13**

Bishop	Gilbert	McManus	Prusi
Brown	Jansen	Nofs	Sanborn
Cassis	Kuipers	Olshove	Van Woerkom
Cherry			

**Excused—1**

Garcia

**Not Voting—2**

Allen

Barcia

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5220, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

The question being on the passage of the bill,

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

**Roll Call No. 697**

**Yeas—21**

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

**Nays—15**

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

**Excused—1**

Garcia

**Not Voting—1**

Hunter

In The Chair: Richardville

Senator Cropsey moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

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



**Roll Call No. 698****Yeas—21**

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

**Nays—16**

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

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

**House Bill No. 4677, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 78101, 78105, and 83106 (MCL 324.78101, 324.78105, and 324.83106), section 78101 as amended by 2006 PA 466 and sections 78105 and 83106 as amended by 2004 PA 587, and by adding section 78119.

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

The question being on the passage of the bill,

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

**Roll Call No. 699****Yeas—25**

Allen	Clark-Coleman	Hunter	Patterson
Anderson	Clarke	Jacobs	Richardville
Barcia	Cropsey	Jansen	Scott

Basham  
Birkholz  
Brater  
Cassis

George  
Gleason  
Hardiman

Jelinek  
Kahn  
Pappageorge

Stamas  
Switalski  
Whitmer

**Nays—12**

Bishop  
Brown  
Cherry

Gilbert  
Kuipers  
McManus

Nofs  
Olshove  
Prusi

Sanborn  
Thomas  
Van Woerkom

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

By unanimous consent the Senate returned to the order of  
**General Orders**

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

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

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

**House Bill No. 5091, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16423 and 16431 (MCL 333.16423 and 333.16431), section 16431 as amended by 1994 PA 234.

**House Bill No. 5105, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3107b (MCL 500.3107b), as added by 1994 PA 438.

**House Bill No. 5501, 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.

**House Bill No. 5502, 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.

**House Bill No. 5503, 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 bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5504, 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.

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.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:44 p.m.

12:55 p.m.

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

By unanimous consent the Senate returned to the order of

### Resolutions

#### House Concurrent Resolution No. 30.

A concurrent resolution relative to secondary road patrol funds for counties providing road patrol services to cities, and villages.

Whereas, Section 77 of Chapter 14 of the Revised Statutes of 1846, being MCL § 51.77, as added by 1978 PA 416, being MCL § 51.77, provides funding for county secondary road patrol services pursuant to an agreement with the Office of Criminal Justice, which, pursuant to Executive Order No. 1989 – 4, is now the Office of Highway Safety Planning within the Department of State Police. An agreement also provides a maintenance of law enforcement effort standard for counties providing these secondary road patrol services, unless it is recognized that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 76 of Chapter 14 of the Revised Statutes of 1846 (MCL § 51.76), permits road patrol services to be provided by county sheriff departments to cities and villages. This section also provides that a road patrol agreement is void if the city or village reduces the number of sworn law enforcement officers below the highest number employed at any time within the immediately preceding 36 months, unless the Michigan Legislature, by concurrent resolution, recognizes that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 77 of Chapter 14 provides a formula for funding county secondary road patrol services. This formula permits road patrol services provided by county sheriff departments to cities and villages to be eligible for secondary road patrol funding as long as the city or village complies with the MCL § 51.76 law enforcement maintenance of effort requirement, unless any reduction is recognized to be due to cuts in general services due to economic conditions; and

Whereas, In all of Michigan's counties, cities, and villages, general services have been reduced as a result of serious economic difficulties. These reductions in services have occurred in direct reaction to economic conditions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That counties, cities, and villages in Michigan have been required to reduce general services because of economic conditions and are not reducing law enforcement services as stipulated in sections 76 or 77 of Chapter 14 of the Revised Statutes of 1846, as added by 1978 PA 416; and be it further

Resolved, That counties, cities, and villages have met the necessary terms of their agreements for road patrol services and secondary road patrol funding as they relate to maintenance of effort.

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 concurrent resolution was adopted.

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

**House Concurrent Resolution No. 33.**

A concurrent resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

Whereas, Michigan has been a leader in the fight to keep invasive species out of the Great Lakes. Michigan was the first state to require ocean-going ships to kill invasive species in ballast water before it is discharged in state waters. It successfully defended in federal court a state's right to protect its waters, opening the door to state ballast water regulations throughout the Great Lakes region; and

Whereas, Asian carp are on the verge of invading the Great Lakes. Asian carp have been detected within eight miles of Lake Michigan and are already past the electrical barrier in the Chicago Sanitary and Ship Canal designed to stop them; and

Whereas, If allowed to enter the Great Lakes, Asian carp could become a dominant species in the lakes, further disrupting the ecological balance and threatening fishing and boating on the lakes. Asian carp are voracious feeders that would push out native fish and wildlife. Furthermore, silver carp, one of the two Asian carp species, can jump up to 10 feet out of the water when startled by boats, leading to well-documented injuries to boaters hit by fish weighing up to 70 pounds; and

Whereas, Immediate and decisive action is required to protect the \$7 billion Great Lake commercial and recreational fishery and the \$9 billion Great Lakes recreational boating industry. The Asian carp threat is imminent, and the time for half-hearted efforts and investigations has passed. Without a quick and strong response, such as the closure of navigation locks, the efforts of Michigan, the other Great Lakes states, and the federal government will be wasted, and a national treasure will be irrevocably changed; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem; 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, the members of the Michigan congressional delegation, the U.S. Army Chief of Engineers, the Division Commander of the U.S. Army Corps of Engineers' Great Lakes and Ohio River Division, and the District Commander of the U.S. Army Corps of Engineers' Chicago District.

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 Birkholz offered the following substitute:

A concurrent resolution to urge immediate actions to prevent the Asian carp from entering the Great Lakes and the development of long-term strategies to address this problem.

