

No. 86  
STATE OF MICHIGAN  
**Journal of the Senate**  
95th Legislature  
REGULAR SESSION OF 2010

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Senate Chamber, Lansing, Tuesday, November 9, 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 not present.

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

Garcia—present  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present  
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:

Lord, please bless us all as we make decisions that affect the lives of those we represent. Grant us the wisdom to strive continually for the greater good of people, who will be impacted by our thoughtfulness and our desire to meld the very best of what we bring to this noble enterprise of public service. Grant us courage and devotion to fulfill our duties that we may better serve our constituents and their needs.

May we cooperate with our colleagues for genuine justice and peace in all that we think, say, and do. Continue to bring out the best of the human spirit which You create in and through us. Great God, bless us and our fellow citizens of this great state of Michigan. Amen.

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

### Recess

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

10:21 a.m.

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

During the recess, Senators Clarke, Richardville, Sanborn, Garcia, McManus, Kuipers, Nofs, Jansen, George, Van Woerkom, Pappageorge, Kahn, Gilbert, Stamas, Jelinek, Cassis, Birkholz, Thomas and Hardiman entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolutions be postponed for today:

**Senate Resolution No. 15**

**Senate Resolution No. 172**

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:

**Senate Bill No. 1247**

**Senate Bill No. 1482**

**Senate Bill No. 39**

**Senate Bill No. 223**

**Senate Bill No. 224**

**Senate Bill No. 225**

**Senate Bill No. 226**

**Senate Bill No. 1382**

**Senate Bill No. 1434**

**Senate Bill No. 1475**

**Senate Bill No. 1456**

**Senate Bill No. 1506**

**Senate Bill No. 1529**

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

The Secretary announced that the following official bills were printed on Thursday, November 4, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1538</b>	<b>1539</b>	<b>1540</b>	<b>1541</b>	<b>1542</b>	<b>1543</b>	<b>1544</b>	<b>1545</b>	<b>1546</b>	<b>1547</b>	<b>1548</b>	<b>1549</b>	<b>1550</b>	<b>1551</b>
	<b>1552</b>	<b>1553</b>	<b>1554</b>	<b>1555</b>	<b>1556</b>	<b>1557</b>	<b>1558</b>	<b>1559</b>	<b>1560</b>	<b>1564</b>	<b>1565</b>	<b>1566</b>	<b>1567</b>	<b>1568</b>
	<b>1569</b>	<b>1570</b>	<b>1571</b>	<b>1572</b>	<b>1573</b>	<b>1574</b>	<b>1575</b>	<b>1576</b>	<b>1577</b>	<b>1578</b>	<b>1579</b>	<b>1580</b>		

**Messages from the Governor**

Senator Allen entered the Senate Chamber.

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

**Senate Bill No. 1163**

**Senate Bill No. 1152**

**Senate Bill No. 1153**

The motion prevailed.

The following message from the Governor was received and read:

November 8, 2010

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 Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213 and Executive Order 2003-18, MCL 445.2011:

**Worker's Compensation Board of Magistrates**

Ms. Rosa Bava of 54499 Algonquin Drive, Shelby Township, Michigan 48315, county of Macomb, succeeding Christopher Ambrose, who has resigned, is appointed for a term commencing November 15, 2010 and expiring January 26, 2011.

Mr. David P. Grunwald of 1111 Torrey Road, Grosse Pointe Woods, Michigan 48236, county of Wayne, succeeding James J. Kent, who has resigned, is appointed for a term commencing November 15, 2010 and expiring January 26, 2011.

Mr. Kim C. Rochau of 1465 Stanley Boulevard, Birmingham, Michigan 48009, county of Oakland, succeeding Melody Paige, who has resigned, is appointed for a term commencing November 15, 2010 and expiring January 26, 2013.

Sincerely,

Jennifer M. Granholm

Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded 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:

**Senate Bill No. 1376**

**Senate Bill No. 1377**

**Senate Bill No. 1378**

**House Bill No. 6196**

**Senate Bill No. 1413**

**Senate Bill No. 1421**

**Senate Bill No. 1527**

The motion prevailed.

