

No. 94
STATE OF MICHIGAN
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REGULAR SESSION OF 2008

Senate Chamber, Lansing, Friday, December 19, 2008.

12:15 a.m.

The Senate was called to order by the Assistant president pro tempore, Senator Sanborn.

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—present
Olshove—present

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

Senator Nancy Cassis of the 15th District offered the following invocation:

Dear Lord, as we gather this new day, I pray that You give us understanding, insight, and a generous heart of gratitude for all our many blessings. On this last day of session before the holidays, I would like to offer a few words from a key religious, humanitarian leader, and Baptist minister, Dr. Howard Thurman:

“When the song of the angels is stilled,
When the star in the sky is gone,
When the kings and princes are home,
When the shepherds are back with their flock,
That’s when the work of Christmas begins:
To find the lost,
To heal those broken in spirit,
To feed the hungry,
To release the oppressed,
To rebuild the nations,
To bring peace among all peoples,
To make a little music with the heart.”

And to radiate the light of Christ every day, in every way, in all that we do, and in all that we say. Then the work of Christmas begins.

I pray we keep the spirit of Christmas at heart as we continue our work this day. We ask guidance, protection of our loved ones, and health and well-being to all who serve the people of our great state and nation, and above all, You, our God. And lest we not forget, please bless and keep our troops serving in faraway places.

May the grace of the Lord be with each of us in this holiday season. Amen.

The Assistant president pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance* and the *Pledge of Allegiance to the Flag of Michigan*.

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

Motions and Communications

Senator Kuipers entered the Senate Chamber.

Senator Cropsey moved that Senator Patterson be excused from today’s session.
The motion prevailed.

Senator Cropsey moved that the Committee on Agriculture be discharged from further consideration of the following bill:
House Bill No. 4688, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 196 (MCL 280.196), as amended by 1989 PA 149.

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

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

House Bill No. 4688

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

Senator Cropsey moved that rule 2.106 be suspended to allow committees to meet during Senate session.
The motion prevailed, a majority of the members serving voting therefor.

Senator Cropsey moved that Senator Birkholz be temporarily excused from today’s session.
The motion prevailed.

The Secretary announced that the following official bill was printed on Thursday, December 18, and is available at the legislative website:

Senate Bill No. 1674

Senators Garcia, Switalski, Kahn, McManus and Schauer entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Messages from the House

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

House Bill No. 4120

House Bill No. 4507

Senate Bill No. 868

Senate Bill No. 239

The motion prevailed.

Senator Birkholz entered the Senate Chamber.

Senate Bill No. 482, entitled

A bill to amend 2006 PA 479, entitled "Michigan promise grant act," by amending sections 2 and 4 (MCL 390.1622 and 390.1624), as amended by 2007 PA 42.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 894

Yeas—37

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 651, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 13 (MCL 408.763), as amended by 1986 PA 277.

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.

Senator Cropsey moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 674, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending the title and sections 2, 2a, 8, 9, 10, 12, 12a, 13, 15, 16, 18, and 21 (MCL 456.522, 456.522a, 456.528, 456.529, 456.530, 456.532, 456.532a, 456.533, 456.535, 456.536, 456.538, and 456.541), the title and sections 2, 8, 9, 10, 12, 12a, 13, 15, 16, 18, and 21 as amended by 2004 PA 22 and section 2a as added by 1982 PA 132, and by adding sections 9a, 9b, and 13a; and to repeal acts and parts of acts.

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

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

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

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

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

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

Roll Call No. 895

Yeas—37

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 677, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 21556 and 21559 (MCL 324.21556 and 324.21559), section 21556 as added by 2006 PA 321 and section 21559 as added by 2006 PA 322.

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.

Senators Allen, Anderson, Barcia, Brown, Garcia, Gleason, Jacobs, Jansen, Jelinek, Kahn, Kuipers, Pappageorge, Prusi, Richardville and Switalski were named co-sponsors of the bill.

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

Senate Bill No. 760, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

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

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

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

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

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

Roll Call No. 896

Yeas—35

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

Nays—0

Excused—2

Cropsey

Patterson

Not Voting—1

Basham

In The Chair: Richardville

Senator Thomas moved that Senator Basham 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.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 816, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 19 (MCL 125.2169), as amended by 1993 PA 333.

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

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

Senator Cropsey entered the Senate Chamber.

Senate Bill No. 883, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 3 (MCL 205.53), as amended by 2004 PA 173.

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

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

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

Senator Brown moved that the rule be suspended.

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

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

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

Roll Call No. 897**Yeas—36**

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

Nays—0

Excused—2

Basham

Patterson

Not Voting—0

In The Chair: Richardville

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

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

Senate Bill No. 921, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16345, 18301, 18303, 18305, 18307, and 18309 (MCL 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and 333.18309), section 16345 as added by 1993 PA 79, sections 18301, 18303, 18307, and 18309 as added by 1988 PA 473, and section 18305 as amended by 2006 PA 394, and by adding sections 18313 and 18315.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 12601, 16345, 18301, 18303, 18305, 18307, and 18309 (MCL 333.12601, 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and 333.18309), section 12601 as amended by 2008 PA 315, section 16345 as added by 1993 PA 79, sections 18301, 18303, 18307, and 18309 as added by 1988 PA 473, and section 18305 as amended by 2006 PA 394, and by adding sections 18313 and 18315.

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

Senator Brown moved that the rule be suspended.

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

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

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

Roll Call No. 898**Yeas—36**

Allen
Anderson
Barcia

Clark-Coleman
Clarke
Cropsey

Jacobs
Jansen
Jelinek

Richardville
Sanborn
Schauer

Birkholz	Garcia	Kahn	Scott
Bishop	George	Kuipers	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Prusi	Whitmer

Nays—0

Excused—2

Basham	Patterson
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Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1134, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 319, 322, 625, and 625b (MCL 257.303, 257.319, 257.322, 257.625, and 257.625b), section 303 as amended by 2008 PA 7, section 319 as amended by 2004 PA 362, section 322 as amended by 2001 PA 159, section 625 as amended by 2006 PA 564, and section 625b as amended by 2004 PA 62, and by adding sections 20b and 322a.

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

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

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

Senator Brown moved that the rule be suspended.

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

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

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

Roll Call No. 899

Yeas—36

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

Nays—0

Excused—2

Basham

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1193, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 356a (MCL 750.356a), as amended by 1998 PA 311.

The House of Representatives has amended the bill as follows:

1. Amend page 4, following line 14, by inserting:

“Enacting section 1. This amendatory act takes effect April 1, 2009.”.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 900**Yeas—36**

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

Nays—0**Excused—2**

Basham

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senator Basham entered the Senate Chamber.

Senate Bill No. 1227, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11717b (MCL 324.11717b), as added by 2004 PA 381.

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

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

Senate Bill No. 1413, entitled

A bill to allow the state of Michigan to enter into a compact for organizing an electronic information sharing system among the federal government and the states that will exchange criminal history records for certain purposes.

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

Senate Bill No. 1475, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1204b and 1204c (MCL 500.1204b and 500.1204c), section 1204b as amended by 1992 PA 84 and section 1204c as amended by 2006 PA 442.

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

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

Senate Bill No. 1476, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204a (MCL 500.1204a), as amended by 2006 PA 442.

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

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

Senate Bill No. 1477, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204 (MCL 500.1204), as amended by 2001 PA 228.

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

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

Senate Bill No. 1478, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1206c.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1534, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2080 (MCL 500.2080), as amended by 1986 PA 318.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1536, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 1998 PA 235.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1576, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3341 (MCL 500.3341), as amended by 2002 PA 656.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 901**Yeas—37**

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1578, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 34b (MCL 400.734b), as amended by 2008 PA 135.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 902

Yeas—37

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1581, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82147 (MCL 324.82147), as amended by 2001 PA 148.

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

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

Senate Bill No. 1588, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10c (MCL 247.660c), as amended by 2005 PA 45.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 903

Yeas—37

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

Bishop
Brater
Brown
Cassis
Cherry

Gilbert
Gleason
Hardiman
Hunter

McManus
Olshove
Pappageorge
Prusi

Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1589, entitled

A bill to amend 1867 PA 35, entitled “An act to provide for the formation of street railway companies, defining their powers and duties and authorizing the construction, use, maintenance and ownership of street railways for the transportation of passengers, and for accumulating, storing, manufacturing, conducting, using, selling, furnishing and supplying electricity and electric power, by such companies,” by amending the title and section 23 (MCL 472.23); and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 904

Yeas—37

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
Olshove
Pappageorge
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1590, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1998 PA 87.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 905**Yeas—36**

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

Bishop
Brater
Brown
Cherry

Gilbert
Gleason
Hardiman
Hunter

McManus
Olshove
Pappageorge
Prusi

Switalski
Thomas
Van Woerkom
Whitmer

Nays—1

Cassis

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1592, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending sections 1, 2, 5, 15, and 16 (MCL 474.51, 474.52, 474.55, 474.65, and 474.66), section 2 as amended by 1998 PA 235 and sections 5, 15, and 16 as amended by 1984 PA 210.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 906

Yeas—37

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
Olshove
Pappageorge
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 1615, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 42702 and 42713 (MCL 324.42702 and 324.42713), section 42702 as amended by 2004 PA 537 and section 42713 as added by 1995 PA 57.

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

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

Senate Bill No. 1629, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties;" (MCL 18.351 to 18.368) by adding section 5a.

