

No. 84
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, November 3, 2010.

12:00 noon.

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

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

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

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

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

Pastor Kathryn Cadarette of United Methodist Church of Alanson offered the following invocation:

O God of love and peace, how good it is to come together in Your name and in Your presence. May Your Spirit fill our hearts this day. On a day full of changes, You are never-changing. We pray that we may put aside our differences, that we may make a difference in this state. Sometimes the easiest way to start is to pray for one another.

We lift up to You our Governor and our officers who will be leaving at the end of the year and for the work they still have in front of them. We pray for our new Governor, our new officials, and for their families in the transition. We pray that You continue to hold us close, and help us to seek Your will in every endeavor.

We pray all things in Your name. I pray in the name of Jesus. Amen.

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

Motions and Communications

Senators Patterson, Jansen, Whitmer, Barcia, Pappageorge, Gleason, Garcia and Hunter entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:04 p.m.

1:36 p.m.

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

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

Senate Resolution No. 172

The motion prevailed.

The following communications were received and read:

Office of the Auditor General

October 1, 2010

Enclosed is a copy of the following audit report:

Performance audit of the 21st Century Jobs Trust Fund Programs administered by the Michigan Strategic Fund and the Strategic Economic Investment and Commercialization Board.

October 14, 2010

Enclosed is a copy of the following audit report:

Performance audit of Michigan Administrative Information Network Security, State Budget Office and Department of Technology, Management & Budget.

October 15, 2010

Enclosed is a copy of the following audit report:

Performance audit of Selected Service-Related Contracts and Grant Agreements, Department of Community Health.

October 20, 2010

Enclosed is a copy of the following audit report:

Follow-up on the performance audit of Selected General and Application Controls, Department of Natural Resources and Environment and Department of Technology, Management & Budget.

October 26, 2010

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of Network Application Server Controls, Department of Technology, Management & Budget.

October 28, 2010

Enclosed is a copy of the following audit report:

Performance audit of Project Management of the Bridges Integrated Automated Eligibility Determination System, Department of Human Services, Department of Community Health, and Department of Technology, Management & Budget.

October 28, 2010

Enclosed is a copy of the following audit report:

Performance audit of Selected Application Controls of the Bridges Integrated Automated Eligibility Determination System, Department of Human Services, Department of Community Health, and Department of Technology, Management & Budget.

Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communication was received:

Department of State

Administrative Rules

Notice of Filing

September 27, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-054-CH (Secretary of State Filing #10-09-04) on this date at 3:21 p.m. for the Department of Community Health, entitled "Reporting of Traumatic Injuries."

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

Sincerely,

Terri Lynn Land

Secretary of State

Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:

Department of Community Health

October 29, 2010

Enclosed is a copy of the Bureau of Health Professions annual report required by Public Act 368 of 1978 [MCL 333.16143(2)] and Public Act 79 of 1993 [MCL 333.16241(8)]. The data contained in the reports covers the time period of October 1, 2008 through September 30, 2009.

If you need additional copies of the reports, please contact Angela Awrey at 517-373-8068.

Sincerely,

Janet Olszewski

Director

The communication was referred to the Secretary for record.

The following communication was received:

Public Service Commission

October 29, 2010

On behalf of the Public Service Commission, attached is the Report on the Low-Income and Energy Efficiency Fund for Fiscal Year 2010.

Orjiakor N. Isiogu

Chairman

(517) 241-6190

The communication was referred to the Secretary for record.

The following communication was received:
Department of State Police

October 29, 2010

In accordance with Section 3(2) of Public Act 76 of 2004, MCL 28.273, the Michigan State Police (MSP) is notifying the Secretary of the Senate and the Clerk of the House of Representatives that the report regarding annual fingerprint fees is complete.

This report has been posted on the Web site below and is titled: "Report on Fingerprint Analysis, 9/30/2010".

http://www.michigan.gov/documents/msp/Boilerplate_Fingerprint_910_337225_7.pdf

The direct link to reports required by MSP's appropriation can be found on the following site:

http://w3.michigan.gov/msp/0,1607,7-123-1645_3501_49815---,00.html

If you have questions about this report, please contact Mr. Shawn Sible at (517) 241-1007 or SiblesS@Michigan.gov.

Thank you,
Angela Dale
Departmental Services Division
(517) 241-1001

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 29:

House Bill Nos. 6022 6242

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 5:

House Bill Nos. 4837 5533

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, September 29, for her approval the following bills:

Enrolled Senate Bill No. 1161 at 2:59 p.m.

Enrolled Senate Bill No. 1157 at 3:01 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 30, for her approval the following bills:

Enrolled Senate Bill No. 1226 at 3:38 p.m.

Enrolled Senate Bill No. 185 at 3:40 p.m.

Enrolled Senate Bill No. 361 at 3:42 p.m.

Enrolled Senate Bill No. 610 at 3:44 p.m.

The Secretary announced that the following official bills were printed on Wednesday, September 29, and are available at the legislative website:

**Senate Bill Nos. 1512 1513 1514 1515 1516 1517 1518 1519 1520 1521 1522 1523 1524 1525
1527**

The Secretary announced that the following official bills were printed on Thursday, September 30, and are available at the legislative website:

**Senate Bill Nos. 1526 1528 1529 1530 1531 1532 1533 1534 1535 1536 1537
House Bill Nos. 6494 6495 6496 6497 6498 6499 6500 6501 6502 6503 6504 6505 6506 6507
6508 6509 6510 6511 6512 6513 6514 6515 6516 6517 6518 6519 6520 6521
6522 6523 6524 6525 6526 6527 6528 6529 6530 6531 6532**

The Secretary announced that the following official bills were printed on Thursday, October 7, and are available at the legislative website:

House Bill Nos. 6533 6534 6535 6536

The Secretary announced that the following official bills were printed on Thursday, October 14, and are available at the legislative website:

House Bill Nos. 6537 6538

The Secretary announced that the following official bills were printed on Thursday, October 21, and are available at the legislative website:

House Bill Nos. 6539 6540

The Secretary announced that the following official bills were printed on Thursday, October 28, and are available at the legislative website:

House Bill Nos. 6541 6542

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

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

Senate Bill No. 1163

The motion prevailed.

The following messages from the Governor were received:

Date: September 30, 2010

Time: 10:17 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1014 (Public Act No. 168), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1531f.

(Filed with the Secretary of State on September 30, 2010, at 11:17 a.m.)

Date: September 30, 2010

Time: 10:35 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1354 (Public Act No. 177), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 1062 and 1068 (MCL 600.1062 and 600.1068), section 1062 as amended by 2006 PA 620 and section 1068 as added by 2004 PA 224.

(Filed with the Secretary of State on September 30, 2010, at 11:35 a.m.)

Date: September 30, 2010

Time: 10:37 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1035 (Public Act No. 178), being

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

(Filed with the Secretary of State on September 30, 2010, at 11:37 a.m.)

Date: September 30, 2010

Time: 10:39 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1450 (Public Act No. 179), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 30104b (MCL 324.30104b), as added by 2006 PA 592.

(Filed with the Secretary of State on September 30, 2010, at 11:39 a.m.)

Date: September 30, 2010
Time: 10:41 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1451 (Public Act No. 180), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 30306b (MCL 324.30306b), as amended by 2009 PA 120; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 30, 2010, at 11:41 a.m.)

Date: September 30, 2010
Time: 1:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1258 (Public Act No. 183), being

An act to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending section 322 (MCL 168.322), as amended by 2003 PA 302.

(Filed with the Secretary of State on September 30, 2010, at 1:22 p.m.)

Date: September 30, 2010
Time: 1:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1259 (Public Act No. 184), being

An act to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending section 381 (MCL 168.381), as amended by 2006 PA 122.

(Filed with the Secretary of State on September 30, 2010, at 1:24 p.m.)

Date: September 30, 2010
Time: 1:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1161 (Public Act No. 189), being

An act to make appropriations for the department of natural resources and environment for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds and accounts; to require

reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(Filed with the Secretary of State on September 30, 2010, at 5:52 p.m.)

Date: September 30, 2010

Time: 4:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1226 (Public Act No. 185), being

An act to amend 1943 PA 240, entitled “An act to provide for a state employees’ retirement system; to create a state employees’ retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies,” by amending sections 38, 68, and 68c (MCL 38.38, 38.68, and 38.68c), section 38 as amended by 2007 PA 16, section 68 as added by 1996 PA 487, and section 68c as amended by 2010 PA 54, and by adding sections 19j, 20i, 35, and 68d.

(Filed with the Secretary of State on September 30, 2010, at 5:44 p.m.)

Date: October 5, 2010

Time: 3:01 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 884 (Public Act No. 198), being

An act to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 31 (MCL 205.31), as amended by 2002 PA 657.

(Filed with the Secretary of State on October 5, 2010, at 4:23 p.m.)

Date: October 5, 2010

Time: 3:03 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 185 (Public Act No. 199), being

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

(Filed with the Secretary of State on October 5, 2010, at 4:25 p.m.)

Date: October 5, 2010

Time: 3:05 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 361 (Public Act No. 200), being

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

and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," (MCL 208.1101 to 208.1601) by adding section 471.

(Filed with the Secretary of State on October 5, 2010, at 4:27 p.m.)

Date: October 5, 2010

Time: 3:07 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 610 (Public Act No. 201), being

An act to create a lien against real property for unpaid commercial real estate broker's commissions and services; and to provide remedies.

(Filed with the Secretary of State on October 5, 2010, at 4:29 p.m.)

Date: October 11, 2010

Time: 4:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1157 (Public Act No. 203), being

An act to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(Filed with the Secretary of State on October 12, 2010, at 11:48 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The follow message from the Governor was received:

September 30, 2010

Today I have signed Enrolled Senate Bill 1161, which provides \$719.0 million to support the operations of the Department of Natural Resources and Environment during the fiscal year ending September 30, 2011.

Section 218 of the bill constitutes an apparent attempt to alter the regulatory authority of the Department of Natural Resources and Environment under the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106, and other applicable laws in a manner that fails to conform with Const 1963, art 4, § 25. To the extent this section conflicts with the constitutional mandate to reenact and publish altered or amended laws, it is unenforceable. The provision also appears to be outside the scope of the title and object of the bill in a manner that would violate Const 1963, art 4, § 24, and render the provision an invalid condition of appropriations.

I thank the Legislature for its cooperation in finalizing this budget.

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on October 27, 2010, and read:

EXECUTIVE ORDER
No. 2010-19

**Executive Office of the Governor
Department of Technology, Management, and Budget**

Executive Reorganization

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

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

WHEREAS, the Michigan Economic Recovery Office was created within the Executive Office of the Governor by Executive Order 2009-35;

WHEREAS, under the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, Michigan has received billions of dollars in federal assistance, which helps protect millions of residents impacted by the national recession and allows the state to move forward with its plans to grow the economy and create jobs;

WHEREAS, the majority of the American Recovery and Reinvestment Act funds have been allocated; however, there is a continuing need for the Office to assist with reporting responsibilities as required by law due to strict accountability, transparency and oversight requirements on all state and local recipients of funds;

WHEREAS, it is practicable and necessary in the interests of efficient administration and effectiveness of government to reorganize the executive branch of state government by transferring the Michigan Economic Recovery Office to the State Budget Office;

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

I. DEFINITIONS

As used in this Order:

A. "ARRA" means the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5.

B. "Department of Technology, Management, and Budget" means the principal department of state government created as the Department of Management and Budget under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed under Executive Order 2009-55, MCL 18.441.

C. "Michigan Economic Recovery Office" or "Office" means the office created within the Executive Office of the Governor under Executive Order 2009-35.

D. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321 and Executive Order 2009-55, MCL 18.441.

E. "State Budget Office" means the office created within the Department of Technology, Management, and Budget under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321, and renamed under Executive Order 2009-55, MCL 18.441.

II. TRANSFER

A. The "Michigan Economic Recovery Office" is transferred intact to the State Budget Office, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Office, including, but not limited to, any authority, powers, duties, functions, and responsibilities of the Office under Executive Order 2009-35.

B. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the State Budget Director.

C. The Office includes a Director who shall continue to serve in the position and who shall report to the State Budget Director or his or her designee. In the event of a subsequent vacancy, the Director shall be appointed by the State Budget Director.

D. The Office may employ personnel as necessary to perform the duties and responsibilities of the Office, including, but not limited to, those duties and responsibilities required for compliance with the ARRA.

E. The Director of the State Budget Office shall give executive direction and supervision for the implementation of the transfer to the State Budget Office under this Order, and the Director of the State Budget Office shall make internal organizational changes as necessary to effectuate the transfer.

F. The authority, powers, duties, functions, and responsibilities transferred to the State Budget Office under this Order shall be administered in such ways as to promote efficient administration.

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

III. MISCELLANEOUS

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

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

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

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

This Order is effective on December 27, 2010 at 12:01 a.m.

[SEAL]

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

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

September 30, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Executive Order 2003-18, MCL 445.2011:

Workers' Compensation Appellate Commission

Mr. Granner S. Ries of 41454 Lore Drive, Clinton Township, Michigan 48038, county of Macomb, is reappointed for a term commencing October 1, 2010 and expiring September 30, 2014.

October 5, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421:

Michigan State Housing Development Authority

Mr. Kirk T. Steudle of 57694 Hidden Timbers Drive, South Lyon, Michigan 48601, county of Oakland, succeeding Kenneth D. Theis, who has resigned, is appointed to represent principal department heads of the executive branch of the state government, for a term commencing October 5, 2010 and expiring at the pleasure of the Governor.

October 8, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Executive Order 2003-18, MCL 445.2011:

Workers' Compensation Appellate Commission

Mr. James P. Harvey of 844 Whittier Road, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Donna J. Grit, who has resigned, is appointed for a term commencing November 1, 2010 and expiring September 30, 2011.

Mr. George H. Wyatt III of 706 Snyder Road, East Lansing, Michigan 48823, county of Ingham, succeeding Rodger G. Will, whose term has expired, is appointed for a term commencing November 1, 2010 and expiring September 30, 2014.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF COMMUNITY HEALTH

September 30, 2010

Today I have signed Enrolled Senate Bill 1152, which makes appropriations for the Department of Community Health for the fiscal year ending September 30, 2011. I have, however, disapproved four items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific vetoes are detailed in the attached copy of the bill that has been filed with the Secretary of State.

This bill appropriates \$14.1 billion gross and over \$2.4 billion from Michigan's general fund. Within this budget bill, adequate funds have been appropriated to restore a number of optional Medicaid services, including adult dental

services and podiatric services. In addition, funding to support Children Special Health Care Services non-emergency transportation services was restored.

I am concerned about savings assumptions in this bill that appear overly optimistic. I have asked the Department of Community Health to closely monitor this situation and alert the State Budget Office to any potential budget problems.

I disapproved the Early Childhood Collaborative Secondary Prevention line item due to the fact that insufficient funds are appropriated. Funding for this program is contained in the Department of Human Services budget and I intend to sign the appropriation in that bill.

In addition, I have disapproved sections 1112 and 1139 due to the fact that insufficient funds are appropriated to support the referenced initiatives.

I have also disapproved section 285 because the department already maintains a prescription drug website and insufficient funds are appropriated to provide the required enhancements.

While I have found it necessary to make modifications to the bill you sent me, I have concurred with the vast majority of your budget actions and I thank the Legislature for your work on this important budget.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 30, 2010, at 1:25 p.m. (Filed with the Secretary of State on September 30, 2010, at 5:48 p.m.) and assigned Public Act No. 187.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF CORRECTIONS

September 30, 2010

Today I have signed Enrolled Senate Bill 1153, the general appropriations bill for the Department of Corrections for the fiscal year ending September 30, 2011. I have, however, disapproved two items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific item vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

I am disappointed that the Legislature, once again, did not take action to examine and revise Michigan's sentencing guidelines. Instead of considering reasonable adjustments to lengthy sentences that would not diminish public safety, the Legislature chose an across-the-board reduction to each correctional facility line item without a plan to attain over \$42.1 million in cuts. Cuts of this nature and magnitude could jeopardize the safety and order of the correctional system putting staff, prisoners, and the public in harm's way. The cuts included in the budget bill are very aggressive and will be difficult to achieve. I have empowered the department to attempt to find the savings, but not at the cost of public safety.

I have disapproved the following appropriations:

- The interdepartmental grant of \$500,000 made to the Legislature for the Auditor General and associated boilerplate Section 508. I object to using the Department of Corrections budget to fund this general fund item that is more appropriately funded directly within the target for the Legislature.
- Section 933 of the bill appropriates \$50,000 for inmate learning management pilot projects in a prison and a county jail. New spending for pilot projects of this nature cannot be supported while core programs are drastically reduced.

To provide direction regarding implementation of this appropriations act, I note the following:

- Sections 434(2) and 927 of the bill purport to impose duties on the Superintendent of Public Instruction and the Department of Human Services, respectively, while the bill provides no appropriations for those departments. The duties purportedly imposed by these sections cannot then be valid conditions on appropriations, appear to be outside the scope of the title and object of the bill, and may violate Const 1963, art IV, § 24.

I thank the Legislature for completing this budget.

Respectfully,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 30, 2010, at 2:15 p.m. (Filed with the Secretary of State on September 30, 2010, at 5:50 p.m.) and assigned Public Act No. 188.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Cropsey moved that further consideration of the bill be postponed for today.
The motion prevailed.

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

Senator Clarke entered the Senate Chamber.

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:
House Bill No. 4556
The motion prevailed.

The following bill was read a third time:

House Bill No. 4556, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675d (MCL 257.675d), as amended by 2008 PA 171.

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. 503

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: 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 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 regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

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 Brown 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:

Senate Bill No. 1442, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5204 and 19708 (MCL 324.5204 and 324.19708), section 5204 as amended by 2005 PA 253 and section 19708 as amended by 2005 PA 256, and by adding sections 5204b, 5204c, and 19703a.

Substitute (S-3).

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

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

Senate Bill No. 1443, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5204a (MCL 324.5204a), as added by 2005 PA 254, and by adding section 5317.

Substitute (S-2).

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

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

Senate Bill No. 1269, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1059.

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.

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 41

Senate Resolution No. 168

Senate Resolution No. 169**Senate Concurrent Resolution No. 48**

The motion prevailed.

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

Senate Resolution No. 183**Senate Resolution No. 184****Senate Resolution No. 185****Senate Resolution No. 186****Senate Resolution No. 187**

The resolution consent calendar was adopted.

Senator Olshove offered the following resolution:

Senate Resolution No. 183.

A resolution of tribute for the Honorable Stevens T. Mason.

Whereas, Stevens T. Mason was appointed as Territorial Secretary of Michigan by President Andrew Jackson in 1831 at 19 years old. He very frequently served as acting Governor with great ambition and vigor when appointed Territorial Governor George Porter was absent; and

Whereas, While effectively serving as Territorial Governor from 1831 until 1834, Stevens T. Mason continued to expand his activities outside territorial government, receiving several honors including being elected alderman-at-large in Detroit, chosen for the exclusive Detroit Young Men's Society, elected to the fire brigade, and admitted to practice law; and

Whereas, With admirable persistence and wisdom, Stevens T. Mason led Michigan down the path that ultimately helped the territory achieve statehood, initiating a territorial census when Congress failed to act on a petition to give statehood to Michigan, and guiding Michigan through the border dispute with Ohio, known as the Toledo War; and

Whereas, In 1835, after being elected Governor in his own right at the age of 24, the youngest state Governor in American history, Stevens T. Mason became a champion of education, endorsing a state school program, appointing a superintendent of public instruction, and promoting Ann Arbor as the University of Michigan's permanent site. He also began a state geological survey and backed an aggressive internal improvement program, advocating for roads, railroads, and canals—all notable contributions to Michigan's future; and

Whereas, The remains of Stevens T. Mason will be laid to rest in Capitol Park, Detroit, Michigan, on October 27, 2010, at 1:00 p.m.; now, therefore, be it

Resolved by the Senate, That we offer this expression of honor and gratitude to the Honorable Stevens T. Mason, as his body lies in state in the Capitol Rotunda on October 26, 2010, an honor bestowed upon only three other Michigan Governors; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Historical Society in commemoration of this event.

Senators Anderson, Cherry, Clark-Coleman, Clarke, George, Gleason, Jacobs, Pappageorge, Richardville and Switalski were named co-sponsors of the resolution.

Senator Patterson offered the following resolution:

Senate Resolution No. 184.

A resolution declaring November 2010 as Pancreatic Cancer Awareness Month in the state of Michigan.

Whereas, In 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer in the United States, and 36,800 will die from the disease; and

Whereas, Pancreatic cancer is one of the deadliest cancers and is the fourth-leading cause of cancer death in the United States; and

Whereas, When symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 75 percent of pancreatic cancer patients die within the first year of their diagnosis, while 94 percent of pancreatic cancer patients die within the first five years; and

Whereas, Incidence of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups; and

Whereas, Approximately 1,330 deaths occurred in Michigan; and

Whereas, There is no cure for pancreatic cancer, and there have been no significant improvements in survival rates in the last 40 years; and

Whereas, The federal government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers, and pancreatic cancer research constitutes only 2 percent of the National Cancer

Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

Whereas, The Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Michigan and nationwide. This alliance focuses its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

Whereas, The Pancreatic Cancer Action Network and its affiliates in Michigan support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

Whereas, The good health and well-being of the residents of Michigan are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; now, therefore, be it

Resolved by the Senate, That we hereby designate November 2010 as Pancreatic Cancer Awareness Month in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Pancreatic Cancer Action Network with our highest esteem.

Senators Anderson, Cassis, Cherry, Clarke, George, Gleason, Hardiman, Jacobs, Olshove, Pappageorge, Richardville and Switalski were named co-sponsors of the resolution.

Senator George offered the following resolution:

Senate Resolution No. 185.

A resolution proclaiming November 2010 as Lung Cancer Awareness Month in the state of Michigan.

Whereas, Lung cancer is the leading cause of cancer-related death for both men and women in Michigan, the United States, and the world; this year killing more Americans than breast, prostate, and colon cancers combined; and

Whereas, In the United States in 2010, about 222,520 new cases of lung cancer are estimated to be diagnosed (116,750 among men and 105,770 among women); and

Whereas, Nationwide, there are an estimated 157,300 deaths in 2010 from lung cancer (86,220 among men and 71,080 among women), accounting for about 27 percent of all cancer deaths; and

Whereas, In Michigan in 2010, there will be an estimated 8,150 people who are diagnosed with lung cancer, and over 5,830 residents will succumb to the disease; and

Whereas, The causes of lung cancer include smoking, exposure to toxins and known carcinogens, and genetic abnormalities; and

Whereas, 80 percent of lung cancer cases are diagnosed in people who have never smoked or who have quit smoking; and

Whereas, Lung cancer has a poor prognosis, and even with treatment, people with advanced non-small cell lung carcinoma have a five-year survival rate of less than 5 percent; and

Whereas, Increased awareness and coordination among all stakeholders—federal and state governments, providers, patient groups, and researchers—are critical to promote the prevention, diagnosis, and treatment of lung cancer; and

Whereas, The Lung Cancer Alliance has declared November as Lung Cancer Awareness Month in a national effort to raise awareness about lung cancer issues; now, therefore, be it

Resolved by the Senate, That the state of Michigan hereby proclaims the month of November 2010 as Lung Cancer Awareness Month.

Senators Prusi, Thomas, Scott, Hunter, Anderson, Clark-Coleman, Barcia, Olshove, Basham, Brater, Switalski, Whitmer, Jacobs and Gleason offered the following resolution:

Senate Resolution No. 186.

A resolution of tribute for the Honorable Deborah Cherry.

Whereas, It is with deep appreciation for her commitment to our state that we commend and thank Deborah Cherry. As she brings to a close her distinguished career as a legislator, Senator Cherry leaves the Michigan Legislature having earned great respect from her colleagues for her collegiality, work ethic, and dedication to strengthening our great state; and

Whereas, A proud daughter of Burton, Michigan, Deborah Cherry earned a bachelor's degree from Oakland University and a master's degree from the University of Michigan-Flint. Her concern for the well-being of each and every Michigan resident is reflected in all aspects of her life. Her responsibilities have included working for several senior citizen agencies; serving as a Genesee County Commissioner from 1989 to 1994, including a stint as chair; and taking on a leadership role as chair of the Greater Flint Health Coalition. With her election to the Michigan House of Representatives in 1994, she continued her service to the residents of the state of Michigan in a new capacity and became a champion for children, the elderly, and people suffering with mental health challenges; and

Whereas, In her 14 years of legislative service, including six years in the House and eight years in the Michigan Senate, Deborah Cherry earned a reputation for carefully considering every issue and for speaking out for those whose voices are generally the least heard in society. She was a strong proponent of the Michigan Promise Grant Act, which helped countless young adults attend college. As a member of the Appropriations Committee, Senator Cherry contributed to the extremely difficult task of creating state budgets. In this role, she always advocated for health care and mental health services; now, therefore, be it

Resolved by the Senate, That we offer this expression of our gratitude and admiration for Senator Deborah Cherry as she brings to a close 14 years of service to the people of this state as a lawmaker; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Cherry as evidence of our respect and best wishes.

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

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

Senator Jacobs offered the following resolution:

Senate Resolution No. 187.

A resolution declaring November 2010 as Diabetes Awareness and Blood Glucose Control Month in Michigan.

Whereas, Diabetes is the sixth-leading cause of death in the United States, behind heart disease, cancer, stroke, chronic lower respiratory diseases, and accidents (unintentional injuries); and

Whereas, The American Diabetes Association estimates that 23.6 million adults and children in the United States have diabetes. In Michigan, the Department of Community Health estimates that over 927,000 Michigan residents have diabetes, and more than 2 million have pre-diabetes; and

Whereas, Recognizing that the at-risk patient population is a significant concern, there is an equal concern for people who have already been diagnosed with diabetes and are not reaching their hemoglobin A1c blood glucose target levels—a blood test that measures blood sugar control over a three-month period; and

Whereas, Not gaining control of blood glucose levels and not achieving target hemoglobin A1c levels put patients at risk for serious complications, including cardiovascular disease, blindness, nerve damage, amputation, and kidney disease and kidney failure; now, therefore, be it

Resolved by the Senate, That November 2010 be hereby recognized as Michigan Diabetes Awareness and Blood Glucose Control Month; and be it further

Resolved, That we support awareness campaigns and public education programs on how to manage and recognize the symptoms of diabetes. Once diagnosed, people are encouraged to work with their health care providers to gain control of their blood glucose levels and to manage and prevent complications caused by diabetes; and be it further

Resolved, That this legislative body endorses efforts to prevent diabetes and educate providers about treatment standards, tailored to individual patients, for managing diabetes; and be it further

Resolved, That members of the Senate can play a vital role in supporting health care initiatives by knowing their own hemoglobin A1c level.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Garcia introduced

Senate Bill No. 1538, entitled

A bill to amend 2006 PA 317, entitled “An act to create certain centers in the Michigan strategic fund; to impose certain duties and responsibilities on those centers and on certain state employees and public employees; and to repeal acts and parts of acts,” (MCL 125.1971 to 125.1972) by repealing enacting section 1.

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

Senators Brater, Thomas, Olshove and Switalski introduced

Senate Bill No. 1539, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.285) by adding section 64a.

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

Senators Anderson, Jacobs, Barcia, Olshove, Cherry, Brater, Thomas and Whitmer introduced

Senate Bill No. 1540, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 201 (MCL 208.1201), as amended by 2009 PA 135.

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

Senators Jacobs, Anderson, Cherry, Olshove, Whitmer and Thomas introduced

Senate Bill No. 1541, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3106 (MCL 324.3106).

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

Senators Anderson, Cherry, Olshove, Whitmer and Thomas introduced

Senate Bill No. 1542, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61805.

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

Senators Anderson, Cherry, Olshove, Whitmer and Thomas introduced

Senate Bill No. 1543, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," (MCL 483.1 to 483.11) by adding section 3b.

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

Senators Anderson, Cherry, Whitmer, Olshove and Thomas introduced

Senate Bill No. 1544, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2008 PA 133.

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

Senators Anderson, Cherry, Whitmer, Olshove and Thomas introduced

Senate Bill No. 1545, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 61803 and 61804.

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

Senators Anderson, Whitmer, Cherry, Olshove and Thomas introduced

Senate Bill No. 1546, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61806.

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

Senators Anderson, Whitmer, Cherry, Olshove and Thomas introduced

Senate Bill No. 1547, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," (MCL 483.1 to 483.11) by adding section 3a.

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

Senators Brater, Whitmer, Thomas, Cherry and Olshove introduced

Senate Bill No. 1548, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," (MCL 483.1 to 483.11) by amending the title and by adding section 3c.

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

Senators Gleason, Anderson, Whitmer, Cherry, Olshove and Thomas introduced

Senate Bill No. 1549, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," by amending sections 2a, 2b, and 3 (MCL 483.2a, 483.2b, and 483.3), sections 2a and 2b as added by 1997 PA 125.

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

Senators Anderson, Cherry, Olshove, Whitmer and Thomas introduced

Senate Bill No. 1550, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 618.

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

Senators Cropsey and Birkholz introduced

Senate Bill No. 1551, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1070 (MCL 600.1070), as added by 2004 PA 224.

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

Senators Cropsey and Birkholz introduced

Senate Bill No. 1552, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 350a (MCL 750.350a), as amended by 2004 PA 223.

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

Senators Cropsey and Birkholz introduced

Senate Bill No. 1553, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2004 PA 225.

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

Senators Cropsey and Birkholz introduced

Senate Bill No. 1554, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX (MCL 769.4a), as amended by 2006 PA 663.

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

Senators Barcia and Cropsey introduced

Senate Bill No. 1555, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

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

Senator Kuipers introduced

Senate Bill No. 1556, entitled

A bill to create a statutory property right of publicity for certain individuals; to establish limits on the right of publicity; and to specify the consent required for certain uses of a protected right of publicity.

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

Senator Van Woerkom introduced

Senate Bill No. 1557, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 252g (MCL 257.252g), as amended by 2008 PA 539.

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

Senators George and Gleason introduced

Senate Bill No. 1558, entitled

A bill to authorize the state administrative board to convey certain state-owned property in Genesee county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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

Senator Patterson introduced

Senate Bill No. 1559, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 3, 5a, 8, 8c, and 8d (MCL 28.723, 28.725a, 28.728, 28.728c, and 28.728d), section 3 as amended by 1999 PA 85, section 5a as amended by 2005 PA 322, and section 8 as amended and sections 8c and 8d as added by 2004 PA 240, and by adding article IV.

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

Senator Kuipers introduced

Senate Bill No. 1560, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 4, 4a, 5, 5a, 5b, 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a, 28.725b, 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 2 as amended by 2005 PA 301, section 3 as amended by 1999 PA 85, sections 4 and 8 as amended and sections 8c and 8d as added by 2004 PA 240, sections 4a and 7 as amended and section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402, section 5a as amended by 2005 PA 322, section 6 as amended by 1996 PA 494, section 9 as amended by 2005 PA 132, and section 10 as amended by 2006 PA 46, and by adding section 8a; and to repeal acts and parts of acts.

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

Senators Cropsey, Bishop, Cassis, Richardville, Nofs, Jelinek, Kahn, Sanborn, Allen, Garcia, Van Woerkom, Kuipers, Stamas, Gilbert, Brown, Hardiman, Jansen, McManus, Birkholz, Pappageorge, Hunter, Gleason, Barcia, Olshove and Basham introduced

Senate Bill No. 1561, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2836a.

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

Senators Hunter, Cropsey, Bishop, Cassis, Richardville, Nofs, Jelinek, Kahn, Sanborn, Allen, Garcia, Van Woerkom, Kuipers, Stamas, Gilbert, Brown, Hardiman, Jansen, McManus, Birkholz, Pappageorge, Gleason, Barcia, Olshove and Basham introduced

Senate Bill No. 1562, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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

Senators Kahn, Cropsey, Hunter, Gleason, Barcia, Olshove and Basham introduced

Senate Bill No. 1563, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2804, 2834, and 2848 (MCL 333.2803, 333.2804, 333.2834, and 333.2848), sections 2803, 2834, and 2848 as amended by 2002 PA 562 and section 2804 as amended by 1990 PA 149, and by adding sections 2836 and 2854.

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

House Bill No. 4837, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 105 (MCL 389.105), as amended by 2003 PA 306.

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

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

House Bill No. 5533, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 121 (MCL 389.121), as amended by 1997 PA 135.

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

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

House Bill No. 6022, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," (MCL 4.411 to 4.431) by adding section 11a.

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

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

House Bill No. 6242, entitled

A bill to create the Michigan new economy commission; to provide for its operation; to impose duties on certain state and local officials; to make recommendations and make certain reports; and to repeal acts and parts of acts.

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

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

Statements

Senators Scott, George and Cherry 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:

"One chance is all you need," are words that were spoken by that great citizen and athlete Jesse Owens. One chance is all we need to finally pass auto insurance reform. One chance is all we need to finally consider the bills that have been introduced and await action in committee.

We have the opportunity to do right by our constituents on this issue. We know what needs to be done. We've been told by the people, Michigan leaders, and even the newspapers what we should do to create auto insurance that is fair for everyone. We know what we should do. We just have to step up and do what's right, and make auto insurance fair and affordable for everyone.

Senator George's statement is as follows:

I rise to simply note that one of the resolutions that we adopted on the consent calendar was Senate Resolution No. 183, introduced by Senator Olshove. The resolution had to do with a tribute for Stevens T. Mason, Michigan's first Governor. Some of you may know that his body was disinterred from Capitol Park in Detroit earlier this spring, and he was then brought to Lansing last week and actually lay in state in the Capitol Rotunda. That was last Wednesday. I think it is appropriate to thank the Capitol staff and the facilities management people for their hard work in organizing this very tasteful remembrance for our first Governor.

After laying in state, he was then returned to Detroit, and he was reinterred in Capitol Park, which is the site of Michigan's first Capitol. I wish to thank the Capitol staff and facilities for their hard work in making this possible.

Senator Cherry's statement is as follows:

I didn't expect that I would be saying goodbye quite so quickly after the election, but I have been told that shortly after the election is certified, I must resign from the Senate and begin my term as the Genesee County treasurer. I am filled with conflicting feelings. I am sad to be leaving all of my friends here, but I am also looking forward to working on the many challenges that I will face as the treasurer. I don't want to leave without taking a few minutes to say thank you.

This is my second time giving a farewell speech. The first one was when I left the House, and it was very difficult for me. I loved the House, and I didn't want to go. I loved representing the people of the 50th District. Leaving the House made me know that what I have always believed was true: When one door closes, another opens up. I spent two years serving Genesee County in a different nonelected way. After a few months, I realized I was just as happy as I was being a member of the House. The same is true now. I love being a member of the Senate. I have enjoyed representing the people of the 26th District. I will also be happy serving all of the people in Genesee County as their treasurer.

When I was first elected to the House, Mel DeStigter, the Clerk, told all of us new members that we were the first class elected under term limits and that we should be extremely honored to be 1 of 110 citizens to be elected to the Michigan House of Representatives. With that honor comes great responsibility to represent the citizens of your district well and to hold the trust that the people have given you with care. He reminded us that as a member of the Legislature, it was our responsibility to set politics aside and work together to address the problems our state was facing. I took those words to heart and have tried to live up to them throughout my legislative career. It is in that vein, as a minority member of this Senate, that I offer the following observations.

Politics and partisanship are more the norm now than it was when I served in the House with Speaker Curtis Hertel and Speaker Paul Hillegonds; even more than when Ken Sikkema and Bob Emerson were the leaders in the Senate. That is not to say that partisanship and politics did not exist, but legislators reached across the aisle more often and sought to solve our problems on a bipartisan basis. Politics were left to the election, and statesmanship occurred after the election was over. Now the election never ends, and it feels like the Legislature is more concerned about politics than solving problems. Political control for the sake of political control is a disservice to the public, and I hope those of you who are coming back can change that atmosphere to be more inclusive, especially with members of the opposing party. I know that with the results of last night's election that it will be harder, but I hope you rise above it.

The attitude that dissension requires punishment has got to change because punishment only leads to more dissension. If members are not included in the development and passage of legislation, one can only expect that dissension will occur. There are some issues that naturally separate the parties, and debate is a vital part of this body. We are all equally elected members representing the citizens of their district, and as members, we have the right to express our opinions and must do all we can to achieve our legislative goals, or we are not fully representing the people of our districts. No matter how annoying, we should encourage the full discourse of ideas and opinions. It only serves the citizens of Michigan.

As a member of the Appropriations Committee, both in the House and the Senate, I hope the Senate will revamp its budget process. When I was in the House, we had public meetings where we reviewed each line item, programs, and budget priorities to find solutions. We discussed our positions openly, and only those items that needed further work went to a workgroup. The budget was developed with both parties as important partners. The Senate process has never been inclusive nor open, and for the sake of the public, needs to change.

I hope that these comments will be seen as constructive criticism and not as a reflection of my attitude of serving as a Senator because as a Senator, I have enjoyed every moment, even when I was frustrated. It has been a privilege to serve here. Just think, where else can you meet so many people of different persuasions and different parts of the state and count many of them as your friends? And where can you listen to debate and consider different viewpoints and ideas? That is what was so exciting when I first came to the House and which I am sad to say is missing more and more in this institution as term limits continue.

During my tenure, though, I have many great memories: Listening to Senators Sikkema and Emerson debate; wondering what words will come out of Senator Emerson's or Senator Prusi's mouth; having the pleasure of being entertained by Senator Olshove and Jerry Gill; listening to Senator Johnson's lectures in the Appropriations Committee and Kris Kraft's friendly arguments with her; having Charlie Thornhill every morning and unfairly harassing me about Michigan; having my brother threaten the removal of staff on the floor when it was the Senators who are always the loud ones; and my favorite memory, the much too short time when the Senate Democrats, led by Senator Whitmer, took over control of the Senate. Senators Whitmer and Patterson were unfairly punished for that action, but even those who were angry with them have to admit it was surprising, exciting, and a competent maneuver using the rules of the Senate. Thank you for those few moments of control, Gretchen.

I have made friends for life on both sides of the aisle and among the staff and those who advocate for various positions out in the hallway. I won't forget any of you. While I may not often be in touch with all of you, we are all members of this strange, exciting, tiring, and consuming way of life. We will be joined together by this membership always.

I do have some people I must thank. First of all, the people of the 26th District, I thank them for the honor of representing them, and I hope I have done them proud. Second is my family. Only a very few members of the Senate are able to serve with a member of their family. It makes me proud. I am extremely lucky to have served with my brother first in opposite houses and now as he presided over the Senate. His support and his family, along with the support of my sister, younger brother, my mom, and their families, have kept me grounded. Thanks and I love you.

I have to thank my friends and supporters. None of us can do this kind of work alone. We couldn't get elected; we couldn't serve; we couldn't meet the commitments we have without the help of many people. I would be lost without all of them.

Of course, the same is true of the staff here. I would like those of my staff who are here to stand up and be recognized. Many people have helped me. First of all, Paula Anderson started with me in the House and came with me to the Senate. Her loyalty has been amazing. In addition to Paula, my original staff included Denise Flannery, Minda Nyquist, and Mike Glasson. They set up an office of excellence which has been a major reason for my success. Everyone who followed have made contributions to the office, were dedicated, and served the constituents of the 26th District very well. I want to also single out Angela Clock and Lindsey Noyola, who are doing the hard job of closing my office. Thank you. You have been amazing employees. I hope I have been a good boss.

I must also thank the other staff who serve us. The Senate Democratic Staff, led by Cindy Peruchietti, are talented and ready to help at a moment's notice, even when we are unreasonable. Nancy Green, Alex Rossman, and every one of the staff have been amazing.

The same is true of the Senate Fiscal staff; the Legislative Service Bureau; the Secretary's office, including my buddy who is now retired, Pam Nyquist; the Sergeants; and the Republican Staff. You have been fair in your service to all of the members. The family of the Legislature includes all of you, and I have been honored to work with you. Thank you, again.

It really is time for me to wrap up. I believe tomorrow may be my last day of session, so I won't really be saying goodbye until then. As a member of this legislative session, I expect to be invited to any goodbye events, so don't forget me. Flint is not that far away, so you will still see me during the next couple of months.

Every legislator hopes to make a difference for the people of their district and the people of the state. I hope I have been a positive force for the people. I have been honored to serve in both the House and the Senate and have been honored to serve with you. Thank you very much.

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, November 4, 9:00 a.m., Room 110, Farnum Building (373-1635)

Commerce and Tourism - Thursday, November 4, 2:30 p.m., Room 100, Farnum Building (373-2413)

Energy Policy and Public Utilities - Thursday, November 4, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Families and Human Services - Thursday, November 4, 9:00 a.m., Room 210, Farnum Building (373-0797) (CANCELED)

Finance - Thursday, November 4, 11:00 a.m., Room 110, Farnum Building (373-1758)

Legislative Retirement Board of Trustees -

Subcommittee -

Health Plan - Friday, November 5, 12:00 noon, Room 927, South Tower, House Office Building (373-0575)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 2:26 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, November 4, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