Senator Bishop entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 1376, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1209, 2519, 3207, 7105, 7411, 7414, 7817, 7821, and 7910 (MCL 700.1209, 700.2519, 700.3207, 700.7105, 700.7411, 700.7414, 700.7817, 700.7821, and 700.7910), sections 1209, 2519, and 7105 as amended and sections 7411, 7414, 7817, 7821, and 7910 as added by 2009 PA 46 and section 3207 as added by 2006 PA 299, by amending the headings of the parts of article VII, by amending the heading of article VIII, and by designating sections 8101 and 8102 as part 1 and sections 8201 to 8206 as part 2 of article VIII and adding headings for those parts.

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. 509****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—1**

Brater

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Brater entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 1377, entitled**

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 16 (MCL 456.536), as amended by 2008 PA 478.

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. 510****Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1378, entitled**

A bill to amend 1986 PA 255, entitled "Prepaid funeral and cemetery sales act," by amending section 12 (MCL 328.222), as amended by 2004 PA 21.

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. 511**

**Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 6196, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 720, 725, 726, 727, 728, 729, and 734 (MCL 339.720, 339.725, 339.726, 339.727, 339.728, 339.729, and 339.734), sections 720, 728, and 734 as amended by 2008 PA 161, sections 725 and 729 as amended by 2007 PA 1, and sections 726 and 727 as added by 1997 PA 10.

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. 512****Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0****Not Voting—0**

In The Chair: President

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

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

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

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of 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:

**Senate Bill No. 1413, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2907, 2909, 2911, and 2913 (MCL 339.2907, 339.2909, 339.2911, and 339.2913), as added by 2006 PA 489.

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. 513****Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1421, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278b (MCL 380.1278b), as amended by 2010 PA 80.

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 14, line 18, after “**PSYCHOLOGIST**” by striking out “**SHOULD**” and inserting “**MAY**”.

The amendment was not adopted, a majority of the members serving not 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. 514**

**Yeas—27**

Allen	Cassis	Hardiman	Pappageorge
Anderson	Clarke	Hunter	Patterson
Barcia	Cropsey	Jansen	Richardville
Basham	Garcia	Jelinek	Sanborn
Birkholz	George	Kahn	Stamas
Bishop	Gilbert	Kuipers	Van Woerkom
Brown	Gleason	McManus	

**Nays—11**

Brater	Jacobs	Prusi	Thomas
Cherry	Nofs	Scott	Whitmer
Clark-Coleman	Olshove	Switalski	

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Whitmer, Cherry, Clark-Coleman, Jacobs, Scott and Brater, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1421.

Senator Whitmer’s statement, in which Senators Cherry, Clark-Coleman, Jacobs, Scott and Brater concurred, is as follows:

I agree that it could be valuable to have a school psychologist participate in the development of educational development plans for students who receive special education services. I mean it would be valuable to have a school psychologist involved in all decisions for all the children. Unfortunately, not every school has a school psychologist.

I understand the sponsor’s argument that this is language that was inadvertently repealed earlier this session. Nonetheless, it was repealed, and inserting it now represents a new unfunded mandate, even if you want to call it “may lite.”

The Legislative Commission on Statutory Mandates specifically pointed to statutory increases in services to special education students as a violation of the Headlee Amendment. The state has already lost two court cases, the *Durant* case and the *Adair* case, pertaining to unfunded mandates on school districts. I don’t believe it’s prudent to go down that path again, and thus, I voted “no” on Senate Bill No. 1421.

The following bill was read a third time:

**Senate Bill No. 1527, entitled**

A bill to amend 1933 PA 62, entitled “Property tax limitation act,” by amending section 5i (MCL 211.205i), as amended by 2004 PA 391.

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. 515**

**Yeas—37**

Allen	Clarke	Jansen	Prusi
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	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
Clark-Coleman			

**Nays—0**

**Excused—0**

**Not Voting—1**

Cherry

In The Chair: President

The Senate agreed to the title of the bill.



By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Clark-Coleman 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 bill:

**Senate Bill No. 1247, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 3111 (MCL 324.3111).

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 a substitute therefor, the following bill:

**Senate Bill No. 825, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 640 (MCL 500.640), as amended by 1992 PA 182.

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. 1434, entitled**

A bill 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 6d (MCL 28.6d), as added by 1982 PA 531.

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. 1475, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending sections 1, 2, and 2a (MCL 691.1401, 691.1402, and 691.1402a), section 1 as amended by 2001 PA 131 and section 2 as amended and section 2a as added by 1999 PA 205.

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. 1456, entitled**

A bill to provide for the preservation of certain economic development rates or contracts; to provide for the adoption of certain rate-making policies for certain electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

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. 1506, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11506 (MCL 324.11506), as amended by 2007 PA 212.

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. 1529, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 293, 294, 295, 296, and 297 (MCL 18.1293, 18.1294, 18.1295, 18.1296, and 18.1297).

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. 1482, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80164a.

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:

**Senate Bill No. 825**

**Senate Bill No. 1247**

**Senate Bill No. 1482**

**Senate Bill No. 1434**

**Senate Bill No. 1475**

**Senate Bill No. 1456**

**Senate Bill No. 1506**

**Senate Bill No. 1529**

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

The following bill was read a third time:

**Senate Bill No. 825, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 640 (MCL 500.640), as amended by 1992 PA 182.

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. 516**

**Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1247, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing section 3111 (MCL 324.3111).

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. 517**

**Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1482, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80164a.

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. 518****Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

**Senate Bill No. 1434**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1475, entitled**

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability;

to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending sections 1, 2, and 2a (MCL 691.1401, 691.1402, and 691.1402a), section 1 as amended by 2001 PA 131 and section 2 as amended and section 2a as added by 1999 PA 205, and by adding section 2b.

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. 519****Yeas—33**

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

**Nays—5**

Anderson	Cherry	Jacobs	Prusi
Brater			

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1456, entitled**

A bill to provide for the preservation of certain economic development rates or contracts; to provide for the adoption of certain rate-making policies for certain electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

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. 520****Yeas—38**

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

Bishop  
Brater  
Brown  
Cassis  
Cherry

Gilbert  
Gleason  
Hardiman  
Hunter  
Jacobs

Nofs  
Olshove  
Pappageorge  
Patterson

Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1506, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11506 (MCL 324.11506), as amended by 2007 PA 212.

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. 521**

**Yeas—38**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Garcia  
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—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1529, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending sections 293, 294, 295, 296, and 297 (MCL 18.1293, 18.1294, 18.1295, 18.1296, and 18.1297).

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. 522**

**Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott
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—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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 Clark-Coleman 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. 225, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 10c of chapter II (MCL 762.10c), as added by 2004 PA 453.

**Senate Bill No. 226, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 430.

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:  
**Senate Bill No. 39, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

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. 223, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 9, 11, 12, and 12b (MCL 445.69, 445.71, 445.72, and 445.72b), sections 12 and 12b as added by 2006 PA 566, and by adding sections 19, 19a, 19b, and 19c.

Substitute (S-2).

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

1. Amend page 14, line 20, by striking out all of subsection (2) and inserting:

**"(2) PROPERTY USED TO COMMIT A VIOLATION OF THIS ACT IS NOT SUBJECT TO FORFEITURE UNLESS THE OWNER OF THE PROPERTY ACTIVELY PARTICIPATES IN OR CONSENTS TO THE VIOLATION OF THIS ACT.**

**(3) PROPERTY OF ANY OF THE FOLLOWING PROVIDERS IS NOT SUBJECT TO FORFEITURE UNDER THIS ACT UNLESS IT IS DETERMINED THAT THE PROVIDER IS A CONSENTING PARTY OR PRIVY TO A VIOLATION OF THIS ACT:**

**(A) A TELECOMMUNICATION PROVIDER.**

**(B) AN INTERNET SERVICE PROVIDER.**

**(C) A COMPUTER NETWORK SERVICE PROVIDER.**

**(D) AN INTERACTIVE COMPUTER SERVICE PROVIDER."**

The Senate agreed to the substitute, as amended, 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. 224, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2002 PA 124.

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. 1382, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 26 of chapter V (MCL 765.26), as amended by 2002 PA 659.

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 proceeded to the order of

#### **Introduction and Referral of Bills**

Senator Kuipers introduced

**Senate Bill No. 1581, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for



resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending sections 1, 2, 3, and 3a of article II, sections 1, 2, and 3 of article III, and section 1 of article IV (MCL 38.81, 38.82, 38.83, 38.83a, 38.91, 38.92, 38.93, and 38.101), sections 1 and 2 of article II and section 2 of article III as amended and section 3a of article II and section 3 of article III as added by 1993 PA 59, section 1 of article III as amended by 1996 PA 282, and section 1 of article IV as amended by 2005 PA 136, and by adding section 1a to article III.

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

Senator Kuipers introduced

**Senate Bill No. 1582, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1249 (MCL 380.1249), as added by 2009 PA 205.

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

Senator Gilbert introduced

**Senate Bill No. 1583, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 25 (MCL 205.75), as amended by 2008 PA 361.

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

### Statements

Senators Scott, Cassis and Van Woerkom 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:

The journalist Ella Winter wrote, “Choose well: Your choice is brief, yet endless.” Whatever we do here in these last few weeks will live on long after we’ve left. Our parting gift to the people of Michigan should be meaningful auto insurance reform. They have waited long enough for us to act to make a bad insurance system better.

Too many Michigan citizens have paid unfairly-high premiums. Too many of our citizens have been forced to break the law and drive without insurance because they simply could not afford the high monthly cost. Too many citizens with perfectly good driving records have found that they pay higher rates simply because of where they live than someone else with a poor driving record. Enough is enough.

We are ignoring our responsibility to the people of this great state if we leave without passing auto insurance reforms. It is high time that we finally do the right thing, and give our citizens a break from these unfair, high-cost auto insurance premiums.

Senator Cassis’ statement is as follows:

Colleagues and constituents, I have been coming into this revered room for almost eight years, as I have into the sister room across the hall for six years, and being joined with incredibly dedicated colleagues from both sides of the aisle. I have felt how fortunate I was to fulfill a role that I never dreamt would be my destiny. Were it not for a few unusual, dramatic turns and coincidences in my life’s journey, I could not have had the honor to enter public service and to have the privilege to represent a wonderful district and serve alongside admired colleagues.

I was born by the salty waters of the ocean, near the vineyards of Long Island, New York, to a family that on one side traced its roots to Connecticut’s Roger Sherman, who signed both the Declaration of Independence and the Constitution. My father’s side hailed from the lush, verdant fields of Ireland. In the midst of Sag Harbor stands a monument commemorating the brave men who went into the ocean whaling. That is where the spirit of adventure and independence can mold one’s character. But the Midwest and eventually Michigan were to be my home. I’m a graduate of Ohio University and the University of Michigan, and educating and guiding our youth was my chosen profession. And for 19 years, I poured my soul into true fulfillment of that role.

Ironically, ironically, I had turned down an internship in Washington, D.C., awarded to one senior upon graduation, many, many Junes ago. Yet, two dramatic events changed the course of my life and eventually led me to public service. A dropped thread in the tapestry was about to be picked up. The first event concerned local zoning, where a developer wanted to significantly downsize homes next to my home and countless other sites in the growing newness of Novi. Fearing loss of value and the largest investment of our lives, I led some 200 aggrieved people to the Novi City Council in

protest. As a result, the similar/dissimilar ordinance was adopted and has remained in law in a number of municipalities across Michigan. Leadership inspires expectations—a memory of being installed into Phi Beta Kappa; the memory of the words that “to much is given, much is expected.”

With the support of some incredible Novi women, Isabelle Collins, Ruth O’Rear, and Audrey Murphy, who urged me to run for Novi City Council, I was elected in 1985 and served for nine years.

The second event involved a very tragic accident that took the life of a young friend and rising political star, Tim Pope, a Lansing aide and staffer. Tim was the logical next Novi State Representative. He remains in my heart inspiring me daily. And when Senator David Honigman resigned, Republican Bullard decided to run for Dave’s vacancy. He asked me to consider running for his seat. What an awesome, unexpected challenge. That’s when I learned what it takes to campaign; a resounding message important to your citizens; walking, walking until you can’t take another step; debating with experience and knowledge, but campaigning is different than governance.