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

Senate Bill No. 1636, entitled

A bill to amend 2006 PA 513, entitled "Individual or family development account program act," by amending sections 2, 3, 5, 7, 8, 9, and 10 (MCL 206.702, 206.703, 206.705, 206.707, 206.708, 206.709, and 206.710).

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

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

A bill to amend 2006 PA 513, entitled "An act to permit the establishment and maintenance of individual or family development accounts; to provide for certain tax deductions and tax credits; to prescribe the requirements of and restrictions on individual or family development accounts; to provide for the promulgation of rules; and to provide penalties and remedies," by amending sections 2, 3, 4, 5, 7, 8, 9, and 10 (MCL 206.702, 206.703, 206.704, 206.705, 206.707, 206.708, 206.709, and 206.710).

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

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

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

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

Roll Call No. 907**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: Sanborn

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

House Bill No. 6542, entitled

A bill to amend 1867 PA 35, entitled "An act to provide for the formation of street railway companies, defining their powers and duties and authorizing the construction, use, maintenance and ownership of street railways for the transportation of passengers, and for accumulating, storing, manufacturing, conducting, using, selling, furnishing and supplying electricity and electric power, by such companies," by amending the title and sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 27 (MCL 472.1, 472.3, 472.5, 472.7, 472.9, 472.11, 472.13, 472.15, 472.17, 472.19, and 472.27) and by adding section 21; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the Senate substitute (S-3).

The House of Representatives has concurred in the Senate substitute (S-3) as substituted (H-4) and agreed to the title as amended.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 908**Yeas—37**

Allen	Clark-Coleman	Jacobs	Richardville
Anderson	Clarke	Jansen	Sanborn
Barcia	Cropsey	Jelinek	Schauer

Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Kahn
Kuipers
McManus
Olshove
Pappageorge
Prusi

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

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

House Bill No. 6543, entitled

A bill to amend 1982 PA 162, entitled “An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 123 (MCL 450.2123), as amended by 1990 PA 39.

The House of Representatives has substituted (H-1) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-1) and agreed to the full title.

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

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

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

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

Roll Call No. 909

Yeas—37

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
Olshove
Pappageorge
Prusi

Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Richardville

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

House Bill No. 6546, entitled

A bill to amend 1993 PA 354, entitled “An act to revise, consolidate, and codify the laws relating to railroads and their employees; to prescribe powers and duties of certain state and local agencies and officials; to prescribe fees; to create certain funds; to provide for the disposition of certain money; to provide remedies and penalties; and to repeal certain acts and parts of acts,” by amending section 109 (MCL 462.109), as amended by 2002 PA 658, and by adding section 450.

The House of Representatives has substituted (H-1) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-1) and agreed to the full title.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 910**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: Sanborn

House Bill No. 6625, entitled

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 14m of chapter XVII (MCL 777.14m), as amended by 2002 PA 659.

The House of Representative has amended the Senate amendment as follows:

1. Amend the Senate Amendment, page 2, line 5, after “unless” by striking out the balance of the amendment and inserting “Senate Bill No. 1589 of the 94th Legislature is enacted into law.”.

The House of Representatives has concurred in the Senate amendment as amended and agreed to the full title.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 911

Yeas—36

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

Nays—0

Excused—1

Patterson

Not Voting—1

Gilbert

In The Chair: Sanborn

Senate Bill No. 493, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16342 and part 176.

Substitute (H-1).

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

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

Roll Call No. 912**Yeas—36**

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

Nays—1

Allen

Excused—1

Patterson

Not Voting—0

In The Chair: Sanborn

Senator Thomas moved that he be temporarily 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.

The Senate agreed to the full title.

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

Senate Bill No. 1175, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88d (MCL 125.2088d), as added by 2005 PA 225.

Substitute (H-1).

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

Senator Richardville offered the following substitute to the House substitute:

Substitute (S-2).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

Roll Call No. 913**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: Sanborn

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.

Senator Richardville offered to amend the title to read as follows:

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 88d (MCL 125.2088d), as amended by 2008 PA 223.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The Senate agreed to the full title.

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

Senate Bill No. 158, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

Senator Cropsey offered the following amendment to the substitute:

1. Amend page 2, line 4, after “injury” by striking out the balance of the subdivision and inserting “to a child that seriously impairs the child’s health or physical well-being, including ~~but not limited to,~~ brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut.”.

The amendment to the substitute was adopted.

Senator Cropsey offered the following amendments to the substitute:

1. Amend page 1, line 7, after “provide” by striking out “the”.

2. Amend page 1, line 8, after the second “or” by striking out “the”.

3. Amend page 3, line 5, by striking out “**EITHER**” and inserting “**ANY**”.
4. Amend page 3, line 5, after “**FOLLOWING**” by striking out “**APPLIES**” and inserting “**APPLY**”.
5. Amend page 3, line 9, after “**CIRCUMSTANCES**” by striking out “**CREATES**” and inserting “**POSES**”.
6. Amend page 3, line 9, after “**HARM**” by inserting “**OR INJURY**”.
7. Amend page 3, line 14, after “if” by striking out “**EITHER**” and inserting “**ANY**”.
8. Amend page 3, line 14, after “**FOLLOWING**” by striking out “**APPLIES**” and inserting “**APPLY**”.
9. Amend page 3, line 18, after “**CIRCUMSTANCES**” by striking out “**CREATES**” and inserting “**POSES**”.
10. Amend page 3, line 18, after “**HARM**” by inserting “**OR INJURY**”.
11. Amend page 4, following line 6, by striking out all of subsection (11).

The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 914

Yeas—37

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: Richardville

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

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

The Senate agreed to the full title.

Senator Thomas entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4425

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

By unanimous consent the Senate proceeded to the order of
General Orders

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

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

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

House Bill No. 4425, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 513.

House Bill No. 4260, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 2005 PA 106.

House Bill No. 6093, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2002 PA 123.

House Bill No. 5025, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463.

House Bill No. 5026, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2007 PA 77.

House Bill No. 6193, entitled

A bill to establish the children's miracle network and children's hospital of Michigan fund in the department of community health; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

House Bill No. 6025, entitled

A bill to establish the united way fund in the department of treasury; to establish the children's hospital of Michigan fund in the department of community health; to provide for the distribution of the money from those funds; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

House Bill No. 4688, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 196 (MCL 280.196), as amended by 1989 PA 149.

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. 5089, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as amended by 2005 PA 4.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 6092, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 422a. 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:
House Bill No. 6611, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 434. 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:
House Bill No. 6194, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2008 PA 162.

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 Senator Sanborn be temporarily excused from the balance of today's session. The motion prevailed.

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

House Bill No. 4425

House Bill No. 4260

House Bill No. 5089

House Bill No. 6092

House Bill No. 6093

House Bill No. 5025

House Bill No. 5026

House Bill No. 6611

House Bill No. 6193

House Bill No. 6194

House Bill No. 6025

House Bill No. 4688

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

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

House Bill No. 4425

House Bill No. 4260

House Bill No. 5089

House Bill No. 6092

House Bill No. 6093

House Bill No. 5025

House Bill No. 5026

House Bill No. 6611

House Bill No. 6193

House Bill No. 6194
House Bill No. 6025
House Bill No. 4688
House Bill No. 6172
 The motion prevailed.

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

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

Senators Sanborn and Thomas entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4425, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” (MCL 38.2101 to 38.2670) by adding section 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. 915

Yeas—22

Allen	Brown	Hardiman	McManus
Anderson	Clarke	Jansen	Pappageorge
Barcia	Cropsey	Jelinek	Richardville
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Van Woerkom
Brater	Gilbert		

Nays—12

Cassis	Gleason	Olshove	Scott
Cherry	Hunter	Prusi	Switalski
Clark-Coleman	Jacobs	Schauer	Whitmer

Excused—4

Basham	Patterson	Sanborn	Thomas
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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 establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain

reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to provide for certain disqualifications; 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. 4260, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16a of chapter IX (MCL 769.16a), as amended by 2005 PA 106.

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. 916

Yeas—35

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

Nays—0

Excused—2

Basham	Patterson
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Not Voting—1

Thomas

In The Chair: Richardville

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

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide

Roll Call No. 919**Yeas—36**

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

Nays—0**Excused—2**

Basham	Patterson
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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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5025, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463.

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. 920**Yeas—36**

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

Nays—0**Excused—2**

Basham	Patterson
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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 revise, consolidate, and classify the laws of this state regarding the regulation of certain 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 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:

House Bill No. 5026, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending section 15 (MCL 338.2215), as amended by 2007 PA 77.

The question being on the passage of the bill,

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

Roll Call No. 921**Yeas—35**

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

Nays—1

Allen

Excused—2

Basham

Patterson

Not Voting—0

In The Chair: Richardville

Senator Thomas moved that he and Senator Switalski be temporarily 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 provide for the establishment and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6611, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 434.

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. 922

Yeas—31

Allen	Clark-Coleman	Jacobs	Richardville
Anderson	Clarke	Jelinek	Sanborn
Barcia	Cropsey	Kahn	Schauer
Birkholz	Garcia	Kuipers	Scott
Bishop	George	McManus	Stamas
Brater	Gleason	Olshove	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cherry	Hunter	Prusi	

Nays—3

Cassis

Gilbert

Jansen

Excused—4

Basham

Patterson

Switalski

Thomas

Not Voting—0

In The Chair: Richardville

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6193, entitled

A bill to establish the children’s miracle network and children’s hospital of Michigan fund in the department of community health; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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. 923**Yeas—34**

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

Nays—0**Excused—4**

Basham	Patterson	Switalski	Thomas
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Not Voting—0

In The Chair: Richardville

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

The following bill was read a third time:

House Bill No. 6194, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967;” by amending section 435 (MCL 206.435), as amended by 2008 PA 162.

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. 924

Yeas—34

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

Nays—0

Excused—4

Basham	Patterson	Switalski	Thomas
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Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6025, entitled

A bill to establish the united way fund in the department of treasury; to establish the children’s hospital of Michigan fund in the department of community health; to provide for the distribution of the money from those funds; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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. 925**Yeas—34**

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

Nays—0**Excused—4**

Basham	Patterson	Switalski	Thomas
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Not Voting—0

In The Chair: Richardville

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

Senators Switalski and Thomas entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4688, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 196 (MCL 280.196), as amended by 1989 PA 149.

The question being on the passage of the bill,
Senator Brater offered the following substitute:
Substitute (S-3).

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

Senator Whitmer requested the yeas and nays.

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

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

Roll Call No. 926**Yeas—14**

Anderson	Clarke	Prusi	Switalski
Brater	Hunter	Schauer	Thomas
Cherry	Jelinek	Scott	Whitmer
Clark-Coleman	Olshove		

Nays—21

Allen	Cropsey	Hardiman	Pappageorge
Barcia	Garcia	Jacobs	Richardville
Birkholz	George	Jansen	Sanborn
Bishop	Gilbert	Kahn	Stamas
Brown	Gleason	McManus	Van Woerkom
Cassis			

Excused—2

Basham	Patterson
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Not Voting—1

Kuipers

In The Chair: Richardville

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. 927**Yeas—20**

Barcia	George	Jansen	Scott
Bishop	Gilbert	Kuipers	Stamas
Brater	Gleason	McManus	Switalski
Cherry	Hunter	Olshove	Thomas
Garcia	Jacobs	Prusi	Van Woerkom

Nays—14

Allen	Cassis	Jelinek	Sanborn
Anderson	Clarke	Kahn	Schauer
Birkholz	Cropsey	Richardville	Whitmer
Brown	Hardiman		

Excused—2

Basham	Patterson
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Not Voting—2

Clark-Coleman	Pappageorge
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In The Chair: Richardville

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

“An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties;”.

The Senate agreed to the full title.

The following bill was announced:

House Bill No. 6172, entitled

A bill to create an Asian Pacific American affairs commission, an office of Asian Pacific American affairs, and an interagency council on Asian Pacific American affairs; to prescribe their powers and duties; and to prescribe the powers and duties of certain agencies, departments, and officials.

(This bill was passed on December 18 and the motion to reconsider the vote postponed. See Senate Journal No. 93, p. 2614.)

The question being on the motion to reconsider the vote by which the bill was passed,

The motion prevailed, a majority of the Senators serving having voted therefor.

The question being on the passage of the bill,

Senator Van Woerkom offered the following amendments:

1. Amend page 2, line 6, after “of” by striking out “civil rights” and inserting “energy, labor, and economic growth”.
2. Amend page 2, line 12, after “of” by striking out “civil rights” and inserting “energy, labor, and economic growth”.
3. Amend page 5, line 23, after “of” by striking out “civil rights” and inserting “energy, labor, and economic growth”.
4. Amend page 5, line 25, after the second “of” by striking out the balance of the line through “rights” on line 26 and inserting “energy, labor, and economic growth”.
5. Amend page 8, line 16, after the second “of” by striking out “labor” and inserting “energy, labor;”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 928

Yeas—35

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

Nays—1

Cassis

Excused—2

Basham

Patterson

Roll Call No. 932**Yeas—26**

Allen	Garcia	Jansen	Pappageorge
Barcia	George	Jelinek	Richardville
Birkholz	Gilbert	Kahn	Sanborn
Bishop	Gleason	Kuipers	Schauer
Brown	Hardiman	McManus	Stamas
Cassis	Hunter	Olshove	Van Woerkom
Cropsey	Jacobs		

Nays—10

Anderson	Clark-Coleman	Scott	Thomas
Brater	Clarke	Switalski	Whitmer
Cherry	Prusi		

Excused—2

Basham	Patterson
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Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 1236, entitled

A bill to amend 1962 PA 174, entitled “Uniform commercial code,” by amending sections 9515, 9516, 9520, and 9521 (MCL 440.9515, 440.9516, 440.9520, and 440.9521), as added by 2000 PA 348; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 11, after “**RECORD**” by striking out “**IS INTENDED FOR AN IMPROPER PURPOSE, SUCH AS TO HINDER, HARASS, OR OTHERWISE WRONGFULLY INTERFERE WITH A PERSON. FOR PURPOSES OF THIS SUBSECTION, AN IMPROPER PURPOSE INCLUDES, BUT IS NOT LIMITED TO, ASSERTING**” and inserting “**ASSERTS.**”.

2. Amend page 16, line 5, after “effect” by striking out “30” and inserting “90”.

3. Amend page 16, line 8, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 94th Legislature are enacted into law:

(a) House Bill No. 5934.

(b) House Bill No. 5935.”.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 933**Yeas—36**

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

Nays—0**Excused—2**

Basham	Patterson
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Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

Senate Bill No. 1445, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 102 (MCL 450.4102), as amended by 2002 PA 686.

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.

The Associate President pro tempore, Senator Barcia, assumed the Chair.

Senate Bill No. 1446, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending sections 204, 206, 803, and 1004 (MCL 450.4204, 450.4206, 450.4803, and 450.5004), section 204 as amended by 2002 PA 686 and section 206 as amended by 1997 PA 52.

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.

Senate Bill No. 1525, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2006 PA 658.

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 8, after “WEBSITE” by inserting “**OR, IF A LOCAL AUTHORITY DOES NOT HAVE A WEBSITE, THEN ON THE WEBSITE OF A STATEWIDE ROAD ASSOCIATION OF WHICH IT IS A MEMBER**”.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 935

Yeas—36

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

Nays—0

Excused—2

Basham	Patterson
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Not Voting—0

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1532, entitled

A bill to amend 1976 IL 1, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” (MCL 445.571 to 445.576) by adding section 2a.

The House of Representatives has passed the bill by a 3/4 vote and ordered that the bill be given immediate effect.

Senator Cropsey moved that the bill be given immediate effect.

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

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

Senate Bill No. 1558, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 525, 537, 541, and 603 (MCL 436.1525, 436.1537, 436.1541, and 436.1603), sections 525, 537, and 603 as amended by 2008 PA 218 and section 541 as amended by 2006 PA 253, and by adding section 545.

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

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

A bill to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 603 (MCL 436.1603), as amended by 2008 PA 218.

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

Senator Cropsey moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 936**Yeas—8**

Anderson	Hunter	Schauer	Switalski
Clark-Coleman	Prusi	Scott	Thomas

Nays—23

Allen	Cassis	Jacobs	Richardville
Barcia	Cropsey	Jansen	Sanborn
Birkholz	Garcia	Jelinek	Stamas
Bishop	George	Kahn	Van Woerkom
Brater	Gilbert	McManus	Whitmer
Brown	Hardiman	Pappageorge	

Excused—2

Basham	Patterson
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Not Voting—5

Cherry	Gleason	Kuipers	Olshove
Clarke			

In The Chair: Richardville

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 25, after “of” by striking out “updating” and inserting “retrofitting”.

2. Amend page 6, line 22, by striking out all of subdivision (d) and inserting:

“(d) The department shall expend money from the fund, upon appropriation, only for the purposes of this act and the reverse vending machine antifraud act, including, but not limited to, administration of those acts. However, the department may not use more than \$100,000.00 from the fund in any state fiscal year for administration of this act and the reverse vending machine antifraud act.”.

3. Amend page 11, line 16, by striking out all of enacting section 1 and renumbering the remaining enacting section.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 938

Yeas—35

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

Nays—1

Pappageorge

Excused—2

Basham

Patterson

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

Senate Bill No. 343, entitled

A bill to amend 1981 PA 125, entitled “The secondary mortgage loan act,” by amending section 27 (MCL 493.77), as amended by 1997 PA 91.

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

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

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

Roll Call No. 939**Yeas—36**

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

Nays—0**Excused—2**

Basham	Patterson
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Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 356, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 29 (MCL 445.1679), as amended by 1996 PA 210.

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

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

A bill to amend 1987 PA 173, entitled "An act to define and regulate mortgage brokers, mortgage lenders, and mortgage servicers and their loan officers; to prescribe the powers and duties of certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties," by amending section 29 (MCL 445.1679), as amended by 2008 PA 71.

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

Roll Call No. 940**Yeas—35**

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

Nays—0**Excused—2**

Basham	Patterson
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Not Voting—1

Sanborn

In The Chair: Richardville

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

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 6456, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending the title and section 1 (MCL 331.531), the title as amended by 1980 PA 3 and section 1 as amended by 2005 PA 89, and by adding section 4.

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

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

House Bill No. 5977

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

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

House Bill No. 6456

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 6148, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14p of chapter XVII (MCL 777.14p), as amended by 2006 PA 251.

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

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

House Bill No. 6456, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending the title and section 1 (MCL 331.531), the title as amended by 1980 PA 3 and section 1 as amended by 2005 PA 89, and by adding section 4.

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

1. Amend page 6, line 11, after "2009," by striking out the balance of the line through "A" on line 15 and inserting "A".
2. Amend page 6, line 16, after "DATA" by inserting "REGARDING SERIOUS ADVERSE EVENTS THAT OCCUR IN HOSPITALS".

3. Amend page 6, line 18, after "STATE." by striking out the balance of the subsection.

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

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

House Bill No. 5977, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 6 (MCL 207.806), as amended by 2008 PA 262.

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 amendment, the following bill:

House Bill No. 4054, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2635 (MCL 339.2635), as amended by 2006 PA 414.

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

1. Amend page 2, line 20, after "WORK." by inserting "AS USED IN THIS SUBPARAGRAPH, "SETTING PRECONDITIONS ON THE OUTCOME OF AN APPRAISAL" DOES NOT INCLUDE THE COMMUNICATION OF INFORMATION, INCLUDING DOCUMENTS RELATED TO THE PROPERTY BEING APPRAISED, NECESSARY TO IDENTIFY THE VALUATION PROBLEM TO BE SOLVED AND THE SCOPE OF WORK NECESSARY TO DETERMINE CREDIBLE ASSIGNMENT RESULTS.".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5054, entitled

A bill to create the sexual assault victims' medical forensic intervention and treatment fund; to provide for assessments against certain criminal defendants and certain juvenile offenders; to provide for expenditures from the fund; to provide for establishment of and funding for medical forensic intervention and treatment programs for victims of criminal sexual conduct; and to prescribe the powers and duties of certain state and local governmental officers and agencies.

Substitute (S-1).

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

1. Amend page 5, line 2, after "effect" by striking out "January" and inserting "April".

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:

House Bill No. 5055, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1j of chapter IX (MCL 769.1j), as added by 2003 PA 70.

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 6025

The motion prevailed.

Recess

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

The motion prevailed, the time being 4:22 a.m.

5:27 a.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 rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 6456

House Bill No. 5977

House Bill No. 4054

House Bill No. 6148

House Bill No. 5054

House Bill No. 5055

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

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

House Bill No. 6456

House Bill No. 5977

House Bill No. 6633

House Bill No. 4054

House Bill No. 6148

House Bill No. 5054

House Bill No. 5055

The motion prevailed.

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

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

Senator Schauer entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 6456, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending the title and section 1 (MCL 331.531), the title as amended by 1980 PA 3 and section 1 as amended by 2005 PA 89, and by adding section 4.

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. 941

Yeas—33

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

Nays—0

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

The following bill was read a third time:

House Bill No. 5977, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 6 (MCL 207.806), as amended by 2008 PA 262.

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. 942

Yeas—31

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

Nays—2

Cassis	Jansen
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Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

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 promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6633, entitled

A bill to amend 1975 PA 169, entitled “Charitable organizations and solicitations act,” by amending section 3 (MCL 400.273).

The question being on the passage of the bill,

Senator Allen offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

Roll Call No. 943**Yeas—33**

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

Nays—0**Excused—5**

Basham	Hunter	Patterson	Sanborn
Brater			

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 regulate organizations and persons soliciting or collecting contributions for charitable purposes; to require registration, disclosure of information and licensing before solicitation of contributions; to provide for reporting of financial and other information by those licensed or registered and those claiming exemption; to prescribe standards of conduct and administration, and to prohibit certain actions; to provide for enforcement, investigation, and promulgation of rules by the attorney general; to preempt local regulation; to provide penalties for violations; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4054, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 2635 (MCL 339.2635), as amended by 2006 PA 414.

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. 944**Yeas—33**

Allen	Clarke	Jansen	Richardville
Anderson	Cropsey	Jelinek	Schauer
Barcia	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas

Bishop	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry	Jacobs	Prusi	Whitmer
Clark-Coleman			

Nays—0

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

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

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain 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 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:

House Bill No. 6148, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14p of chapter XVII (MCL 777.14p), as amended by 2006 PA 251.

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. 945

Yeas—33

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

Nays—0

Excused—5Basham
Brater

Hunter

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5054, entitled

A bill to create the sexual assault victims’ medical forensic intervention and treatment fund; to provide for assessments against certain criminal defendants and certain juvenile offenders; to provide for expenditures from the fund; to provide for establishment of and funding for medical forensic intervention and treatment programs for victims of criminal sexual conduct; and to prescribe the powers and duties of certain state and local governmental officers and agencies.

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. 946**Yeas—33**Allen
Anderson
Barcia
Birkholz
Bishop
Brown
Cassis
Cherry
Clark-ColemanClarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
JacobsJansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
PrusiRichardville
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer**Nays—0**

Excused—5Basham
Brater

Hunter

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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

The following bill was read a third time:

House Bill No. 5055, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1j of chapter IX (MCL 769.1j), as added by 2003 PA 70.

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. 947**Yeas—33**Allen
Anderson
Barcia
Birkholz
Bishop
Brown
Cassis
Cherry
Clark-ColemanClarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
JacobsJansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
PrusiRichardville
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer**Nays—0****Excused—5**Basham
Brater

Hunter

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 35.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, December 19, 2008, it stands adjourned until Tuesday, December 30, 2008, at 11:30 a.m. for the Senate and 11:15 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 30, 2008, it stands adjourned without day.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

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

Senate Bill No. 104, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 303, 319, 319b, 320a, 625, 625c, 625m, 625n, 626, 727, 732a, 904d, and 907 (MCL 257.303, 257.319, 257.319b, 257.320a, 257.625, 257.625c, 257.625m, 257.625n, 257.626, 257.727, 257.732a, 257.904d, and 257.907), sections 303, 319b, and 907 as amended by 2006 PA 298, section 319 as amended by 2004 PA 362, section 320a as amended by 2004 PA 495, section 625 as amended by 2006 PA 564, sections 625c, 625m, and 904d as amended by 2003 PA 61, section 625n as amended by 1998 PA 349, section 626 as amended by 2004 PA 331, section 727 as amended by 2004 PA 62, and section 732a as amended by 2004 PA 52, and by adding section 601d; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to

provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 303, 319, 319b, 320a, 625, 625c, 625m, 625n, 626, 727, 732a, 904d, and 907 (MCL 257.303, 257.319, 257.319b, 257.320a, 257.625, 257.625c, 257.625m, 257.625n, 257.626, 257.727, 257.732a, 257.904d, and 257.907), section 303 as amended by 2008 PA 7, section 319 as amended by 2004 PA 362, sections 319b and 907 as amended by 2006 PA 298, section 320a as amended by 2004 PA 495, section 625 as amended by 2006 PA 564, sections 625c, 625m, and 904d as amended by 2003 PA 61, section 625n as amended by 1998 PA 349, section 626 as amended by 2004 PA 331, section 727 as amended by 2004 PA 62, and section 732a as amended by 2004 PA 52, and by adding section 601d; and to repeal acts and parts of acts.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 948

Yeas—33

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

Nays—0

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 146, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain

officers of local governmental units; and to provide penalties,” by amending sections 2, 4, 14, and 14a (MCL 207.552, 207.554, 207.564, and 207.564a), section 2 as amended by 2007 PA 146, section 4 as amended by 2004 PA 437, section 14 as amended by 2007 PA 146, and section 14a as amended by 2007 PA 39, and by adding section 17a.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2008 PA 170.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 949

Yeas—33

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

Nays—0

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 158, entitled

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution

for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

Senate Bill No. 291, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411u.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 950

Yeas—33

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

Nays—0

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

Senate Bill No. 292, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

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

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

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

Roll Call No. 951**Yeas—33**

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

Nays—0**Excused—5**

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 660, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411u.
 The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 411v.

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

Roll Call No. 952**Yeas—32**

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

Nays—0**Excused—5**

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—1

Cherry

In The Chair: Richardville

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

Senate Bill No. 661, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 16t and 43 of chapter XVII (MCL 777.16t and 777.43), section 16t as amended by 2004 PA 112 and section 43 as amended by 2002 PA 666.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to

criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 16b, 16t, and 43 of chapter XVII (MCL 777.16b, 777.16t, and 777.43), section 16b as amended by 2007 PA 151, section 16t as amended by 2004 PA 112, and section 43 as amended by 2002 PA 666.

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

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

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

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

Roll Call No. 953

Yeas—33

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

Nays—0

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 861, entitled

A bill to authorize the creation of promise zones and implementation of promise zone development plans; to provide for the creation of promise zone authorities; to prescribe the powers and duties of promise zone authorities; to provide for the capture and disbursement of certain tax revenue; to prescribe powers and duties of certain state and local officials; and to repeal acts and parts of acts.

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

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

A bill to authorize the creation of promise authorities and the implementation of promise zone development plans; to prescribe the powers and duties of promise zone authorities; to provide for the capture and disbursement of certain tax revenue; and to prescribe powers and duties of certain state and local officials.

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

Roll Call No. 954**Yeas—32**

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

Nays—1

Jelinek

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 1175, entitled

A bill to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts," by amending section 88d (MCL 125.2088d), as amended by 2008 PA 223.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1) and agreed to the title as amended.

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

Senate Bill No. 1264, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 409 (MCL 208.1409), as amended by 2007 PA 145.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 4, after "expenditures" by inserting "**IN THIS STATE**".
2. Amend page 2, line 6, after "the" by striking out "**2008**" inserting "2009".
3. Amend page 2, line 8, after "expenditures" by inserting "**IN THIS STATE**".
4. Amend page 2, line 11, after "the" by striking out "**2009**" and inserting "2010".
5. Amend page 2, line 12, after "after" by striking out "**2009**" and inserting "2010".
6. Amend page 2, line 14, after "expenditures" by inserting "**IN THIS STATE**".

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

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

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 955**Yeas—26**

Allen	Cropsey	Jansen	Pappageorge
Anderson	Garcia	Jelinek	Richardville
Barcia	George	Kahn	Schauer
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Clarke	Jacobs		

Nays—5

Cassis	Prusi	Scott	Switalski
Cherry			

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—2

Clark-Coleman	Whitmer
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In The Chair: Richardville

Senator Whitmer moved to reconsider the vote by which the House amendments were concurred in.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 956**Yeas—26**

Allen	Cropsey	Jansen	Pappageorge
Anderson	Garcia	Jelinek	Richardville
Barcia	George	Kahn	Schauer
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Gleason	McManus	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Clarke	Jacobs		

Nays—7

Cassis	Clark-Coleman	Scott	Whitmer
Cherry	Prusi	Switalski	

Excused—5

Basham	Hunter	Patterson	Sanborn
Brater			

Not Voting—0

In The Chair: Richardville

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

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

Senate Bill No. 1616, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18m of chapter XIIA (MCL 712A.18m), as amended by 2004 PA 102.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 957**Yeas—32**

Allen	Clarke	Jansen	Richardville
Anderson	Cropsey	Jelinek	Schauer

Barcia	Garcia	Kahn	Scott
Bishop	George	Kuipers	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Gleason	Olshove	Thomas
Cherry	Hardiman	Pappageorge	Van Woerkom
Clark-Coleman	Jacobs	Prusi	Whitmer

Nays—0

Excused—6

Basham	Brater	Patterson	Sanborn
Birkholz	Hunter		

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 1617, entitled

A bill to create the children's advocacy center act; to create the children's advocacy center fund; to provide for distributions from the fund; to prescribe the powers and duties of the fund administrator; and to prescribe the powers and duties of certain state officials.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 958

Yeas—32

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

Nays—0

Excused—6

Basham
Birkholz

Brater
Hunter

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 1618, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 181 (MCL 600.181), as added by 2003 PA 97.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 959**Yeas—32**

Allen
Anderson
Barcia
Bishop
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Prusi

Richardville
Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0**Excused—6**

Basham
Birkholz

Brater
Hunter

Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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

The House of Representatives returned, in accordance with the request of the Senate
House Bill No. 6025, entitled

A bill to establish the united way fund in the department of treasury; to establish the children’s hospital of Michigan fund in the department of community health; to provide for the distribution of the money from those funds; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

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

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

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

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

House Bill No. 6025

The motion prevailed.

The following bill was announced:

House Bill No. 6025, entitled

A bill to establish the united way fund in the department of treasury; to establish the children’s hospital of Michigan fund in the department of community health; to provide for the distribution of the money from those funds; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 4, line 7, by striking out all of enacting section 1.

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

The question being on the passage of the bill,

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

Roll Call No. 960

Yeas—32

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

Nays—0

Excused—6

Basham	Brater	Patterson	Sanborn
Birkholz	Hunter		

Not Voting—0

In The Chair: Richardville

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Cropsey moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:41 a.m.

7:21 a.m.

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

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

House Bill No. 4380, entitled

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 12.

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

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

House Bill No. 5691

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

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

House Bill No. 4380

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

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

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

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

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

House Bill No. 5554, entitled

A bill to amend 2004 PA 174, entitled "Streamlined sales and use tax administration act," by amending section 25 (MCL 205.825).

House Bill No. 5555, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 1a, 4g, 4k, 4bb, 12, 18, and 21 (MCL 205.51, 205.51a, 205.54g, 205.54k, 205.54bb, 205.62, 205.68, and 205.71), sections 1, 4g, and 4k as amended and sections 12, 18, and 21 as added by 2004 PA 173, section 1a as amended by 2006 PA 434, and section 4bb as added by 2004 PA 301; and to repeal acts and parts of acts.

House Bill No. 5556, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 2b, 3a, 3b, 3c, 4d, 4i, 7, 13, 14a, and 14b (MCL 205.92, 205.92b, 205.93a, 205.93b, 205.93c, 205.94d, 205.94i, 205.97, 205.103, 205.104a, and 205.104b), sections 2 and 7 as amended by 2007 PA 103, section 2b as amended by 2006 PA 428, section 3a as amended by 2007 PA 93, section 3b as added by 2002 PA 456, sections 3c, 13, 14a, and 14b as added and section 4d as amended by 2004 PA 172, and section 4i as added by 1986 PA 41; and to repeal acts and parts of acts.

House Bill No. 4380, entitled

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 12.

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. 5691, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 8, 9, 10, 12, and 20 (MCL 207.623, 207.628, 207.629, 207.630, 207.632, and 207.640), section 3 as amended by 2006 PA 609, sections 8, 9, and 10 as amended by 2007 PA 72, and section 12 as amended by 2002 PA 237.

Substitute (S-2).

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

1. Amend page 3, line 20, after "**SECTION**" by striking out "**5**" and inserting "**5(b)(iii)**".
2. Amend page 5, line 7, after "**141.475**" by inserting "**AND FROM THE 21ST CENTURY JOBS TRUST FUND UNDER SECTION 8(4)**".
3. Amend page 16, line 10, by striking out "**PROJECT WITH A**" and inserting "**TOTAL**".
4. Amend page 16, line 10, after "**COST**" by inserting "**FOR ALL PROJECTS UNDERTAKEN BY THE QUALIFIED LOCAL GOVERNMENTAL UNIT**".
5. Amend page 16, line 10, after "**OF**" by striking out "**THE**" and inserting "**A**".
6. Amend page 16, line 14, by striking out the first "**THE**" and inserting "**A**".
7. Amend page 17, following line 14, by inserting:
" (c) Senate Bill No. 880.
(d) Senate Bill No. 881."

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:

House Bill No. 5375, entitled

A bill to authorize the creation of promise zones and implementation of promise zone development plans; to provide for the creation of promise zone authorities; to prescribe the powers and duties of promise zone authorities; to provide for the capture and disbursement of certain tax revenue; and to prescribe powers and duties of certain state and local officials.

Substitute (S-3).

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

1. Amend page 5, line 9, by striking out all of enacting section 1 and inserting:
"Enacting section 1. This act does not take effect unless Senate Bill No. 861 of the 94th Legislature is enacted into law."

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 amendment, the following bill:

House Bill No. 6646, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," (MCL 28.171 to 28.176) by adding section 5a.

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

1. Amend page 2, following line 2, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1549 of the 94th Legislature is enacted into law."

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

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

House Bill No. 6645, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 3a (MCL 28.173a), as added by 2001 PA 88.

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

1. Amend page 2, following line 5, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1549 of the 94th Legislature is enacted into law."

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

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

House Bill No. 6524, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 446.

Substitute (S-3).

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

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

House Bill No. 5924, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2008 PA 177.

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

1. Amend page 4, following line 7, by inserting:

"Enacting section 2. This amendatory act is retroactive and is effective January 1, 2008."

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

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

House Bill No. 6122, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending sections 2, 3, and 6 (MCL 207.522, 207.523, and 207.526), section 6 as amended by 2003 PA 128.

Substitute (S-3).

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Cropsey moved that Senator Jelinek be excused from the balance of today's session.

The motion prevailed.

Senate Bill No. 1038, entitled

A bill to amend 2007 PA 36, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," by amending section 111 (MCL 208.1111), as amended by 2007 PA 207.

The House of Representatives has substituted (H-13) the Senate substitute (S-5) to the House substitute (H-11).

The House of Representatives has concurred in the Senate substitute (S-5) to the House substitute (H-11) as substituted (H-13) and ordered that the bill be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

Senator Gilbert offered the following amendment to the House substitute:

1. Amend page 15, line 21, after "unless" by striking out the balance of the enacting section and inserting "Senate Bill No. 1052 of the 94th Legislature is enacted into law".

The amendment to the substitute was adopted.

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

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

Roll Call No. 961**Yeas—31**

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

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5691

House Bill No. 5375

House Bill No. 6646**House Bill No. 6645**

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

The following bill was read a third time:

House Bill No. 5691, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 8, 9, 10, 12, and 20 (MCL 207.623, 207.628, 207.629, 207.630, 207.632, and 207.640), section 3 as amended by 2006 PA 609, sections 8, 9, and 10 as amended by 2007 PA 72, and section 12 as amended by 2002 PA 237.

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. 962**Yeas—27**

Allen	Clark-Coleman	Hardiman	Scott
Anderson	Clarke	Jacobs	Stamas
Barcia	Cropsey	Jansen	Switalski
Bishop	Garcia	Kuipers	Thomas
Brown	George	McManus	Van Woerkom
Cassis	Gilbert	Olshove	Whitmer
Cherry	Gleason	Prusi	

Nays—4

Kahn	Pappageorge	Richardville	Schauer
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Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

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 impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes."

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5375, entitled

A bill to authorize the creation of promise zones; and to prescribe powers and duties of certain state and local 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. 963

Yeas—31

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

Nays—0

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

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

The following bill was read a third time:

House Bill No. 6646, entitled

A bill to amend 1990 PA 250, entitled “DNA identification profiling system act,” (MCL 28.171 to 28.176) by adding section 5a.

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. 964

Yeas—31

Allen	Clarke	Jansen	Schauer
Anderson	Cropsey	Kahn	Scott
Barcia	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brown	Gilbert	Olshove	Thomas
Cassis	Gleason	Pappageorge	Van Woerkom

Cherry
Clark-Coleman

Hardiman
Jacobs

Prusi
Richardville

Whitmer

Nays—0

Excused—7

Basham
Birkholz

Brater
Hunter

Jelinek
Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those samples; and to prescribe the powers and duties of certain state departments and county agencies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6645, entitled

A bill to amend 1990 PA 250, entitled “DNA identification profiling system act,” by amending section 3a (MCL 28.173a), as added by 2001 PA 88.

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. 965

Yeas—31

Allen
Anderson
Barcia
Bishop
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Jacobs

Jansen
Kahn
Kuipers
McManus
Olshove
Pappageorge
Prusi
Richardville

Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—7

Basham
Birkholz

Brater
Hunter

Jelinek
Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those samples; and to prescribe the powers and duties of certain state departments and county agencies.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 1281, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9f (MCL 211.9f), as amended by 2008 PA 285.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 966**Yeas—31**

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

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 1353, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2008 PA 162.

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

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

A bill to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," by amending section 435 (MCL 206.435), as amended by 2008 PA 322.

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

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

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

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

Roll Call No. 967

Yeas—31

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

Nays—0

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 1374, entitled

A bill to amend 2001 PA 63, entitled “History, arts, and libraries act,” by amending the title and section 2 (MCL 399.702), section 2 as amended by 2008 PA 85, and by adding section 9.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1451, entitled

A bill to amend 1933 PA 254, entitled “The motor carrier act,” by amending the title and section 1 of article I, sections 2, 6, and 7 of article IV, and sections 2, 8, 9, and 10 of article V (MCL 475.1, 478.2, 478.6, 478.7, 479.2, 479.8, 479.9, and 479.10), the title and section 10 of article V as amended by 1982 PA 399, section 1 of article I and section 2 of article V as amended by 2007 PA 33, section 2 of article IV as amended by 1993 PA 352, and section 7 of article IV as amended by 1989 PA 221.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 786, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8401 (MCL 600.8401), as amended by 1999 PA 27.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 968

Yeas—29

Allen	Cropsey	Jansen	Richardville
Anderson	Garcia	Kahn	Scott
Barcia	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry	Jacobs	Prusi	Whitmer
Clarke			

Nays—1

Schauer

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—1

Clark-Coleman

In The Chair: Richardville

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

By unanimous consent the Senate returned to the order of
Motions and Communications

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

House Bill No. 5118, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 265 (MCL 208.1265).

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

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

House Bill No. 5118

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

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

Senate Bill No. 1052, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 109 (MCL 208.1109).

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

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

A bill to amend 2007 PA 36, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," by amending sections 109 and 403 (MCL 208.1109 and 208.1403), section 403 as amended by 2007 PA 145, and by adding section 461.

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

Senator Cropsey moved that the rule be suspended.

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

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

Senator Gilbert offered the following amendments to the substitute:

1. Amend page 6, line 16, after "**TAX**" by striking out "**LOSS**" and inserting "**INCREASE**".
2. Amend page 6, line 17, after "**SECTION 168**" by striking out "**(F)**" and inserting "**(K)**".

The amendments to the substitute were adopted.

Senator Schauer offered the following amendment to the substitute:

1. Amend page 6, line 16, after "**ACT**" by inserting "**ACCRUED FOR FINANCIAL REPORTING PURPOSES**".

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 969**Yeas—26**

Allen	Clarke	Jansen	Scott
Barcia	Cropsey	Kuipers	Stamas
Bishop	Garcia	McManus	Switalski
Brown	George	Olshove	Thomas
Cassis	Gleason	Prusi	Van Woerkom
Cherry	Hardiman	Schauer	Whitmer
Clark-Coleman	Jacobs		

Nays—5

Anderson	Kahn	Pappageorge	Richardville
Gilbert			

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 5118, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 265 (MCL 208.1265). 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

Statements

Senators Scott, Hardiman and Switalski 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:

Jesse Owens is a name that we've heard frequently over last summer. His stunning victories and achievement of four gold medals at the 1936 Olympic Games in Berlin have made him among the best remembered of all Olympic athletes. Fast and fierce, Jesse Owens sprinted his way into the history books with many track and field records.

But there is much more to Jesse Owens' contributions. Owens overcame segregation, racism, and bigotry to prove to the world that African Americans belonged in the world of athletics. And in 1976, he was awarded the highest honor a civilian of the United States can receive when he was awarded the Medal of Freedom. Ten years after his death, he was awarded the Congressional Gold Medal in recognition to his triumphs for humanity.

Regarding his many accomplishments, Jesse Owens simply said, "One chance is all you need." Hear those words? One chance is all you need. That's exactly why for four years I have gotten up here every day and stated my wishes because I know that one chance is all I need. One change of mind, one change of heart, one moment of insight on your part and perhaps I'll be successful.

We have stayed here over 24 hours and I still couldn't get my bill. So please give me that one chance. We still have time; you can discharge it. A good start would be to move my bills.

Senator Hardiman's statement is as follows:

I rise for a moment to draw attention to a very important date in American history. Now, because we have met throughout the night, today is December 19, but the date I speak of is December 18, 1865. The 13th Amendment to the United States Constitution was declared to be in force on that date. The 13th Amendment to our national Constitution states, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." With these words, our great Constitution finally righted a wrong that had undermined it since the country's birth.

Congress and the states approved this amendment in the single year of 1865 as a testimony to the great emancipator President Lincoln and the dead and wounded of our Civil War. Our Capitol has many reminders of that war, and the portrait on the wall closest to this podium is Governor Austin Blair, who governed Michigan during that conflict. He would want us to pause to remember this date as well.

We know that it has taken all of these 143 years to make more strides toward true equality and civil rights for all. There remains work to be done. However, the task ahead should not prevent us from looking back with gratitude on heroic and righteous acts of citizens and lawmakers who have gone before us. I hope we will all take this view of those supporters of the 13th Amendment signed on this date.

Senator Switalski's statement is as follows:

Because I am both an environmentally-conscious tree saver, plus my office budget has been cut, I am wishing you Happy Holidays today with a poem, in lieu of sending you all Christmas cards. I want to apologize to my staff, who begged to hear my message yesterday, but as with Santa and the poem, there is more fun in the anticipation than in the thing itself. Besides, my Christmas message is best delivered late at night to fatigued, bored, and nearly comatose legislators who are thoroughly starved for entertainment.

Only in this environment do my poetic talents flourish. So if you promise not to throw any shoes at me, without further adieu, I give you now "A Christmas Carol":

Once, upon a midnight dreary,
 Pondering bills and email queries,
 And many a quaint and curious 'mendment to forgotten law.
 Sat in session, nearly napping
 Drool came out, like pine tree sapping.
 Suddenly there came a tapping, gently rapping, upon the Senate Chamber Door.

'Twas Justice Taylor woke me
 Whispered, "Wake! But please don't quote me."
 Once Supreme, his dusty robes were tattered now and tore.
 His warning got me thinking
 Chamber cameras unblinking
 Seeking shots of snoring Solons on the Senate Chamber floor.

"Come with me," rose Taylor, beckoning.
 "Sessions Past are due a reckoning.
 I will show you things you never knew, and never saw before."
 We flew up above the ceiling

To the catwalk, sent mice squealing
And looked down upon the Grandeur of the Upper Chamber Floor.

Through mists I saw a Session Past,
A long debate and tax votes cast,
That ended Chronic Deficits, while caring for the Poor.
Pat, Tom, Gere, and Jelinek
Valde 'n Wayne stuck out their neck.
Went on the Board for Revenues and made The Chamber Sore.

The Dems had to offend their own,
Who normally they'd throw a Bone,
And make Reforms to Bennies that shook teachers to the core.
Buzz and Mark and just one other
Now loved only by their mother
"Enough!" barked Taylor. "Lose that grin. I've heard this all before."

"Your legacy today's in doubt.
The Big 3 now are in a rout."
And the Ghost of Session Present breathed a Freeze upon the floor.
EO cut on-forty million
2010 could hit a billion
And Recession may the Deficits of Sessions Past Restore.

"Not that!" I cried.
"Those figures lied!
Could Jan's Estimating Conference please send Wolfie from the Door?"
Now the ghost of Sessions Future
Cut our budgets like a Butcher.
We're so desperate now, even Sacred Cows, we're willing to Explore.

The Shade's vision of the Future
Like a hemorrhage, needs a suture.
Or a tourniquet to staunch the flow of jobs gone out the door.
Unemployment's double digit
Causes budget hawks to fidget
Should we raise Debt, creating Work, and make employment Soar?

We've 2 years of Future Sessions
To wrack our brains to end Recessions
And Faith and Hope and Confidence and Zest for Life Restore.
Let's do it all together
Now enjoy the Christmas weather.
'Cause when Janus comes we cannot Sleep no More.

So Merry Christmas, everyone.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 8:51 a.m.

9:33 a.m.

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Cropsey moved that the Committee on Economic Development and Regulatory Reform be discharged from further consideration of the following bill:

House Bill No. 6748, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 89.

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

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

House Bill No. 6748

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

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

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

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

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

House Bill No. 6748, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 89.

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

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

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

House Bill No. 5554

House Bill No. 5555

House Bill No. 5556

House Bill No. 5924

House Bill No. 6122

House Bill No. 6524

House Bill No. 4380

House Bill No. 5118

House Bill No. 6748

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

The following bill was read a third time:

House Bill No. 5554, entitled

A bill to amend 2004 PA 174, entitled "Streamlined sales and use tax administration act," by amending section 25 (MCL 205.825).

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. 970**Yeas—31**

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

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state officials and state departments;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5555, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending sections 1, 1a, 4g, 4k, 4bb, 12, 18, and 21 (MCL 205.51, 205.51a, 205.54g, 205.54k, 205.54bb, 205.62, 205.68, and 205.71), sections 1, 4g, and 4k as amended and sections 12, 18, and 21 as added by 2004 PA 173, section 1a as amended by 2006 PA 434, and section 4bb as added by 2004 PA 301; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 971**Yeas—31**

Allen	Clarke	Jansen	Schauer
Anderson	Cropsey	Kahn	Scott
Barcia	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brown	Gilbert	Olshove	Thomas
Cassis	Gleason	Pappageorge	Van Woerkom

Cherry
Clark-Coleman

Hardiman
Jacobs

Prusi
Richardville

Whitmer

Nays—0

Excused—7

Basham
Birkholz

Brater
Hunter

Jelinek
Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5556, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 2, 2b, 3a, 3b, 3c, 4d, 4i, 7, 13, 14a, and 14b (MCL 205.92, 205.92b, 205.93a, 205.93b, 205.93c, 205.94d, 205.94i, 205.97, 205.103, 205.104a, and 205.104b), sections 2 and 7 as amended by 2007 PA 103, section 2b as amended by 2006 PA 428, section 3a as amended by 2007 PA 93, section 3b as added by 2002 PA 456, sections 3c, 13, 14a, and 14b as added and section 4d as amended by 2004 PA 172, and section 4i as added by 1986 PA 41; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 972

Yeas—31

Allen
Anderson
Barcia
Bishop
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Jacobs

Jansen
Kahn
Kuipers
McManus
Olshove
Pappageorge
Prusi
Richardville

Schauer
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—7

Basham
Birkholz

Brater
Hunter

Jelinek
Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5924, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 113 (MCL 208.1113), as amended by 2008 PA 177.

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. 973**Yeas—31**

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

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to

provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6122, entitled

A bill to amend 1993 PA 330, entitled “State real estate transfer tax act,” by amending sections 2, 3, and 6 (MCL 207.522, 207.523, and 207.526), section 6 as amended by 2003 PA 128.

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. 974

Yeas—30

Allen	Cropsey	Kahn	Schauer
Anderson	Garcia	Kuipers	Scott
Barcia	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brown	Gleason	Pappageorge	Thomas
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman	Jacobs	Richardville	Whitmer
Clarke	Jansen		

Nays—1

Cassis

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to impose a state tax on the transfer of an interest in real property; to provide for the administration of this act; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the tax; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6524, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 446.

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. 975**Yeas—31**

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

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4380, entitled

A bill to amend 2004 PA 175, entitled “Streamlined sales and use tax revenue equalization act,” (MCL 205.171 to 205.191) by adding section 12.

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. 976**Yeas—31**

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

Nays—0

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

“An act to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5118, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 265 (MCL 208.1265), as amended by 2007 PA 145.

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. 977

Yeas—31

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

Nays—0

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6748, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 437 (MCL 208.1437), as amended by 2008 PA 89.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 978

Yeas—14

Allen	Brown	Jacobs	Pappageorge
Anderson	Cropsey	Jansen	Stamas
Barcia	Garcia	Kahn	Van Woerkom
Bishop	Hardiman		

Nays—14

Cassis	Gilbert	Richardville	Switalski
Cherry	Kuipers	Schauer	Thomas
Clarke	Olshove	Scott	Whitmer
George	Prusi		

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—3

Clark-Coleman	Gleason	McManus
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In The Chair: Richardville

Protests

Senators Thomas and Cassis, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 6748 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Thomas' statement is as follows:

I rise in very strong opposition to this bill for a number of reasons. The Brownfield credit act in the state of Michigan was groundbreaking. It set the national standard that has been followed by almost every state in America, as well as our federal government. It has helped identify transformational projects in distressed communities or has taken completely blighted, obsolete properties and has found ways to return those to productive use.

This bill says that the Brownfield act that we know and love really doesn't matter. In fact, it renders it moot and useless. For the purpose of building, ultimately, three parking decks at a luxury lifestyle mall on, arguably, the most attractive piece of retail property in the state of Michigan, at the corner of Big Beaver and Crooks Road, directly across the street from Somerset Mall, we are going to turn the Brownfield law upon its head. That, to me, is completely reckless and irresponsible and something that the taxpayers of Michigan should not be asked to foot the bill for.

The city of Troy has had the opportunity to extend their DDA, which I understand from the sponsor, to their credit, they have done. Why should we turn the Brownfield law on its head when the city of Troy should be on the hook for financing this? Simply, they want all of the taxpayers of Michigan to share in this great project for the city of Troy. This is a dynamic project and the marketplace will support dynamic projects. This project will not end if this Brownfield credit isn't granted. However, there are needy projects in urban, core cities across the state of Michigan that may not happen because of the sheer greed of developers in the city of Troy, and that is inappropriate.

The MEDC is rightly opposed to this legislation because they have already very vigorously and generously supported this project. The MEGA board has already appropriated \$8.5 million for demolition, site cleanup, and land acquisition for this project. Two weeks ago, we did pass Senate Bill No. 208, which allowed for an enhanced TIFA capture for this project. The taxpayers are already plenty on the hook. We should not turn the Brownfield law on its head again for the simple greed of another big retail mall in the city of Troy. They can do it on their own; let them do it on their own.

Senator Cassis' statement is as follows:

I see the issue surrounding House Bill No. 6748 from a little bit different vantage point as chair of Senate Finance. I will be voting against House Bill No. 6748 because it lacks the safeguards, protections, and accountability that were added to its sister bill, Senate Bill No. 1567.

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 5046, entitled

An act to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5046

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

The following bill was read a third time:

House Bill No. 5046, entitled

A bill to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

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. 979**Yeas—24**

Anderson	Clarke	Kahn	Schauer
Barcia	Garcia	Kuipers	Scott
Bishop	Gilbert	McManus	Switalski
Cassis	Gleason	Olshove	Thomas
Cherry	Hardiman	Pappageorge	Van Woerkom
Clark-Coleman	Jacobs	Prusi	Whitmer

Nays—7

Allen	Cropsey	Jansen	Stamas
Brown	George	Richardville	

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

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 not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 880, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4p (MCL 205.94p), as added by 1999 PA 117.
The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1937 PA 94, entitled "An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations," by amending section 4p (MCL 205.94p), as added by 1999 PA 117, and by adding section 4z.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 980**Yeas—28**

Allen	Clark-Coleman	Hardiman	Schauer
Anderson	Clarke	Jacobs	Scott

Barcia	Cropsey	Jansen	Stamas
Bishop	Garcia	Kuipers	Switalski
Brown	George	McManus	Thomas
Cassis	Gilbert	Olshove	Van Woerkom
Cherry	Gleason	Prusi	Whitmer

Nays—3

Kahn	Pappageorge	Richardville
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Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 881, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4u (MCL 205.54u), as amended by 2004 PA 173.

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

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

A bill to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending sections 4d, 4u, and 6a (MCL 205.54d, 205.54u, and 205.6a), section 4d as added and section 4u as amended by 2004 PA 173 and section 6a as amended by 1993 PA 325.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 981**Yeas—28**

Allen	Clark-Coleman	Hardiman	Schauer
Anderson	Clarke	Jacobs	Scott
Barcia	Cropsey	Jansen	Stamas
Bishop	Garcia	Kuipers	Switalski
Brown	George	McManus	Thomas

Cassis
Cherry

Gilbert
Gleason

Olshove
Prusi

Van Woerkom
Whitmer

Nays—3

Kahn

Pappageorge

Richardville

Excused—7

Basham
Birkholz

Brater
Hunter

Jelinek
Patterson

Sanborn

Not Voting—0

In The Chair: Richardville

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

Senate Bill No. 1038, entitled

A bill to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 111 (MCL 208.1111), as amended by 2007 PA 207.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-13) to the Senate substitute (S-5) to the House substitute (H-11).

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

Senate Bill No. 1039, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 641.

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

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

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

Senate Bill No. 1052, entitled

A bill to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending sections 109 and 403 (MCL 208.1109 and 208.1403), section 403 as amended by 2007 PA 145, and by adding section 461.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

Senate Bill No. 1252, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, and 1230g (MCL 380.1230, 380.1230a, and 380.1230g), as amended by 2006 PA 680; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 36, following line 2, by striking out all of enacting section 1.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 982**Yeas—30**

Allen	Clarke	Kahn	Schauer
Anderson	Garcia	Kuipers	Scott
Barcia	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brown	Gleason	Pappageorge	Thomas
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Richardville	Whitmer
Clark-Coleman	Jansen		

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—1

Cropsey

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1549, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," (MCL 28.171 to 28.176) by adding section 5.

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

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

A bill to amend 1990 PA 250, entitled "An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those

samples; and to prescribe the powers and duties of certain state departments and county agencies,” by amending sections 2 and 6 (MCL 28.172 and 28.176), section 2 as amended by 2001 PA 88 and section 6 as amended by 2003 PA 76, and by adding section 5.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 983**Yeas—29**

Allen	Cropsey	Kahn	Schauer
Anderson	Garcia	Kuipers	Scott
Barcia	George	McManus	Stamas
Bishop	Gleason	Olshove	Switalski
Brown	Hardiman	Pappageorge	Thomas
Cassis	Jacobs	Prusi	Van Woerkom
Clark-Coleman	Jansen	Richardville	Whitmer
Clarke			

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—2

Cherry	Gilbert
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In The Chair: Richardville

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 1630, entitled

A bill to create and provide for the incorporation of certain regional convention facility authorities; to provide for the membership of the authorities; to provide for the powers and duties of the authorities; to provide for the conveyance of ownership of and operational jurisdiction over certain convention facilities to authorities and to provide for the transfer of certain real and personal property utilized as convention facilities to authorities; to provide for the assumption of certain contracts, bonds, notes, and other evidences of indebtedness and liabilities related to convention facilities by authorities; to authorize the creation of certain funds; to authorize expenditures from the funds; to finance the acquisition of land and the development of certain convention facilities and of public improvements or related facilities; to authorize the establishment of certain sales-tax-free zones; to provide for the issuance of bonds and notes; to authorize certain investments; to provide for the transfer of public employees to the employment of authorities; to provide for the allocation of liabilities related to employee benefits; to protect certain rights of local government employees; and to impose certain powers and duties upon state and local departments, agencies, and officers.

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

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

A bill to create and provide for the incorporation of certain regional convention facility authorities; to provide for the membership of the authorities; to provide for the powers and duties of the authorities; to provide for the conveyance of ownership of and operational jurisdiction over certain convention facilities to authorities and to provide for the transfer of certain real and personal property utilized as convention facilities to authorities; to provide for the assumption of certain contracts, bonds, notes, and other evidences of indebtedness and liabilities related to convention facilities by authorities; to authorize the creation of certain funds; to authorize expenditures from certain funds; to finance the acquisition of land and the development of certain convention facilities and of public improvements or related facilities; to provide for the issuance of bonds and notes; to authorize certain investments; to provide for the transfer of public employees to the employment of authorities; to provide for the allocation of liabilities related to employee benefits; to protect certain rights of local government employees; and to impose certain powers and duties upon state and local departments, agencies, and officers.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 984

Yeas—30

Allen	Clarke	Kahn	Schauer
Anderson	Cropsey	Kuipers	Scott
Barcia	Garcia	McManus	Stamas
Bishop	George	Olshove	Switalski
Brown	Gleason	Pappageorge	Thomas
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Richardville	Whitmer
Clark-Coleman	Jansen		

Nays—0

Excused—7

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—1

Gilbert

In The Chair: Richardville

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 1633, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending sections 3 and 5 (MCL 141.473 and 141.475), as amended by 1998 PA 529.

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 House of Representatives requested the return of

Senate Bill No. 1633, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending sections 3 and 5 (MCL 141.473 and 141.475), as amended by 1998 PA 529.

Senator Cropsey moved that the request of the House of Representatives be granted.

The motion prevailed.

Recess

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

The motion prevailed, the time being 10:42 a.m.

11:08 a.m.

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

Senate Bill No. 1104, entitled

A bill to make and supplement appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 17, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This act does not take effect unless House Bill No. 4257 of the 94th Legislature is enacted into law."

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

Pursuant to rule 3.202, the bill was laid over one day,

Senator Cropsey moved that the rule be suspended.

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

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

Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

Senate Bill No. 1392, 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 65.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 985**Yeas—30**

Allen	Clarke	Kahn	Schauer
Anderson	Cropsey	Kuipers	Scott
Barcia	Garcia	McManus	Stamas
Bishop	George	Olshove	Switalski
Brown	Gleason	Pappageorge	Thomas
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Richardville	Whitmer
Clark-Coleman	Jansen		

Nays—0**Excused—7**

Basham	Brater	Jelinek	Sanborn
Birkholz	Hunter	Patterson	

Not Voting—1

Gilbert

In The Chair: Richardville

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

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

Senate Bill No. 1633, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending sections 3 and 5 (MCL 141.473 and 141.475), as amended by 1998 PA 529.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1987 PA 264, entitled "An act to provide for the creation of the health and safety fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit its use; to prescribe the powers and duties of certain state officials; and to provide for an appropriation," by amending section 5 (MCL 141.475), as amended by 1998 PA 529.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 986**Yeas—27**

Allen	Clark-Coleman	Jacobs	Scott
Anderson	Clarke	Jansen	Stamas
Barcia	Cropsey	Kuipers	Switalski
Bishop	Garcia	McManus	Thomas
Brown	George	Olshove	Van Woerkom
Cassis	Gleason	Prusi	Whitmer
Cherry	Hardiman	Schauer	

Nays—3

Kahn	Pappageorge	Richardville
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Excused—8

Basham	Brater	Hunter	Patterson
Birkholz	Gilbert	Jelinek	Sanborn

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title as amended.

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

Senate Concurrent Resolution No. 35.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see p. 2673.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Committee Reports

The Committee on Commerce and Tourism reported

House Bill No. 6426, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 20 (MCL 421.20), as amended by 2003 PA 174.

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, Gilbert and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

House Bill No. 6427, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 29 (MCL 421.29), as amended by 2002 PA 192.

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, Gilbert and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Thursday, December 18, 2008, at 8:30 a.m., Room 100, Farnum Building

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

The Committee on Judiciary reported

House Bill No. 4425, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 513.

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, Patterson, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5829, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2006 PA 167.

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, Patterson, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5830, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2002 PA 710; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Patterson, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5831, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 2002 PA 666.

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, Patterson, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6015, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 10, 11, and 12 of chapter IX (MCL 769.10, 769.11, and 769.12), as amended by 2006 PA 655.

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, Patterson, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6539, entitled

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

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, Patterson, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6540, entitled

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

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, Patterson, Clarke and Prusi

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Thursday, December 18, 2008, at 8:00 a.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Patterson, Clarke and Prusi

Excused: Senators Sanborn and Stamas

The Committee on Commerce and Tourism reported

House Bill No. 5977, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 6 (MCL 207.806), as amended by 2007 PA 150.

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, Gilbert and Clarke

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. 5690, entitled

A bill to create and provide for the incorporation of certain regional convention facility authorities; to provide for the membership of the authorities; to provide for the powers and duties of the authorities; to provide for the conveyance of ownership of and operational jurisdiction over certain convention facilities to authorities and to provide for the transfer of certain real and personal property utilized as convention facilities to authorities; to provide for the assumption of certain contracts, bonds, notes, and other evidences of indebtedness and liabilities related to convention facilities by authorities; to authorize the creation of certain funds; to authorize expenditures from certain funds; to finance the acquisition of land and the development of certain convention facilities and of public improvements or related facilities; to provide for the issuance of bonds and notes; to authorize certain investments; to provide for the transfer of public employees to the employment of authorities; to provide for the allocation of liabilities related to employee benefits; to protect certain rights of local government employees; and to impose certain powers and duties upon state and local departments, agencies, and officers.

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, Gilbert, 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. 5691, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 8, 9, 10, 12, and 20 (MCL 207.623, 207.628, 207.629, 207.630, 207.632, and 207.640), section 3 as amended by 2006 PA 609, sections 8, 9, and 10 as amended by 2007 PA 72, and section 12 as amended by 2002 PA 237.

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, Gilbert, 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. 6405, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending section 5 (MCL 141.475), as amended by 1998 PA 529.

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, Gilbert, Stamas, Clarke and Hunter

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Smoke-Free Workplaces (HB 4163) submitted the following:

Meeting held on Tuesday, December 16, 2008, at 10:00 a.m., Room 424, Capitol Building

Present: Senators Cropsey, Sanborn and Basham

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Smoke-Free Workplaces (HB 4163) submitted the following:

Meeting held on Wednesday, December 17, 2008, at 10:00 a.m., Room 424, Capitol Building

Present: Senators Cropsey, Sanborn and Basham

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Smoke-Free Workplaces (HB 4163) submitted the following:

Meeting held on Thursday, December 18, 2008, at 8:45 a.m., Room 424, Capitol Building

Present: Senators Cropsey, Sanborn and Basham

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Individual Health Benefit Plans (HB 5282) submitted the following:

Meeting held on Thursday, December 18, 2008, at 9:00 a.m., Room 426, Capitol Building

Present: Senators George and Clarke

Absent: Senator Allen

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Health Care Corporations (HB 5283) submitted the following:

Meeting held on Thursday, December 18, 2008, at 9:05 a.m., Room 426, Capitol Building

Present: Senators George and Clarke

Absent: Senator Allen

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Smoke-Free Workplaces (HB 4163) submitted the following:

Meeting held on Friday, December 19, 2008, at 12:30 p.m., Room 424, Capitol Building

Present: Senators Cropsey and Basham

Absent: Senator Sanborn

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:16 a.m.

Pursuant to Senate Concurrent Resolution No. 35, the President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, December 30, 2008, at 11:30 a.m.