Whereas, Michigan has been a leader in the fight to keep invasive species out of the Great Lakes. Michigan was the first state to require ocean-going ships to kill invasive species in ballast water before it is discharged in state waters. It successfully defended in federal court a state's right to protect its waters, opening the door to state ballast water regulations throughout the Great Lakes region; and

Whereas, Asian carp are on the verge of invading the Great Lakes. Asian carp have been detected within eight miles of Lake Michigan and are already past the electrical barrier in the Chicago Sanitary and Ship Canal designed to stop them; and

Whereas, If allowed to enter the Great Lakes, Asian carp could become a dominant species in the lakes, further disrupting the ecological balance and threatening fishing and boating on the lakes. Asian carp are voracious feeders that would push out native fish and wildlife. Furthermore, silver carp, one of the two Asian carp species, can jump up to 10 feet out of the water when startled by boats, leading to well-documented injuries to boaters hit by fish weighing up to 70 pounds; and

Whereas, Immediate and decisive action is required to protect the \$7 billion Great Lakes commercial and recreational fishery and the \$9 billion Great Lakes recreational boating industry. The Asian carp threat is imminent, and the time for half-hearted efforts and investigations has passed. Without a quick and strong response, such as the closure of navigation locks, the efforts of Michigan, the other Great Lakes states, and the federal government will be wasted, and a national treasure will be irrevocably changed; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem; and be it further

Resolved, That we urge the Attorney General to work with the attorney generals from the other Great Lakes states to commence immediately legal action to prevent the spread of Asian carp; 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, the members of the Michigan congressional delegation, the U.S. Army Chief of Engineers, the Division Commander of the U.S. Army Corps of Engineers' Great Lakes and Ohio River Division, the District Commander of the U.S. Army Corps of Engineers' Chicago District, and the Office of the Attorney General.

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

Senators Anderson, Barcia, Basham, Brater, Clarke, Gleason, Hardiman, Pappageorge, Richardville and Scott were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

### **General Orders**

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Basham 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. 402, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

Substitute (S-3).

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. 468, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

Substitute (S-4).

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

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

**House Bill No. 5091**

**House Bill No. 5105**

**House Bill No. 5501**

**House Bill No. 5502**

**House Bill No. 5503**

**House Bill No. 5504**

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

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

**House Bill No. 5091**

**House Bill No. 5105**

**House Bill No. 5501**

**House Bill No. 5502**

**House Bill No. 5503**

**House Bill No. 5504**

**Senate Bill No. 361**

**House Bill No. 4801**

**House Bill No. 5087**

**House Bill No. 5380****House Bill No. 5479**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5091, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16423 and 16431 (MCL 333.16423 and 333.16431), section 16431 as amended by 1994 PA 234.

The question being on the passage of the bill,

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

**Roll Call No. 700****Yeas—34**

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

**Nays—3**

Cassis	George	Patterson
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**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

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

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

"An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of

drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5105, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3107b (MCL 500.3107b), as added by 1994 PA 438.

The question being on the passage of the bill,

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

**Roll Call No. 701**

**Yeas—35**

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

**Nays—2**

George	Patterson
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**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax

on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5501, 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 question being on the passage of the bill,

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

**Roll Call No. 702**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President



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

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

“An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5502, 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 question being on the passage of the bill,

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

**Roll Call No. 703**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

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

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

“An act to create the office of child support; and to prescribe certain powers and duties of the office, certain public and private agencies, and certain employers and former employers.”.

The Senate agreed to the full title.

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

The following bill was read a third time:

**House Bill No. 5503, 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 question being on the passage of the bill,

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

**Roll Call No. 704**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

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

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

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date;".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5504, 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 question being on the passage of the bill,

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

**Roll Call No. 705****Yeas—37**

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

**Nays—0****Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 361, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

The question being on the passage of the bill,

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

**Roll Call No. 706****Yeas—37**

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

Bishop  
Brater  
Brown  
Cassis  
Cherry

Gleason  
Hardiman  
Hunter  
Jacobs

Nofs  
Olshove  
Pappageorge  
Patterson

Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4801, entitled**

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 7 (MCL 125.2307).

The question being on the passage of the bill,

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

**Roll Call No. 707**

**Yeas—37**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
George  
Gilbert  
Gleason  
Hardiman  
Hunter  
Jacobs

Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Nofs  
Olshove  
Pappageorge  
Patterson

Prusi  
Richardville  
Sanborn  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

“An act to create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5087, entitled**

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

The question being on the passage of the bill,

Senator Jelinek offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

**Roll Call No. 708**

**Yeas—32**

Allen	Clarke	Jelinek	Prusi
Anderson	Cropsey	Kahn	Richardville
Barcia	George	Kuipers	Sanborn
Basham	Gilbert	McManus	Stamas
Birkholz	Gleason	Nofs	Switalski
Bishop	Hardiman	Olshove	Thomas
Brown	Hunter	Pappageorge	Van Woerkom
Cassis	Jansen	Patterson	Whitmer

**Nays—5**

Brater	Clark-Coleman	Jacobs	Scott
Cherry			

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5380, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40111a (MCL 324.40111a), as amended by 2004 PA 537.

The question being on the passage of the bill,

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

**Roll Call No. 709**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5479, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2009 PA 141.

The question being on the passage of the bill,

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

**Roll Call No. 710**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations."

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Messages from the House**

**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 House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 711****Yeas—37**

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

**Nays—0****Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 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 House of Representatives has substituted (H-1) the bill.

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



Pending the order that, under rule 3.202, the bill be laid over one day,  
 Senator Cropsey moved that the rule be suspended.  
 The motion prevailed, a majority of the members serving voting therefor.  
 The question being on concurring in the substitute made to the bill by the House,  
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 712****Yeas—37**

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

**Nays—0****Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

**Senate Bill No. 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 House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 713****Yeas—37**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville

Barcia	Cropsey	Kahn	Sanborn
Basham	George	Kuipers	Scott
Birkholz	Gilbert	McManus	Stamas
Bishop	Gleason	Nofs	Switalski
Brater	Hardiman	Olshove	Thomas
Brown	Hunter	Pappageorge	Van Woerkom
Cassis	Jacobs	Patterson	Whitmer
Cherry			

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 714**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

**Senate Bill No. 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 House of Representatives has substituted (H-1) the bill.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 715**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

**Senate Bill No. 926, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 29, 94a, and 101 (MCL 388.1603, 388.1606, 388.1629, 388.1694a, and 388.1701), as amended by 2009 PA 121, and by adding section 9.

The House of Representatives has appointed Reps. Melton, Geiss and Pavlov as conferees to join with Sens. Kuipers, Van Woerkom and Thomas.

The bill was referred to the Conference Committee on December 16, 2009.

**Senate Bill No. 981, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 449, 504, 507, 1246, 1280, and 1536 (MCL 380.449, 380.504, 380.507, 380.1246, 380.1280, and 380.1536), section 449 as amended by 2004 PA 303, section 504 as amended by 2008 PA 1, section 507 as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1280 as amended by 2006 PA 123, and section 1536 as added by 2006 PA 335, and by adding sections 11c, 1249, 1280c, and 1280d.

The House of Representatives has appointed Reps. Melton, Geiss and Pavlov as conferees to join with Sens. Kuipers, Van Woerkom and Thomas.

The bill was referred to the Conference Committee on December 16, 2009.

**House Bill No. 4787, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 507, and 1701a (MCL 380.5, 380.507, and 380.1701a), section 5 as amended by 2005 PA 61, section 507 as amended by 1995 PA 289, and section 1701a as amended by 2008 PA 1, and by adding sections 1280c and 1320 and part 6d.

The House of Representatives has nonconcurrent in the Senate substitute (S-4) and appointed Reps. Melton, Geiss and Pavlov as conferees.

The message was referred to the Secretary for record.

**House Bill No. 4788, 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 15 (MCL 423.215), as amended by 1994 PA 112.

The House of Representatives has nonconcurrent in the Senate substitute (S-4) and appointed Reps. Melton, Geiss and Pavlov as conferees.

The message was referred to the Secretary for record.

**Senate Bill No. 968, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16401, 16423, and 16431 (MCL 333.16401, 333.16423, and 333.16431), section 16401 as amended by 2002 PA 734 and section 16431 as amended by 1994 PA 234.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities;

to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 16401 (MCL 333.16401), as amended by 2002 PA 734.

Pending the order that, under rule 3.202, the bill be laid over one day,  
 Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 716**

**Yeas—33**

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

**Nays—4**

Bishop	Cassis	George	Patterson
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**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 970, entitled**

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," by amending section 3 (MCL 550.53), as amended by 1996 PA 518.

The House of Representatives has amended the bill as follows:

1. Amend page 6, following line 11, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 968.
- (b) Senate Bill No. 971.
- (c) Senate Bill No. 972.
- (d) Senate Bill No. 973.
- (e) House Bill No. 5091.
- (f) House Bill No. 5105."

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 717****Yeas—35**

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

**Nays—2**

George Patterson

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 971, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), section 502 as amended by 2003 PA 59 and section 502a as amended by 1998 PA 446.

The House of Representatives has amended the bill as follows:

1. Amend page 9, following line 24, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 968.
- (b) Senate Bill No. 970.
- (c) Senate Bill No. 972.
- (d) Senate Bill No. 973.
- (e) House Bill No. 5091.
- (f) House Bill No. 5105."

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 718****Yeas—35**

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

**Nays—2**

George Patterson

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 972, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 315 (MCL 418.315), as amended by 1998 PA 447.

The House of Representatives has amended the bill as follows:

1. Amend page 6, following line 3, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 968.
- (b) Senate Bill No. 970.
- (c) Senate Bill No. 971.
- (d) Senate Bill No. 973.
- (e) House Bill No. 5091.
- (f) House Bill No. 5105.”.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 719****Yeas—35**

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

**Nays—2**

George Patterson

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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



**Senate Bill No. 973, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3405, 3475, and 3631 (MCL 500.3405, 500.3475, and 500.3631), sections 3405 and 3631 as amended by 1994 PA 438 and section 3475 as amended by 1984 PA 280.

The House of Representatives has amended the bill as follows:

1. Amend page 9, following line 17, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 968.
- (b) Senate Bill No. 970.
- (c) Senate Bill No. 971.
- (d) Senate Bill No. 972.
- (e) House Bill No. 5091.
- (f) House Bill No. 5105."

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

Pending the order that, under rule 3.202, the bill be laid over one day,  
Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 720****Yeas—35**

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

**Nays—2**

George	Patterson
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**Excused—1**

Garcia
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**Not Voting—0**

In The Chair: Richardville

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

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

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. 578**

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

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

December 16, 2009

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-4) to House Bill 4787, appoints the following members to sit on the conference committee:

Senator Wayne Kuipers  
 Senator Gerald Van Woerkom  
 Senator Buzz Thomas

Thank you for your prompt consideration of this matter.

December 16, 2009

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-4) to House Bill 4788, appoints the following members to sit on the conference committee:

Senator Wayne Kuipers  
 Senator Gerald Van Woerkom  
 Senator Buzz Thomas

Thank you for your prompt consideration of this matter.

Respectfully yours,  
 Michael D. Bishop  
 Majority Leader  
 State Senate, 12th District

The communications were referred to the Secretary for record.

By unanimous consent the Senate returned to the order of  
**General Orders**

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

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

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

**House Bill No. 5584, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

The bill was placed on the order of Third Reading of Bills.

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

**Senate Bill No. 887, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 2008 PA 585.

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

1. Amend page 2, line 7, after "disapproval." by inserting "**THE DEPARTMENT OF TREASURY MAY DENY AN EXEMPTION UNDER THIS SECTION.**".

2. Amend page 2, line 11, after "families." by inserting "**THE OWNER OF PROPERTY EXEMPT UNDER THIS SECTION SHALL NOTIFY THE LOCAL TAX COLLECTING UNIT IN WHICH THE PROPERTY IS LOCATED AND THE DEPARTMENT OF TREASURY OF ANY CHANGE IN THE PROPERTY THAT WOULD AFFECT THE EXEMPTION UNDER THIS SECTION.**".

3. Amend page 4, line 3, after "TREASURER" by inserting a comma and "**UPON VERIFICATION,**".

4. Amend page 4, line 15, after "2009," by inserting "**THE LOCAL TAX COLLECTING UNIT SHALL CALCULATE, ON A FORM PRESCRIBED BY THE DEPARTMENT OF TREASURY,**".

5. Amend page 4, line 16, after "PROPERTY" by striking out the balance of the line through "LEVIED" on line 21 and inserting "**IN THE FIRST YEAR FOR WHICH THE EXEMPTION IS VALID BY THE NUMBER OF MILLS LEVIED IN THAT YEAR**".

6. Amend page 6, following line 9, by inserting:

**"(8) THE DEPARTMENT OF TREASURY HAS STANDING TO APPEAL THE ASSESSED VALUE, TAXABLE VALUE, STATE EQUALIZED VALUATION, EXEMPT STATUS, CLASSIFICATION, AND ALL OTHER ISSUES CONCERNING TAX LIABILITY FOR PROPERTY EXEMPT UNDER THIS SECTION IN THE MICHIGAN TAX TRIBUNAL AND ALL COURTS OF THIS STATE."** and renumbering the remaining subsection.

7. Amend page 8, line 12, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act takes effect December 31, 2009."

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

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

**Senate Bill No. 796, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as added by 2008 PA 77.

Substitute (S-2).

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. 889, 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.

Substitute (S-2).

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. 578, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72101 (MCL 324.72101), as amended by 1997 PA 129, and by adding section 72114.

Substitute (S-6).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5235, entitled**

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

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.

Senators Hardiman, Bishop and Prusi asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hardiman's statement is as follows:

I do rise for the purpose of stating my voting intentions for two days of session last week. On Wednesday, December 9, and Thursday, December 10, I was absent from session because of an excused absence to attend a National Institute of Building Sciences board meeting in Washington, D.C. Had I been present, I would have cast the following votes: for Roll Call Nos. 677-692, I would have voted "yes"; for Roll Call Nos. 693-695, I would have voted "no."

Senator Bishop's statement is as follows:

A lot of times we get wrapped up in the duties of the day and a lot of the craziness that goes on in this world. We forget about the things that are around us—the things that we are closest to—and this time of year is no exception. It is the time of year that we usually reflect upon all of the many blessings.

In the Senate, we have an incredible amount of very talented people who work with us to make things happen. They really are the fundamental reason why things get done around here. One of the groups that work with us here are the sergeant at arms who do so much without being noticed. I guess that is part of their tact that they try to go below the radar screens. They have kept us safe as long as I have been here—knock on wood—and they will continue to keep us safe and are dedicated to that concept.

One of our assistant sergeants at arms, Bob Siegrist, has decided to retire. We thought that we would pay special tribute to him today, and give him honor for all those things that he has done for us without asking for much in return—all for the State Senate. Bob came to us from the Ingham County sheriff's department and has served in the Senate now for 12 years. He and his wife Laurie have decided to move up into God's country in Michigan's Upper Peninsula to Iron Mountain, where he will be able to relax and reflect on his days in the Senate.

We wish him well in that endeavor. We want him to know that this is his family, and we welcome him back in the years to come. Bob, thank you for your great service, and thank you for all your dedication to the Michigan Senate. From our family to your family, all the best to you and Laurie in your retirement.

Senator Prusi's statement is as follows:

I see a number of them over there offering their congratulations to Bob, and it is well-deserved and well-earned. Over the years—and this is no disrespect to my colleagues and their ability to carry on a conversation—I have spent a lot of time talking to our staff, our sergeants, and our clerks. Through the years—whether he is on the desk at the Farnum Building, keeping our committee rooms orderly, and keeping the floor safe—I have always found Bob to be a very entertaining conversationalist.

He has always talked about the UP and his trips up to go snowmobiling, but I must correct the Majority Leader. Bob is moving to Irons up in Lake County and not Iron Mountain in my district. My family and my constituents would love to have Bob and Laurie move to the Upper Peninsula, but unfortunately, he is not going quite that far north. Like the Majority Leader, I would like to encourage Bob to stop back and say hello, and show us his tan in the summer; let us know how things are going in the life of retirement.

One other thing I would like to point out is I always felt that Bob and I were age-appropriate and fairly close to the same age. Looking at Bob, nobody would know that he is 70 years old. I just hope that I look as good as Bob does if I can get to 70.

Bob, I just wanted to let you know that we are going to miss you. We certainly understand that after that many years that you would like to retire and enjoy some relaxation. We hope that you get as much of that as you can tolerate. Come back and say hello when you get a chance.

### Recess

Senator Cropsey moved that the Senate recess until 4:15 p.m.

The motion prevailed, the time being 3:08 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

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

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

Senator Kuipers entered the Senate Chamber.

**Senate Bill No. 597, entitled**

A bill to amend 2008 PA 23, entitled “Enhanced driver license and enhanced official state personal identification card act,” by amending section 6 (MCL 28.306).

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 721**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—2**

Barcia

Gleason

In The Chair: Richardville

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

By unanimous consent the Senate returned to the order of  
**General Orders**

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Basham as Chairperson. After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**House Bill No. 5375, entitled**

A bill to provide for loans, grants, and other assistance for energy efficiency and renewable energy projects; to create a restricted fund; and to provide for the powers and duties of certain state and local governmental officers and entities.  
 The bill was placed on the order of Third Reading of Bills.

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

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

**Senate Bill No. 796**

**Senate Bill No. 889**

**House Bill No. 5235**

**House Bill No. 5584**

**Senate Bill No. 578**

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

The following bill was read a third time:

**Senate Bill No. 796, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as added by 2008 PA 77.

The question being on the passage of the bill,

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

**Roll Call No. 722**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 889, 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 2009 PA 124.

The question being on the passage of the bill,

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

**Roll Call No. 723**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5235, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 724**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

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

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

"An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to



insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5584, entitled**

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

The question being on the passage of the bill,

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

**Roll Call No. 725**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

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

The following bill was read a third time:

**Senate Bill No. 578, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 72114, 72115, and 72116.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

**"SEC. 14726. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON SHALL NOT SELL, OFFER FOR SALE, POSSESS FOR SALE, GIVE AWAY, USE, OR PRESCRIBE ANY PRODUCT USED FOR THE TREATMENT OF LICE OR SCABIES IN HUMAN BEINGS THAT CONTAINS THE PESTICIDE CHEMICAL LINDANE.**

**(2) SUBSECTION (1) DOES NOT APPLY TO EITHER OF THE FOLLOWING:**

**(A) A SALE, OFFER FOR SALE, OR GIVE AWAY OF A PRODUCT DESCRIBED IN SUBSECTION (1) TO A PHYSICIAN.**

**(B) THE USE OF A PRODUCT DESCRIBED IN SUBSECTION (1) UNDER THE SUPERVISION OF A PHYSICIAN IN HIS OR HER OFFICE IF THE PHYSICIAN CONSIDERS THE USE OF THAT PRODUCT NECESSARY FOR THE TREATMENT OF A PATIENT'S LICE OR SCABIES.**

**SEC. 14727. (1) A PERSON WHO VIOLATES SECTION 14001 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000.00.**

**(2) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING SECTION 14726."**

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

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

**Roll Call No. 726**

**Yeas—16**

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

**Nays—21**

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

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

**Protests**

Senators Birkholz, Pappageorge, Hardiman, Richardville, Kahn and Nofs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Jacobs to Senate Bill No. 578.

Senator Birkholz moved that the statement she made during the discussion of the amendment be printed as her reasons for voting “no.”

The motion prevailed.

Senator Birkholz’s statement, in which Senators Pappageorge, Hardiman, Richardville, Kahn and Nofs concurred, is as follows:

First of all, I really question the germaneness of this amendment, unless the sponsor of the amendment was talking about putting this on horses. However, I want to add that, despite the germaneness, this is a bill that should be taken up separately. I have not seen it introduced. I do not have it in my committee. I think it is deserving of consideration, but I will also point to the fact that I have always said that if we are going to ban something, we have to have some sort of suitable replacement for this.

Lindane is certainly not acceptable, and I would hate to have a child of mine use this even if they did have head lice. If you look in the federal registry, you will note that it is not a first line of treatment. It is not recommended, unless all other methods of treatment are not successful.

So I would, first of all, object to this amendment on its germaneness and object to it on its substance by saying that this is not the appropriate point in time for us to be considering this amendment with this legislation. I would urge its defeat.

Senator Brater offered the following amendment:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 14721. (1) As used in this subpart:

(A) “**DECA-BDE**” MEANS DECABROMODIPHENYL ETHER.

(B) ~~(a)~~ “Department” means the department of environmental quality.

(C) ~~(b)~~ “Octa-BDE” means octabromodiphenyl ether.

(D) ~~(c)~~ “PBDE” means polybrominated diphenyl ether.

(E) ~~(d)~~ “Penta-BDE” means pentabromodiphenyl ether.

(2) This subpart may be cited as the “Mary Beth Doyle PBDE act”.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

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

**Roll Call No. 727****Yeas—16**

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

**Nays—21**

Allen	George	Kahn	Patterson
Birkholz	Gilbert	Kuipers	Richardville
Bishop	Hardiman	McManus	Sanborn
Brown	Jansen	Nofs	Stamas

Cassis  
Cropsey

Jelinek

Pappageorge

Van Woerkom

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

**Protests**

Senators Cassis and Birkholz, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Brater to Senate Bill No. 578 and moved that the statements they made during the discussion of the amendment be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cassis’ statement is as follows:

A very, very wise mentor I once knew said very clearly to me—and I remember these words—quote: “Living is hazardous to your health.” In respect to the amendment that is before us, let’s just use some common sense. Let’s just use some common sense.

Senator Birkholz’s statement is as follows:

Again, I would question the germaneness of this amendment in the bill dealing with horseback riding in our state parks. I would also question the fact that this flame retardant, as the amendment maker has pointed out, is already being phased out by several manufacturers—even manufacturers here in Michigan. While we look at the benefits of it because it is a fire retardant, there are many who still feel that the benefits outweigh the negative possible effects.

I would ask that this amendment would be defeated on two points: first of all, on germaneness, and secondly, on the fact that it should and would be accepted as a bill on its own, not involved in this bill with horseback riding.

The question being on the passage of the bill,

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

**Roll Call No. 728**

**Yeas—35**

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

**Nays—2**

Cherry

Prusi

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Jacobs' statement is as follows:

What this amendment does is ban lindane in shampoos used to treat lice. I would ask anybody in this chamber who has children or grandchildren to listen up. Lindane is a pesticide that is used to treat lice and scabies. It is currently banned in 52 countries. In 2003, the Food and Drug Administration (FDA) issued a public health advisory for lindane. The agency recommended lindane-containing products be used with caution for infants, children, the elderly, and those who weigh less than 110 pounds—very few of us in this chamber—as they may be at risk of serious neurotoxicity.

In 2006, lindane was voluntarily withdrawn from agricultural uses. It is no longer used in the United States, in the military, or on livestock. Yet, lindane is regularly applied to the scalps of Michigan children. This language would require lindane be used only under a physician's direct supervision.

Major health organizations have supported this exact language in the past, including the Michigan Chapter of the American Academy of Pediatrics, the Michigan Nurses Association, the American Nurses Association, the Michigan Association of School Nurses, the Michigan Pharmacists Association, and the Wayne County Medical Society of Southeast Michigan.

Major environmental organizations also supported this language, including the Michigan Environmental Council, Clean Water Action, the Ecology Center, Sierra Club, and the Michigan League of Conservation Voters.

The Michigan Department of Community Health does not recommend lindane use for either head lice or scabies and has supported this language. Supporting this amendment is the right decision for our children and their health. We can do something about this right here and right now.

Senator Birkholz's statement is as follows:

I want to thank the good Senator Brown and his staff for working so hard on trying to find a compromise on this legislation. It has been a long and challenging journey. I am a strong supporter of the people using our parks and our natural resources and finding that balance between the natural resource use and the people's use.

I think we need a healthy trailways system in Michigan for all user groups, not just for one or two, but for all user groups. Setting this new process in place gets us a long way down that road to allow the equestrians—the trailback riders—to ride on our trails but making sure that they protect the resource; also allowing them and encouraging them to work with all the other trail users so that we have a well-balanced trail system in this state.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Cropsey moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

By unanimous consent the Senate returned to the order of

**Messages from the House****Recess**

Senator Cropsey moved that the Senate recess until 8:00 p.m.

The motion prevailed, the time being 4:58 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

### **Recess**

Senator Jelinek moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 8:01 p.m.

10:03 p.m.

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

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

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

#### **House Bill No. 5458, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 507, 517, and 550 (MCL 600.507, 600.517, and 600.550), section 507 as amended by 2006 PA 607, section 517 as amended by 2006 PA 101, and section 550 as amended by 1990 PA 54.

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

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

#### **House Bill No. 5458**

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

By unanimous consent the Senate returned to the order of

### **General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Basham 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:

#### **House Bill No. 5469, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 110.

Substitute (S-3).

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

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

#### **House Bill No. 5469**

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

The following bill was read a third time:

**House Bill No. 5469, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 434 (MCL 208.1434), as amended by 2009 PA 110.

The question being on the passage of the bill,

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

**Roll Call No. 729**

**Yeas—32**

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

**Nays—3**

Cassis	Gilbert	Sanborn
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**Excused—1**

Garcia

**Not Voting—2**

Barcia	Prusi
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In The Chair: President

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

Senator Thomas moved that Senator Barcia be excused from the balance of today’s session.  
The motion prevailed.

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

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

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

**House Bill No. 5100, entitled**

A bill to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts," by amending section 88b (MCL 125.2088b), as amended by 2008 PA 175.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 2, line 24, by striking out all of subsection (4) and renumbering the remaining subsections.

The House of Representatives has concurred in the Senate substitute (S-3) as amended and agreed to the full title.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 730**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Barcia	Garcia	Prusi
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**Not Voting—0**

In The Chair: President

**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.



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

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Cropsey moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

#### **Senate Bill No. 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.

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

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

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

The Senate agreed to the full title.

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

#### **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.

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

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

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

The Senate agreed to the full title.

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

#### **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.

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

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

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

The Senate agreed to the full title.

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

Senator Prusi entered the Senate Chamber.

#### **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 House of Representatives has amended the bill as follows:

1. Amend page 2, line 16, after "125.2672;" by inserting "**A HOUSING COMMISSION CREATED UNDER 1933 (EX SESS) PA 18, MCL 125.651 TO 125.709C;**";

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 731****Yeas—36**

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

**Nays—0****Excused—2**

Barcia	Garcia
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**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 1006, entitled**

A bill to amend 1980 PA 450, entitled “The tax increment finance authority act,” by amending section 12b (MCL 125.1812b), as added by 2008 PA 156.

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

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

**Senate Bill No. 563, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 269 (MCL 206.269), as added by 2004 PA 313.

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

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

**Senate Bill No. 744, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3829a.

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 901, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 814a.

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

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

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

The Senate agreed to the full title.

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

**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 581.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 732**

**Yeas—36**

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

**Nays—0**

**Excused—2**

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 786, entitled**

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending sections 1, 1a, 2, 2a, and 2b (MCL 395.101, 395.101a, 395.102, 395.102a, and 395.102b), sections 1, 2, 2a, and 2b as amended and section 1a as added by 1983 PA 60.

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending sections 1, 1a, 2, 2a, 2b, and 3 (MCL 395.101, 395.101a, 395.102, 395.102a, 395.102b, and 395.103), sections 1, 2, 2a, 2b, and 3 as amended and section 1a as added by 1983 PA 60, and by adding section 2c.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 733****Yeas—34**

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

**Nays—0****Excused—2**

Barcia	Garcia
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**Not Voting—2**

Kuipers	Scott
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In The Chair: President

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

**Senate Bill No. 934, entitled**

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

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

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

**House Bill No. 5479, entitled**

A bill to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 435 (MCL 208.1435), as amended by 2009 PA 141.

The House of Representatives has substituted (H-5) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-5) and agreed to the title as amended.

Pending the order that, under rule 3.202, the bill be laid over one day,  
 Senator Cropsey moved that the rule be suspended.

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

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

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

**Roll Call No. 734**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Barcia	Garcia
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**Not Voting—0**

By unanimous consent the Senate returned to the order of  
**General Orders**

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

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

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

**House Bill No. 4989, entitled**

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

**House Bill No. 4990, entitled**

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

**House Bill No. 4991, entitled**

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

**House Bill No. 4992, entitled**

A bill to amend 1966 PA 224, entitled "Retail installment sales act," by amending section 3 (MCL 445.853). The bills were placed on the order of Third Reading of Bills.

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

**House Bill No. 5593, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315 and 16327 (MCL 333.16315 and 333.16327), section 16315 as amended by 2007 PA 166 and section 16327 as added by 1993 PA 80.

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

1. Amend page 3, line 19, after "**NURSING**" by striking out the balance of the subdivision and inserting "**PROFESSION.**"

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

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

**House Bill No. 5458, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 507 and 550 (MCL 600.507 and 600.550), section 507 as amended by 2006 PA 607 and section 550 as amended by 1990 PA 54.

Substitute (S-3).

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

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

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

**House Bill No. 4989**

**House Bill No. 4990**

**House Bill No. 4991**

**House Bill No. 4992**

**House Bill No. 5593****House Bill No. 5458**

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

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

**House Bill No. 4989****House Bill No. 4990****House Bill No. 4991****House Bill No. 4992****House Bill No. 5375****House Bill No. 5593****House Bill No. 5458**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4989, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 735****Yeas—36**

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

**Nays—0****Excused—2**

Barcia

Garcia

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the title of the bill.

Senator Anderson moved that Senator Thomas be temporarily excused from the balance of today's session.

The following bill was read a third time:

**House Bill No. 4990, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 736**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Barcia	Garcia	Thomas
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**Not Voting—0**

In The Chair: President

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Cropsey moved that the bill be given immediate effect.

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

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

"An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue



certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4991, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 737**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Barcia	Garcia	Thomas
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**Not Voting—0**

In The Chair: President

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

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

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

“An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies,

extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties.”

The Senate agreed to the full title.

Senator Thomas entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4992, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 738**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Barcia

Garcia

**Not Voting—0**

In The Chair: President

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

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

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

“An act to regulate retail installment sales transactions, agreements, charges and disclosures; and to provide for the enforcement thereof and penalties for violations.”

The Senate agreed to the full title.

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

**House Bill No. 5375**

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

The following bill was read a third time:

**House Bill No. 5375, entitled**

A bill to provide for loans, grants, and other assistance for energy efficiency and renewable energy projects; to create a restricted fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

The question being on the passage of the bill,

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

**Roll Call No. 739**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Barcia	Garcia
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**Not Voting—1**

Kuipers

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

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

The following bill was read a third time:

**House Bill No. 5593, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315 and 16327 (MCL 333.16315 and 333.16327), section 16315 as amended by 2007 PA 166 and section 16327 as added by 1993 PA 80.

The question being on the passage of the bill,

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

**Roll Call No. 740**

**Yeas—32**

Allen	Clark-Coleman	Jacobs	Richardville
Anderson	Clarke	Jansen	Sanborn
Basham	Cropsey	Jelinek	Scott

Birkholz	George	Kahn	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cherry	Hunter	Prusi	Whitmer

**Nays—3**

Cassis	McManus	Nofs
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**Excused—3**

Barcia	Garcia	Kuipers
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**Not Voting—0**

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

Senator Kuipers entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5458, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 507 and 550 (MCL 600.507 and 600.550), section 507 as amended by 2006 PA 607 and section 550 as amended by 1990 PA 54.

The question being on the passage of the bill,

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

**Roll Call No. 741****Yeas—28**

Allen	Cherry	Jacobs	Pappageorge
Anderson	Clarke	Jansen	Patterson

Basham	Cropsey	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Hardiman	McManus	Van Woerkom
Cassis	Hunter	Nofs	Whitmer

**Nays—7**

Clark-Coleman	Olshove	Scott	Thomas
Gleason	Prusi	Switalski	

**Excused—2**

Barcia	Garcia
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**Not Voting—1**

Brater

In The Chair: President

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

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

Earlier this month, the *Jackson Citizen Patriot* staff editorialized on the need for lower auto insurance costs. They argued against the practice of redlining which sets higher policy rates for people who live in particular areas. They said, and I quote: "Punishing drivers because they live in Detroit—or in Jackson County, which leads Michigan in car-deer crashes—and ignoring individual driving records strikes us as fundamentally unfair."

Your driving record, and not your address, should be a factor in determining your policy costs. I'm sure Jackson County drivers are not the only drivers outside of Detroit who experience this problem. I look forward to working with all of you on strategies to fix this broken auto insurance system in the coming months.

Senator Sanborn's statement is as follows:

I know that most of my colleagues are growing weary of hearing this continuous debate regarding the elimination of two circuit court judges in Macomb County. Unfortunately, I am forced to speak to this issue yet again because this must be one of these situations where the sheer repeating of the thought that this is going to save \$2 million will eventually make that statement true even though the numbers simply don't add up. Their proposal is a house of cards built on quicksand. The political powers pushing for this back in Macomb County know it.

The proponents have glossed over the fact that all but two judicial secretary positions won't actually be eliminated when they will just be reassigned because of their union-protected status. They have manufactured fictitious savings in the circuit court budget that would actually have to come from the prosecutor's office, the clerk's office, and the sheriff's office. Those savings are not related to the court budget at all. They would have to agree with their respective departments, and even these positions are all protected people and likely to just be reassigned. Probably the most bizarre thing is that they assume savings that they label as operational savings when the fact is that they would be based on the remaining 11 judges doing less work and hearing fewer cases. The most backlogged court in the state of Michigan hearing fewer cases—someone please explain to me the logic of this.

Now the Senator, my good friend from the 10th District, says that this is a time to shrink the size of government, not to grow it. I can't tell you where this newfound conservatism is coming from for my friend, but if so, I say to him kudos. However, as Michigan's most conservative Senator and the steward of the taxpayers of Macomb County, I would like to offer some real cost savings that will protect the public safety and the judicial system.

First of all, we could create a judicial secretarial pool. End the practice of each judge having his own secretary. Put them in a secretarial pool and that will save \$632,784 annually. Eliminate the use of visiting judges. We have heard from the Senator from the 10th District who quoted Judge Mary Chrzanowski saying, "We'll all have to work just a little bit harder." Well, I say it's about time. You would have thought that \$140,000 a year salary would have been enough to make you work hard. No more visiting judges—that will save \$50,000 annually.

Third, we need to eliminate visiting court reporters. We have 13 hardworking court reporters who can undoubtedly rise to the challenge. This savings will be another \$35,000 annually. We need to eliminate certain judicial expenses.

Can anyone tell me why in Macomb County they pay the judges' bar dues for their association? Why are they paying for their robes—\$1,900 each judge—also the judges' association dues and other personal expenses? That is a savings in the Sanborn Plan of \$16,000 annually.

Finally, judicial responsibility. Why is it that the judges are the only segment of the public employees that has not had to feel the cut—feel the pain that we say everybody should have to share in the pain in these tough economic times? Everybody but the highest-paid employees in the state—the judges.

In Macomb County, I propose changing the formula for judicial reimbursement at the county level. Allow the county to lower the pay of judges in Macomb County by 10 percent, and use that money to directly give back to the county commission to apply to the budget shortfall. That is \$182,000 savings annually. I am not an appropriations person, but I am sure if you check my math, it will save up to \$913,000. It's a savings that doesn't jeopardize public safety; doesn't expire after two years, and doesn't place an even greater burden on the sheriff's department. With the exception of the judicial pay cut, the Macomb County Board of Commissioners entirely can do it today, and the Legislature doesn't have to rise up and get involved in this process.

Senator Switalski's statement is as follows:

Let me just address a couple of things. You know, I did not know that you could not lay off union people. I've got to go back and tell my county that all those union people they have laid off they have to bring back. When you bump in a union, eventually the low-seniority person does get laid off. My good friend, Senator Sanborn, keeps saying that union people just keep moving around. They do get laid off. In terms of these other departments, the county just cut the prosecutor's office by ten heads, and they justified it by saying we are closing a couple courtrooms. They are already counting on this savings. They have already done the cut. If they have to service these courts, they are going to have trouble doing that.

The big backlog, we have been over this numerous times. The backlog in Oakland, in which we just approved not filling a judge, is 3.7 and the backlog in Macomb is 4.0. What is the difference? The scale also proposed that Macomb move a probate judge who is underutilized over to circuit. That is how you deal with the backlog. You get more out of what you have already.

I don't know that it is newfound conservatism. I mean, I have voted for a lot of cuts this year. I have advocated in a lot of budgets that revenue is down 12 percent, we have to cut. Look at the record. I have voted for these cuts. It is just dealing with reality. I would suggest to members that they take a look. I have suggested a way to resolve this—a compromise—and I withdrew the amendment. It is on the system, you can look at it, and just do me a favor and take a look at it. You might feel that it is a reasonable approach, and you might have a chance to vote on it at some point.

I appreciate all the suggestions, but I hate for Lansing to kind of micromanage how the locals are supposed to do their budget. We are going to tell them to create office pools. I guess what stuck out to me in the analysis was that the judges' robes are \$1,900. Wow, these robes must be made of gold. I need to get one of these robes. If you actually read the budget, it is 13 robes, and we are going to save one judge's robe—one-thirteenth of the \$1,900 figure. When we are throwing around numbers and saying this doesn't save, the guy who has been on the job for 35 years says that's what it saves. You lay off union people and they bump up, but the low-seniority guy goes out. The robes don't cost \$1,900 apiece.

If I thought cutting the pay of judges would save Macomb one penny, it would be worth talking about. All that is paid for by the state. If the Senator wants to offer an amendment to cut judges' pay, please put it up there. Just look at the suggested compromise; it is on the system. Is that a reasonable approach?

Senator Whitmer's statement is as follows:

I just rise in response to my colleague from the 11th District. He made the statement that all other state employees have made a sacrifice. I think it is worth being corrected. What sacrifice have you made, Senator? This chamber has not made a sacrifice. You still collect your SOCC check. You still get your lifetime health care. You still get your \$100,000 more per office in the majority than we do.

What sacrifice have you made, Senator? I heard you say that everyone else has except for the bench.

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:36 p.m.

11:44 p.m.

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

By unanimous consent the Senate returned to the order of

### Motions and Communications

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Friday, December 18, at 12:10 a.m.  
The motion prevailed.

By unanimous consent the Senate returned to the order of

### Messages from the House

#### Senate Bill No. 818, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 578.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

#### Roll Call No. 742

#### Yeas—34

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

Nays—0

**Excused—2**

Barcia

Garcia

**Not Voting—2**

Cassis

Switalski

In The Chair: Richardville

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

**Committee Reports**

The Committee on Banking and Financial Institutions reported

**Senate Bill No. 350, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 2006 PA 579.

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

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Nofs, Clarke and Olshove

Nays: None

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, December 9, 2009, at 8:30 a.m., Room 210, Farnum Building

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

Excused: Senator Hunter

The Committee on Families and Human Services reported

**House Bill No. 5501, 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.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.



The Committee on Families and Human Services reported

**House Bill No. 5502, 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.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 5503, 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.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 5504, 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.

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.

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen and Jacobs

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Thursday, December 10, 2009, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Jansen (C) and Jacobs

Excused: Senator Hardiman

The Committee on Commerce and Tourism reported

**House Bill No. 5469, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 110.

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

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Nofs, Stamas, Clarke and Hunter

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Thursday, December 10, 2009, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Allen (C), Nofs, Stamas, Clarke and Hunter

The Committee on Commerce and Tourism reported

**House Bill No. 5584, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Nofs and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Thursday, December 17, 2009, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Nofs and Clarke

Excused: Senators Stamas and Hunter

The Committee on Agriculture and Bioeconomy reported

**Senate Bill No. 578, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 72114, 72115, and 72116.

With the recommendation that the substitute (S-2) previously recommended by the Committee on Natural Resources and Environmental Affairs be rejected.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

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

Gerald Van Woerkom  
Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Birkholz

Nays: None

The bill and the substitutes recommended by the committees were referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, December 17, 2009, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

**Scheduled Meetings****Conference Committees -**

**Flexibility in Failing Schools (HB 4788)** - Friday, December 18, 12:15 a.m. or later after committees are given leave by the House to meet, Room 426, Capitol Building (373-2002)

**Identifying and Restructuring Failing Schools (HB 4787)** - Friday, December 18, 12:10 a.m. or later after committees are given leave by the House to meet, Room 426, Capitol Building (373-2002)

**Reorganization of Failing Schools (SB 981)** - Friday, December 18, 12:10 a.m., Room 426, Capitol Building (373-6920)

**Schools of Excellence Funding (SB 926)** - Friday, December 18, 12:10 a.m., Room 426, Capitol Building (373-6920)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:49 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Friday, December 18, 2009, at 12:10 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate