

No. 19
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Thursday, March 4, 2010.

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—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—excused
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 James A. Barcia of the 31st District offered the following invocation:

Heavenly Father, as we gather today to labor together towards a better future of this great state, grant us the wisdom to do Your work together with grace and dignity. Let us be bold in our vision and decisive in our actions, remaining ever-mindful that we serve not only You, Lord, but our fellow citizens as well.

Though the path may be treacherous and difficult to see, let us remain steadfast in our commitment to doing what is right for the people of this state. For just as Daniel emerged safely from the lion's den, we are certain to prevail so long as our faith remains strong. Help us find a way to safely navigate the many challenges we face and emerge as a state with greater opportunity and a clearer path toward recovery.

In these times of turmoil, let us be thankful for the many blessings You've bestowed upon us. Let us be ever-mindful of our great fortune to live in America, where we are free to choose our causes, speak out truth, and worship without fear of persecution.

Finally, Lord, we pray Your protection over our brave men and women serving overseas to secure our freedom. May they serve with honor, and return home safely. We ask this in Your name. Amen.

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

Motions and Communications

Senators Stamas, Bishop, Whitmer, Pappageorge and Nofs entered the Senate Chamber.

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

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

The following communication was received:

Unemployment Insurance Agency

February 24, 2010

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$430.38.

Respectfully submitted,
Stephen M. Geskey
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 3:

House Bill Nos. 4821 5808

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, March 3, and are available at the legislative website:

Senate Bill No. 1180

House Bill Nos. 5908 5909 5910 5911 5912 5913 5914 5915 5916 5917

House Joint Resolutions WW XX

Messages from the House

Senator Brater entered the Senate Chamber.

Senate Bill No. 1045, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending section 39 (MCL 256.659).

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.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

President Johnson once said, "We are all fellow passengers on a dot of earth. And each of us in the span of time has really only a moment among our companions." What will we do with our moment? Will we decide to help our constituents with their problems? I hope that one of our moments will be to enact meaningful auto insurance reform.

People have enough trouble these days keeping food on their tables, keeping their kids in college, and paying their mortgage. Our citizens do not need the added difficulty of paying extremely high auto insurance premiums. And many of our citizens do have very expensive premiums just because of where they live, to mention just one factor that is used to determine rates.

This is our moment to do something about this problem. This is our moment to give Michigan citizens a break and create fairness in this industry. Please join me and work with me and the sponsors of the bills now in committee. Together we can reform auto insurance. Let's have our moment now, this year. Let's end this legislative session on a high note knowing that we took action to do something that will truly help our citizens who are struggling in this tough economy.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Jacobs introduced

Senate Bill No. 1205, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1205 (MCL 339.1205), as amended by 1997 PA 97.

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

Senators Kahn, Hardiman and Richardville introduced

Senate Bill No. 1206, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2 and 4a (MCL 28.722 and 28.724a), section 2 as amended by 2005 PA 301 and section 4a as amended by 2004 PA 237, and by adding section 2a.

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

Senators Hardiman, Kahn and Richardville introduced

Senate Bill No. 1207, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2004 PA 240.

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

Senators Richardville, Hardiman and Kahn introduced

Senate Bill No. 1208, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5a (MCL 28.725a), as amended by 2005 PA 322.

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

Senators Kuipers, Kahn and Richardville introduced

Senate Bill No. 1209, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 35 (MCL 28.735), as amended by 2005 PA 322.

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

Senators Birkholz, Gleason and Jacobs introduced

Senate Bill No. 1210, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5451, 5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5461, 5461a, 5462, 5463, 5466, 5467, 5468, 5469, 5470, 5471, 5472, 5473, 5473a, 5474, 5474b, 5475, 5475a, 5476, and 5477 (MCL 333.5451, 333.5453, 333.5454, 333.5455, 333.5456, 333.5457, 333.5458, 333.5459, 333.5460, 333.5461, 333.5461a, 333.5462, 333.5463, 333.5466, 333.5467, 333.5468, 333.5469, 333.5470, 333.5471, 333.5472, 333.5473, 333.5473a, 333.5474, 333.5474b, 333.5475, 333.5475a, 333.5476, and 333.5477), sections 5451, 5461, 5469, 5470, and 5474 as added by 1998 PA 219, section 5453 as amended by 2008 PA 45, sections 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5462, 5463, 5467, 5468, 5471, 5472, 5473a, 5475, 5476, and 5477 as amended by 2002 PA 644, sections 5461a, 5466, and 5473 as added by 1998 PA 220, section 5474b as added by 2004 PA 432, and section 5475a as added by 2004 PA 434, and by adding sections 5460b, 5461b, 5461c, 5469a, and 5469b.

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. 4821, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

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

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

House Bill No. 5808, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88a (MCL 125.2088a), as amended by 2006 PA 639.

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

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Cropsy 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 Jansen 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:

Senate Bill No. 1091, entitled

A bill to amend 1965 PA 285, entitled "Professional investigator licensure act," by amending section 4 (MCL 338.824), as amended by 2008 PA 146.

Senate Bill No. 1030, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2008 PA 217.

Senate Bill No. 1135, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2008 PA 495.

House Bill No. 4172, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21530; and to repeal acts and parts of acts.

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. 4932, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310b (MCL 750.310b), as added by 1996 PA 539.

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. 185, entitled

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," (MCL 554.601 to 554.616) by adding section 1b.

Substitute (S-1).

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

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

Senate Bill No. 492, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2007 PA 204 and section 13 as amended by 2007 PA 202.

Substitute (S-1).

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

Resolutions

Senator Brown 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. 35

The motion prevailed.

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

Senate Resolution No. 123

The resolution consent calendar was adopted.

Senators Bishop and Kuipers offered the following resolution:

Senate Resolution No. 123.

A resolution commemorating the 100th Anniversary of Indian Trails motorcoach company.

Whereas, The year 2010 marks the 100th Anniversary of the Owosso-based motorcoach company, Indian Trails. The members of the Michigan Legislature consider it an honor and great privilege to commemorate this occasion and proudly extend tribute to Indian Trails who has successfully helped Michiganders travel safely throughout the state and country for a century. This company's success has been built upon quality service and safety, with personal service, rider safety, and comfort always coming first; and

Whereas, Indian Trails began moving passengers and freight from the Durand Union Train Depot to points around Shiawassee County in 1910. Now, with the help of 125 dedicated employees, Indian Trails transports more than 1 million passengers over 4 million miles annually in 62 luxury motorcoaches, with service throughout Michigan's Upper and Lower Peninsulas, as well as other parts of the country. Not only does Indian Trails operate daily scheduled service from many points throughout Michigan, but 60 percent of their operations are in providing charter services for many types of groups, including college athletic teams, professional sports teams, corporations, tour operators, and schools; and

Whereas, In 2006, in conjunction with Okemos Travel, Indian Trails launched Michigan Flyer, which provides eight round-trips daily between East Lansing, Jackson, Ann Arbor, and Detroit Metropolitan Airport. This endeavor has led to over 100,000 passengers utilizing this helpful transit service yearly, and the demand for this service has led to the planned construction of a permanent Michigan Flyer office and hub at Michigan Avenue and Howard Street in Lansing Township; and

Whereas, Since establishing a new equipment purchase policy in the 1950s, Indian Trails has become a leader in operating one of the largest and most modern fleets of deluxe motorcoaches in Michigan. Each coach is equipped with Wi-Fi, 110-volt electrical outlets, and two types of GPS systems. Every coach in their fleet is less than five years old, and the company has recently invested \$3.5 million for the purchase of seven new Prevost H3-45 coaches, equipped with three-point safety belts, making them one of the first motorcoach companies in the country to have the added safety feature; now, therefore, be it

Resolved by the Senate, That we join with the entire state in praising and paying tribute to Indian Trails for their commitment to excellence and quality transportation service in Michigan as they celebrate 100 years of business; and be it further

Resolved, That a copy of this resolution be transmitted to the owners of Indian Trails as evidence of our highest esteem. Senators Barcia, Birkholz, Brater, Clarke, Garcia, Jacobs, Pappageorge and Scott were named co-sponsors of the resolution.

House Concurrent Resolution No. 28.

A concurrent resolution to memorialize the United States Congress to appropriate \$475 million for a Great Lakes Restoration Initiative.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

Senator Richardville offered the following resolution:

Senate Resolution No. 124.

A resolution to urge the Secretary of State to reconsider and reverse the decision to close the branch office located in Temperance.

Whereas, As our state copes with some of the most severe and sustained financial challenges it has faced in many decades, public and private offices are doing all they can to cut costs in a manner that is least harmful to customers. This process is sometimes made more difficult for government services that people are required by law to utilize but are unavailable elsewhere; and

Whereas, The decision by the Secretary of State to close the department's branch office in Temperance has generated a strong reaction from citizens in that area of Monroe County. This move would represent a serious inconvenience for a large number of citizens in a community that is itself a significant population center. With approximately 50,000 people in Bedford Township and the surrounding areas, many customers would have to drive 15 to 30 miles one way to use the nearest Secretary of State branch in the city of Monroe. In considering this fact, it is also appropriate to acknowledge that this inconvenience, in both time and cost for individuals, will be felt disproportionately by senior citizens who are less likely to be able to utilize online services; and

Whereas, The Temperance branch office of the Secretary of State also serves as an anchor that benefits local businesses in the community. It is significant to note that the economic activity generated by people conducting business at the Temperance branch represents spending that could well take place across the state border in Toledo, Ohio, if the office were closed. In light of the economic challenges facing Michigan, all efforts should be made to support businesses in our state; and

Whereas, In any move to consolidate state offices for the purpose of saving public money, there should also be no doubt that the move will be certain to save enough money to justify the change and outweigh all other considerations. There are many in Bedford Township who question what financial gain would be achieved by the closing of the branch office at Temperance, especially in light of the clear costs in money and inconvenience that would be borne by area citizens; now, therefore, be it

Resolved by the Senate, That we urge the Secretary of State to reconsider and reverse the decision to close the branch office located in Temperance; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of State.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Brown moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Brown moved that the resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Barcia, Brater and Scott were named co-sponsors of the resolution.

Senator Richardville offered the following concurrent resolution:

Senate Concurrent Resolution No. 36.

A concurrent resolution to urge the Secretary of State to reconsider and reverse the decision to close the branch office located in Temperance.

Whereas, As our state copes with some of the most severe and sustained financial challenges it has faced in many decades, public and private offices are doing all they can to cut costs in a manner that is least harmful to customers. This process is sometimes made more difficult for government services that people are required by law to utilize but are unavailable elsewhere; and

Whereas, The decision by the Secretary of State to close the department's branch office in Temperance has generated a strong reaction from citizens in that area of Monroe County. This move would represent a serious inconvenience for a large number of citizens in a community that is itself a significant population center. With approximately 50,000 people in Bedford Township and the surrounding areas, many customers would have to drive 15 to 30 miles one way to use the nearest Secretary of State branch in the city of Monroe. In considering this fact, it is also appropriate to acknowledge that this inconvenience, in both time and cost for individuals, will be felt disproportionately by senior citizens who are less likely to be able to utilize online services; and

Whereas, The Temperance branch office of the Secretary of State also serves as an anchor that benefits local businesses in the community. It is significant to note that the economic activity generated by people conducting business at the Temperance branch represents spending that could well take place across the state border in Toledo, Ohio, if the office were closed. In light of the economic challenges facing Michigan, all efforts should be made to support businesses in our state; and

Whereas, In any move to consolidate state offices for the purpose of saving public money, there should also be no doubt that the move will be certain to save enough money to justify the change and outweigh all other considerations. There are many in Bedford Township who question what financial gain would be achieved by the closing of the branch office at Temperance, especially in light of the clear costs in money and inconvenience that would be borne by area citizens; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Secretary of State to reconsider and reverse the decision to close the branch office located in Temperance; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of State.

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

Senator Brown 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 Brown moved that the concurrent resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Barcia, Brater and Scott were named co-sponsors of the concurrent resolution.

Recess

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

The motion prevailed, the time being 10:39 a.m.

12:10 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
Third Reading of Bills

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

House Bill No. 5645

House Bill No. 5657

House Bill No. 5658

Senate Bill No. 727

Senate Bill No. 1118

Senate Bill No. 1119

Senate Bill No. 1120

Senate Bill No. 1131

Senate Bill No. 1132

The motion prevailed.

The following bill was read a third time:

House Bill No. 5645, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2154 (MCL 324.2154), as amended by 2004 PA 513.

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. 84

Yeas—34

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

Nays—0

Excused—1

McManus

Not Voting—3

Barcia

Cherry

Sanborn

In The Chair: Richardville

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

Senator Cropsey moved that Senator Sanborn 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 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. 5657, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 12412 (MCL 333.12412).

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. 85

Yeas—34

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

Nays—0

Excused—3

Barcia	McManus	Sanborn
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Not Voting—1

Birkholz

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 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. 5658, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 12431 (MCL 333.12431), as amended by 2005 PA 43.

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. 86

Yeas—35

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

Nays—0

Excused—3

Barcia	McManus	Sanborn
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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.

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

Roll Call No. 88**Yeas—36**

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

Nays—0**Excused—2**

McManus Sanborn

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. 1119, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 15 of chapter XII (MCL 712.15), as amended by 2006 PA 488.

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. 89**Yeas—36**

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

Nays—0**Excused—2**

McManus Sanborn

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. 1120, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2008 PA 199.

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. 90

Yeas—36

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

Nays—0

Excused—2

McManus	Sanborn
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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. 1131, entitled

A bill to amend 2001 PA 266, entitled “Grade A milk law of 2001,” by amending sections 31, 32, 33, and 53 (MCL 288.501, 288.502, 288.503, and 288.523), sections 31 and 53 as amended by 2008 PA 136.

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. 91

Yeas—35

Allen	Cherry	Hunter	Prusi
Anderson	Clark-Coleman	Jacobs	Richardville

Barcia
 Basham
 Birkholz
 Bishop
 Brater
 Brown
 Cassis

Clarke
 Cropsey
 Garcia
 George
 Gilbert
 Gleason
 Hardiman

Jansen
 Jelinek
 Kahn
 Nofs
 Olshove
 Pappageorge
 Patterson

Scott
 Stamas
 Switalski
 Thomas
 Van Woerkom
 Whitmer

Nays—1

Kuipers

Excused—2

McManus

Sanborn

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. 1132, entitled

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," by amending sections 110 and 125 (MCL 288.670 and 288.685), as amended by 2008 PA 147, and by adding section 110b.

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. 92

Yeas—35

Allen
 Anderson
 Barcia
 Basham
 Birkholz
 Bishop
 Brater
 Brown
 Cassis

Cherry
 Clark-Coleman
 Clarke
 Cropsey
 Garcia
 George
 Gilbert
 Gleason
 Hardiman

Hunter
 Jacobs
 Jansen
 Jelinek
 Kahn
 Nofs
 Olshove
 Pappageorge
 Patterson

Prusi
 Richardville
 Scott
 Stamas
 Switalski
 Thomas
 Van Woerkom
 Whitmer

Nays—1

Kuipers

Excused—2

McManus

Sanborn

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

I was absent from the chamber on Tuesday, March 2, because I was in Grand Rapids receiving an award. So had I been here on Roll Call No. 64, Senate Bill No. 192, I would have voted "yes." On Roll Call No. 65, Senate Bill No. 860, I would have voted "yes." On Roll Call No. 66, Senate Bill No. 721, I would have voted "yes." On Roll Call No. 67, Senate Bill No. 1094, I would have voted "yes." On Roll Call No. 68, Senate Bill No. 1095, I would have voted "yes." On Roll Call No. 69, Senate Bill No. 1096, I would have voted "yes."

Committee Reports

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 4512, entitled

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

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.

Jason E. Allen

Chairperson

To Report Out:

Yeas: Senators Allen, Garcia, Olshove and Basham

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 Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, March 3, 2010, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Garcia, Olshove and Basham

Excused: Senator Pappageorge

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Tuesday, March 2, 2010, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Brown, Stamas, Switalski and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, March 2, 2010, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C) and Brater

Excused: Senator Kahn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:
 Joint meeting held on Wednesday, March 3, 2010, at 8:30 a.m., Room 426, Capitol Building
 Present: Senators Jansen (C), George, Scott and Anderson
 Excused: Senator Stamas

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
 Meeting held on Wednesday, March 3, 2010, at 1:00 p.m., Room 110, Farnum Building
 Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason
 Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:
 Meeting held on Wednesday, March 3, 2010, at 2:00 p.m., Room H-65, Ground Floor, Capitol Building
 Excused: Senators McManus and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Bioeconomy submitted the following:
 Meeting held on Thursday, March 4, 2010, at 9:00 a.m., Room 110, Farnum Building
 Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture and House Agriculture Appropriations Subcommittee - Tuesday, March 9, 12:30 p.m., Room 426, Capitol Building (373-2768)

Community Colleges - Thursday, March 11, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Higher Education - Monday, March 8, 10:30 a.m., Ferris State University, Interdisciplinary Resource Center, 1301 South State Street, Big Rapids; and Thursday, March 11, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary and Corrections - Tuesday, March 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Tuesday, March 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources and Environmental Affairs - Wednesday, March 10, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
 The motion prevailed, the time being 12:29 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, March 9, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