My motto became one of responsibility and responsiveness: When two people or more are gathered together, I will come; I will help. I will listen and assist each and every one of you to the very best of my ability. From the beginning, my priorities were clear and straightforward: reduce taxes, improve transportation, and support education. I entered the Michigan House in the minority, a mixed blessing. But I made a friend, Speaker pro tem Sharon Gire. Sharon banged a Republican freshman’s amendment, starting the process of reconstructing two antiquated interchanges, Beck and Wixom. Surprising, surprising because all of my other colleagues’ transportation amendments in 1997 bit the dust. I had learned a valuable lesson. Hard work coupled with building relationships yielded many successes on behalf of the constituents I served. I’d like to think that the phrase “promises made, promises kept” applies.

Allow me to reflect on some highlights, significantly, being appointed by Speaker Perricone to be the first woman to chair House Tax Policy. In this role and my later one as chair of the Senate Finance Committee, we accomplished much together. Some of the highlights: Public Act 115 that eliminated the Single Business Tax; authored the Michigan entrepreneurial credit (ME2) and the alternative business tax in the MBT; Public Acts 124-126, bringing transparency and reform to the MEGA tax credits; sponsored transparency and disclosure to the film credit act; Public Act 582, early educational intervention and prevention of learning failure; Public Act 107, requiring school districts to create and implement a parental involvement plan; Public Act 112, criminalizing act of hazing in our schools; Public Act 37, protecting minors from accessing pornography at public libraries; Public Act 454, Social Security protection act/identify theft protection; Public Act 37, restricting waste coming into Michigan—the only law that has been upheld by federal court on constitutional grounds; sponsored the amendment in law to allow two needed hospitals to be built—Providence, Novi and Henry Ford, West Bloomfield; and sponsored the amendment for the reconstruction of the Beck and Wixom interchanges off I-96.

As I stand today at the final stop of this transforming political journey, I can’t help but be introspective on the tapestry of events that shaped my life. How does a child born to a lifelong Democrat—my dad—become a conservative Republican? Why would an Eastern-reared young lady who loved to swim in the salty waters of Southampton shores find herself at ease in the heart of the Midwest? And how does modern political thinking account for a descendent of Ireland marrying a man of Lebanese heritage and changing her name from Cunningham to Cassis? How do you frame a life story to tell your grandchildren how you grew up to marry, become an educator, only to eventually be elected the first person to represent your hometown Novi in both the Michigan House and Senate? Perhaps today is the start.

No story would be sufficient without honoring those who journeyed with me. First, my enduring gratitude and love to my husband Victor, who was the one to say, “Of course, you’ll run for State Representative,” and who has been ever present at my side. To all our children and grandchildren, my love surrounds you. To my hardworking, talented staff: Kerry, Chad, Tracie, and our newest member Bryan. Please know of my gratitude for your loyalty and competency.

To my colleagues across the aisle, we sparred and we debated in the best sense of our democracy and in keeping with the tradition of our forefathers. All of us are here not by coincidence alone. There is meaning and reason that, I’m sure, we will continue to discover. Mickey, Gilda, Ray, Tupac, and Martha and all the members of the loyal opposition, you are also my friends.

Special thanks to the finest policy staff in the nation: Howard, Ann, Kendall, Bill, Fred, Paul, and Matt Hanley. Your help and advice can’t be measured. What I will remember and smile about in the quiet times by the shore to come are these: Senator Cropsey, who never missed a donut and coffee for the caucus chair; four of the Divine Nine who made it to the Senate: Patty, Mark, Ron, and myself; Senator Gilbert’s always at the right moment—his puns, his humor kept us all going; and Senator Bishop’s calm and strong leadership. So thank you one and all. We are entwined by our mutual history and always will be.

Now I know some may say that you count one’s achievements as the measure of an individual’s life. But I think it’s the unsung things we do that truly are our legacy. We’ve all done things to make Michigan and Michiganders better off without so much as a press release. What we leave behind, our individual and collective legacies, now become part of the tapestry of this incredible institution.

Much is left to be done, and our replacements are sure to sprint forward where we left off. They will be traveling their own journeys, writing their own legacies, and threading their own tapestries. To them, God’s speed. Thank you all very, very much.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

Senator Van Woerkom's statement is as follows:

What an honor it has been to serve the people of the state of Michigan and, in particular, the people of the 34th Senate District over the past eight years. What an honor it has been to serve with all of you as colleagues and staff. Often, as I walked up the sidewalk to the Capitol Building, I was struck by what a privilege it is to serve in this building on behalf of the people of this state. It is hard to believe that it is coming to an end. I will miss the work, and I will miss all the people.

I want to thank the people of the 34th District, the counties of Muskegon, Oceana, Mason, and Newaygo for trusting me to serve them. I want to thank the people who helped with my elections. Those elections were never easy. I especially want to thank my friend Leonard Bathrick, who put so much time and effort into those campaigns.

I also want to thank all the people who helped with the workload of the Legislature. My staff is very dedicated, and I am proud of the work they have done on behalf of the people of this state. Thank you to Jordan, Derek, John, and a special thank you to Jeff Cobb, who has been with me all 12 years that I have served, as well as the previous year when he managed my first campaign. Jeff has been my brains, and my constituents are grateful that I had a spare set. Over the years, I have had other staffers as well, and I appreciate the cooperation and service that they all provided. I appreciate, too, the hard work and advice from the policy staff. I am amazed at their skills in drafting and redrafting bills. Sometimes it almost became humorous at the number of substitutes that we had on certain bills.

Thank you to my fellow committee members. I appreciate working together as we tried to make this a better state. I want to thank leadership for all of their help with the various difficulties that I faced. Thank you to my seatmates who tolerated my cynicism and often lifted my spirits when I was upset, which happened whenever we were here after 2 a.m. A big thank you goes out to my wife Val and my kids. They were very supportive of my grand adventure in public service.

I leave office happy about many of the things that we have accomplished. I will mention just a few. We have served in difficult times, but as chairman of the agriculture committee, I am very pleased with the state of agriculture right now. We have seen a decade of growth in that sector, and the prospects for continued growth are very good. I urge the incoming Legislature to continue to nurture this vibrant industry.

I am also pleased with the environmental cleanups that have moved forward over the past few years. There are two areas of concern in my district that have had dramatic turnarounds. Tannery Bay in White Lake and Ruddiman Creek flowing into Muskegon Lake were both dredged of pollutants and are being restored. I had hoped at least one of Michigan's areas of concern would be de-listed before I left office, but that hasn't happened. I hope it happens soon.

In addition, I have been pleased with the success of the Access Health program, which we piloted in Muskegon County and has provided much-needed health care for people who were uninsured. It has been a model for other communities throughout the country.

I wish the next Legislature God's blessings in all the work that they do. I am optimistic about the future of our state. I am truly grateful for the opportunity to serve.

Finally, in the words of Bob Hope, "Thanks for the memories."

### Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 1247, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 3111 (MCL 324.3111).

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Gleason

Nays: Senator Basham

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 1482, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80164a.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Gleason  
Nays: Senator Basham  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:  
Meeting held on Wednesday, November 3, 2010, at 2:35 p.m., Room 110, Farnum Building  
Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason  
Excused: Senator Patterson

The Committee on Judiciary reported

**Senate Bill No. 39, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Stamas, Whitmer, Clarke and Basham  
Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 223, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 9, 11, 12, and 12b (MCL 445.69, 445.71, 445.72, and 445.72b), sections 12 and 12b as added by 2006 PA 566, and by adding sections 19, 19a, 19b, and 19c.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Stamas, Whitmer, Clarke and Basham  
Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 224, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2002 PA 124.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Stamas, Whitmer, Clarke and Basham  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 225, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10c of chapter II (MCL 762.10c), as added by 2004 PA 453.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Stamas, Whitmer, Clarke and Basham  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 226, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 430.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Stamas, Whitmer, Clarke and Basham  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 1382, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 26 of chapter V (MCL 765.26), as amended by 2002 PA 659.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Stamas, Clarke and Basham  
Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 1434, entitled**

A bill 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 6d (MCL 28.6d), as added by 1982 PA 531.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Stamas, Clarke and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 1475, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending sections 1, 2, and 2a (MCL 691.1401, 691.1402, and 691.1402a), section 1 as amended by 2001 PA 131 and section 2 as amended and section 2a as added by 1999 PA 205.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Stamas, Clarke 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 Judiciary submitted the following:

Meeting held on Wednesday, November 3, 2010, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Stamas, Whitmer, Clarke and Basham

Excused: Senator Patterson

The Committee on Energy Policy and Public Utilities reported

**Senate Bill No. 1456, entitled**

A bill to provide for the preservation of certain economic development rates or contracts; to provide for the adoption of certain rate-making policies for certain electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

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.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Brown, Birkholz, Kuipers, Richardville, Olshove, Thomas and Clark-Coleman

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 Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, November 4, 2010, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Thomas and Clark-Coleman

Absent: Senators Nofs and Clarke

The Committee on Agriculture and Bioeconomy reported

**Senate Bill No. 1506, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11506 (MCL 324.11506), as amended by 2007 PA 212.

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.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Gleason

Nays: None

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

The Committee on Agriculture and Bioeconomy reported

**House Bill No. 4887, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36101 and 36104a (MCL 324.36101 and 324.36104a), section 36101 as amended by 2008 PA 336 and section 36104a as added by 1996 PA 233.

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.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Gleason

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 Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, November 4, 2010, at 9:00 a.m., Room 110, Farnum Building

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

Absent: Senator Whitmer

The Committee on Commerce and Tourism reported

**Senate Bill No. 1419, entitled**

A bill relating to the promotion of convention business and tourism in this state; to provide for regional tourism and convention marketing and promotion programs in certain areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

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, Nofs, Stamas, Clarke and Hunter

Nays: None

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

The Committee on Commerce and Tourism reported

**Senate Bill No. 1515, entitled**

A bill to amend 1980 PA 395, entitled "Community convention or tourism marketing act," by amending sections 3 and 6 (MCL 141.873 and 141.876), section 3 as amended by 1996 PA 589.

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, Nofs, Stamas, Clarke and Hunter

Nays: None

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

The Committee on Commerce and Tourism reported

**Senate Bill No. 1529, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 293, 294, 295, 296, and 297 (MCL 18.1293, 18.1294, 18.1295, 18.1296, and 18.1297).

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.

The Committee on Commerce and Tourism reported

**House Bill No. 5977, entitled**

A bill to amend 1957 PA 200, entitled "An act to provide for the creation by 2 or more municipalities of an intermunicipality committee for the purpose of studying area problems; and to provide authority for the committee to receive gifts and grants," by amending section 2 (MCL 123.632).

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, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**House Bill No. 5979, entitled**

A bill to amend 2004 PA 530, entitled "Historical neighborhood tax increment finance authority act," by amending section 3 (MCL 125.2843).

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, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**House Bill No. 5988, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to



prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 1 (MCL 247.901), as amended by 1991 PA 188.

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, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**House Bill No. 5989, entitled**

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending section 2 (MCL 125.2152), as amended by 2009 PA 162.

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, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

**House Bill No. 5998, entitled**

A bill to amend 1974 PA 338, entitled “Economic development corporations act,” by amending section 3 (MCL 125.1603), as amended by 1985 PA 154.

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, Stamas, Clarke and Hunter

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, November 4, 2010, at 2:30 p.m., Room 100, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, November 4, 2010, at 11:31 a.m., Room 110, Farnum Building

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

Excused: Senators Pappageorge, Cherry and Whitmer

#### Scheduled Meetings

**Appropriations** - Wednesday, November 10, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960) (CANCELED)

**Banking and Financial Institutions** - Wednesday, November 10, 9:00 a.m., Room 210, Farnum Building (373-3543)

**Commerce and Tourism** - Wednesday, November 10, 9:30 a.m., Room 100, Farnum Building (373-2413)

**Families and Human Services** - Wednesday, November 10, 9:00 a.m., Room 110, Farnum Building (373-0797)

**Finance** - Wednesday, November 10, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1758)  
(CANCELED)

**Senior Citizens and Veterans Affairs** - Wednesday, November 10, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:56 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, November 10, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate