

No. 100
STATE OF MICHIGAN
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REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, December 3, 2009.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn

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

Allen—present
Anderson—present
Barcia—excused
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—excused
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—excused
Stamas—present
Switalski—present
Thomas—excused
Van Woerkom—present
Whitmer—present

Father Daniel Pajerski of Everest Academy of Clarkston offered the following invocation:

Heavenly Father, we thank You for bringing us to the beginning of a new day in the service of the people of the state of Michigan. We know that You are a good and loving God and that You watch over us at every moment. Not a thought passes through our minds; not a single beat of our hearts goes unnoticed before Your provident gaze. Your Son Jesus told us that not even a single sparrow escapes Your notice. Look favorably, then, upon the work that we are about to undertake today.

Keep alive in our hearts the understanding that we have been called to serve rather than to be served. Give us the humility to be guided by the truth and the courage to follow it despite whatever sacrifice this entails. May all the decisions we make today promote the common good of all citizens while safeguarding the rights and dignity of each one.

These difficult times have surely moved us to pray for Your help more frequently and fervently. Grant us the grace to be as frequent and fervent in our prayers when we enjoy times of abundance. Grant us also the prudence to use the resources of this state in an equitable manner. We believe that if we seek to build a civilization of peace, justice, and love, everything else we need will be provided.

Finally, we ask You to pour out Your blessings upon us so that we may accomplish what is pleasing in Your sight. We ask these things through Christ our Lord. Amen.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators George and Kahn entered the Senate Chamber.

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

Senate Bill No. 935

Senate Bill No. 968

Senate Bill No. 969

Senate Bill No. 970

Senate Bill No. 971

Senate Bill No. 972

Senate Bill No. 973

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

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

House Bill No. 4726, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 2004 PA 362.

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 bill be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senator Anderson moved that Senator Clarke be temporarily excused from today's session.

The motion prevailed.

Senator Anderson moved that Senators Barcia, Hunter, Scott and Thomas be excused from today's session.

The motion prevailed.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 2, for her approval the following bills:

Enrolled Senate Bill No. 428 at 2:14 p.m.

Enrolled Senate Bill No. 493 at 2:16 p.m.

Enrolled Senate Bill No. 358 at 2:18 p.m.

The Secretary announced that the following official bills were printed on Wednesday, December 2, and are available at the legislative website:

Senate Bill Nos.	989	990	991	992	993	997	998								
House Bill Nos.	5611	5612	5613	5614	5615	5616	5617	5618	5619	5620	5621	5622	5623	5624	
	5625	5626	5627	5628	5629	5630	5631	5632	5633	5634	5635	5636			

Messages from the House

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

12:28 p.m.

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

During the recess, Senator Clarke entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

Senate Concurrent Resolution No. 24

The motion prevailed.

Senators Garcia, Pappageorge and Birkholz offered the following concurrent resolution:

Senate Concurrent Resolution No. 29.

A concurrent resolution to support first responder and first receiver personal preparedness planning priorities in state law and local policies.

Whereas, According to the National Preparedness Guidelines adopted by the United States Department of Homeland Security, uniformed emergency responders constitute less than 1 percent of the total U.S. population. The expectation among citizens for first responder support outweighs their ability by a large margin; and

Whereas, First responders serve as role models to our citizens, who respect them as a reliable component of our national security system and for their commitment to protect citizens and critical infrastructure; and

Whereas, The American Red Cross warns that only 7 percent of Americans have taken the necessary steps to prepare for disasters, which could mean that as many as 93 percent of uniformed emergency responders remain unprepared with a preset individual preparedness plan; and

Whereas, Research on disaster preparation and recovery resiliency in human development concluded that “in the event of a flu pandemic, bio-terrorism, a natural disaster, or any other large-scale catastrophe, the best surveillance, equipment, communication systems, antiviral supplies, military, and emergency services in the world will not be effective without equal attention to the issues posed by human behavior under conditions of life-threatening danger to children and families”; and

Whereas, A critical lesson from Hurricane Katrina is that first responder personnel cannot function at best efficiency if they are worried about their own families. The role of law enforcement, fire, EMS, and other front-line personnel is highly stressful. In situations where these local responders are uncertain about the welfare and even survival of their families, that stress level is sometimes raised to the breaking point. During Katrina, this point was tragically made when several officers left their duty assignments to check on and evacuate their families. Such conduct, while not to be condoned, is certainly predictable when first responders and first receivers do not have a preset plan that provides for their families’ security and recovery; and

Whereas, Policies that support individual preparedness are needed to close the human resiliency gap facing emergency first responders and first receivers. This conclusion was recognized by the federal government to ensure the availability of the executive branch in an emergency under Federal Continuity Directive No. 1, as established by the United States Department of Homeland Security. Federal Continuity Directive No. 1 calls for using the federal executive branch plans and procedures to “provide guidance to all staff in developing family support plans which will increase personal and family preparedness throughout the organization and support employee availability during a continuity event”; and

Whereas, The National Preparedness Guidelines of 2007 seek to incorporate lessons learned from past disasters into national preparedness priorities. Governments at all levels should adopt and modify policies and budgets to aid in prioritizing the importance and follow-through of individual preparedness planning, which includes basic components such as identifying hazards and emergencies common to the geographic location; developing a family emergency and communication plan that includes preset sheltering plans for individuals and pets; assembling enough disaster supply kits so one is available wherever an individual is; identifying and documenting community warning systems and evacuation routes; learning what to do for specific hazards common to the geographic location; collecting and securing vital records critical to recovery; and practicing and putting in place a mechanism to update and maintain a plan; and

Whereas, It must be state policy to support public awareness and action through the proposed Personal Preparedness Standards Act and to support, encourage, and fund state and local continuity programs to incorporate personal preparedness measures for identified first responder and first receiver personnel to more fully ensure their ability to individually and collectively respond to a continuity disaster event. Funding priorities for personal preparedness planning for all first responder and first receiver personnel should receive the highest priority and be acknowledged as the basic foundation of emergency management planning; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we support first responder and first receiver personal preparedness planning priorities in state law and local policies; and be it further

Resolved, That copies of this resolution be transmitted to local government officials and private entities that employ first responders and first receivers.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Homeland Security and Emerging Technologies.

The motion prevailed.

Senator Brown was named co-sponsor of the concurrent resolution.

Introduction and Referral of Bills

Senators Kahn and Garcia introduced

Senate Bill No. 1002, entitled

A bill to amend 1989 PA 196, entitled “An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim’s rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim’s rights services; and to prescribe the powers and duties of certain state and local agencies and departments,” by amending section 5 (MCL 780.905), as amended by 2005 PA 315.

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

Senator Kahn introduced

Senate Bill No. 1003, entitled

A bill to amend 1989 PA 196, entitled “An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim’s rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim’s rights services; and to prescribe the powers and duties of certain state and local agencies and departments,” by amending section 4 (MCL 780.904), as amended by 2008 PA 396.

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

Senators Kahn and Garcia introduced

Senate Bill No. 1004, 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;" by amending section 11 (MCL 18.361), as amended by 2008 PA 390.

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

Senators Nofs, Garcia, Patterson, Cropsey, Bishop and Hardiman introduced

Senate Bill No. 1005, entitled

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

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

Senators Nofs, Garcia, Patterson, Cropsey, Bishop and Hardiman introduced

Senate Bill No. 1006, entitled

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

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

Senators Pappageorge, Nofs, Garcia, Gleason, Van Woerkom, Kahn, Jelinek, Richardville, Jansen, Anderson, Barcia, Birkholz, Cropsey and Hardiman introduced

Senate Bill No. 1007, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57v.

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

Senator McManus introduced

Senate Bill No. 1008, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82102a (MCL 324.82102a), as amended by 2004 PA 587.

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

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

The motion prevailed.

Senator Switalski's statement is as follows:

I have with me an intern from my office, Elaine Barr, who is a law student in her second year at Michigan State University. I think she is only about 13 years old. She actually graduated from the University of Michigan in two years and is now most of the way through law school.

This is her last day, but after some long negotiations, she has agreed to come back and intern for me next term. Still, I wanted everyone to have a chance to meet her. She has done some great work for me on background to preliminary exams and looking at the decline in employment in the auto industry and how it affects my county. She has also worked on banking laws.

I would ask everyone to please recognize Elaine and thank her for her service to the Senate.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Jacobs as Chairperson.

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

Senate Bill No. 969, entitled

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

Senate Bill No. 970, entitled

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

Senate Bill No. 972, entitled

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

Senate Bill No. 973, entitled

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

House Bill No. 5222, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 317.

Senate Bill No. 879, entitled

A bill to regulate the use of signs advertising sexually oriented businesses; to provide for the powers and duties of certain state and local governmental officers and entities; to provide remedies; and to prescribe civil sanctions.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 968, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16401 (MCL 333.16401), as amended by 2002 PA 734.

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. 971, entitled

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

Substitute (S-1).

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

1. Amend page 9, line 17, after "ACT" by inserting "INCLUDING SUBSECTIONS (1) TO (14)".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 610, entitled

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

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 935, entitled

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

Substitute (S-1).

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

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:

Senate Bill No. 935
Senate Bill No. 968
Senate Bill No. 969
Senate Bill No. 970
Senate Bill No. 971
Senate Bill No. 972
Senate Bill No. 973

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:

Senate Bill No. 857
Senate Bill No. 968
Senate Bill No. 969
Senate Bill No. 970
Senate Bill No. 971
Senate Bill No. 972
Senate Bill No. 973
Senate Bill No. 935
Senate Bill No. 638

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 857, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 658

Yeas—31

Allen
Anderson

Clark-Coleman
Clarke

Jansen
Jelinek

Patterson
Prusi

Basham	Cropsey	Kahn	Richardville
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brater	Gleason	Nofs	Van Woerkom
Brown	Hardiman	Olshove	Whitmer
Cherry	Jacobs	Pappageorge	

Nays—3

Cassis	Gilbert	Sanborn
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Excused—4

Barcia	Hunter	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 857.

Senator Cassis' statement is as follows:

The Senator from Algonac who spoke on this issue explained a significant reason for his "no" vote. I would like to expand just a bit. Senate Bill No. 857 is actually an expansion to a fifth battery manufacturing facility in our state. We already have four that have been approved and have received state and federal subsidies. We want them to succeed. We want to nurture them and support what is already here.

Today I did not have enough information on the viability of this company coming to us from Germany. But with more information, I could have potentially supported this action because there is no question that we want to see jobs created in this state

Let me explain something that has occurred to me and perhaps to others around the issue of competition and make a little analogy. In any community, through zoning, that community is able to approve at their wisdom or no wisdom, for example, an overabundance of commercial zoning, especially for purpose of my analogy, say, a restaurant use. As a result, the market becomes overstimulated with many restaurants. Soon the market begins to rightsize itself. This is the law of supply and demand. We see it in force all the time. Some of those restaurants will not be able to survive.

Now one can argue one way or the other. Should we just let that happen, or should we ensure that those who are able to come in and survive will? Should we do this so that we don't create a situation where some restaurants spend a heck of a lot of money, if you will, time, and energy only to fold because they were given a false expectation? We don't want that to happen with this battery industry.

Furthermore, as the MEDC gives out refundable credits, wouldn't we want to be sure that some dollars are left in reserve so that the state can truly afford this economic development? We don't have unlimited resources.

Furthermore, where is the minimum number of jobs? We know the maximum number that will be created, but what is the minimum number of jobs allowable to access this \$100 million credit? Again, that goes to transparency, none of which I, for one, had today. To that point about the MEDC and its decision making about who should get the refundable credits subsidized by our taxpayers—all of us—the MEDC just recently granted a refundable credit of \$2 million to a union known as SEIU. It's the first of its kind ever granted. Is this an appropriate use of tax dollars?

So there seems to be discrepancies and issues that are raised all the time. I hope this battery plant will survive and thrive. I just wish I had more information to secure and make me more confident.

The following bill was read a third time:

Senate Bill No. 968, entitled

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

The 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. 659

Yeas—30

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

Nays—4

Bishop	Cassis	George	Patterson
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Excused—4

Barcia	Hunter	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kuipers' statement is as follows:

I certainly appreciate the world-view and perspective based on the previous speaker's training and work in the world. The reality is that forty-nine other states have the scope of practice that we are about to adopt. There have not been significant problems occurring in any one of those other states.

The reality is health care in Michigan and across the country has become very siloed. There is the specialty and that specialty and this practice and that practice. What works for one might now work for another. My experience with chiropractic medicine is that it works. The reality is that it works for a lot of people across the state and across the country.

We ought not to limit the scope of practice for people who are trained to provide this kind of medical care. That may not be the right terminology to use, but the reality is we need to let chiropractic medicine expand in Michigan to do the things they are trained to do.

The following bill was read a third time:

Senate Bill No. 969, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 660

Yeas—33

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

Nays—1

George

Excused—4

Barcia	Hunter	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 970, entitled

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

The 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. 661

Yeas—33

Allen	Clark-Coleman	Jansen	Patterson
Anderson	Clarke	Jelinek	Prusi
Basham	Cropsey	Kahn	Richardville
Birkholz	Garcia	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas

Brater
Brown
Cassis
Cherry

Gleason
Hardiman
Jacobs

Nofs
Olshove
Pappageorge

Switalski
Van Woerkom
Whitmer

Nays—1

George

Excused—4

Barcia

Hunter

Scott

Thomas

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 971, entitled

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

The 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. 662**Yeas—32**

Allen
Anderson
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Garcia
Gilbert
Hardiman
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
Pappageorge

Patterson
Prusi
Richardville
Sanborn
Stamas
Switalski
Van Woerkom
Whitmer

Nays—1

George

Excused—4

Barcia

Hunter

Scott

Thomas

Not Voting—1

Gleason

In The Chair: Sanborn

Senator Cropsey moved to reconsider the vote by which the bill was passed.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 663**Yeas—33**

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

Nays—1

George

Excused—4

Barcia	Hunter	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 972, entitled

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

The 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. 664**Yeas—33**

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

Nays—1

George

Excused—4

Barcia

Hunter

Scott

Thomas

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 973, entitled

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

The 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. 665**Yeas—33**

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

Nays—1

George

Excused—4

Barcia

Hunter

Scott

Thomas

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protest

Senator George, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 968, 969, 970, 971, 972, and 973 and moved that the statement he made during the discussion of Senate Bill No. 968 be printed as his reasons for voting “no.”

The motion prevailed.

Senator George’s statement is as follows:

I would like to give my “no” vote explanation for the entire package of bills. I am going to be voting “no” because this bill expands and codifies what is, in essence, pseudoscience. I have grave concerns over the underlying philosophy that is used to justify chiropractic practice in the first place. That is, that somehow nerve impingement or interference is the cause or reason for medical ailments and that by spinal manipulation or joint manipulation, by relieving nerve interference, the body’s condition can be returned to normal and diseases can be cured.

This is a philosophy that has persisted for many years without any—lack of—scientific evidence. In fact, in the Senate Health Policy Committee, we held a hearing on a similar measure about a year ago. There was testimony from the chiropractic community that nerve interference can be used to explain disorders of digestion, respiration, or DNA structure. Hence, even under the current law, chiropractors—some—purport that their treatments can be used to treat things such as ADHD, allergies, other behavioral disorders such as ODD. I have an advertisement in my hand from a chiropractor in the Lansing area who purports that chiropractic treatment can be used to treat chronic fatigue syndrome, anxiety, acid reflux, constipation, and asthma. It is simply not true.

There have been many fad therapies in the history of our country that have come and gone over the years: things like phrenology, therapy with magnets, mesmerism, homeopathy, and the use of divining rods. They did not have scientific backing, and they did not have the codification of the State Legislature to promote them, so they have faded from memory. Unfortunately, this measure, by expanding the scope of practice to other joints, simply perpetuates what is, in essence, pseudoscience.

Many of us know people, or maybe ourselves, who had an experience with a chiropractor that was favorable and would testify to the benefits of treatment. I would just point out that it is true that manipulation of the spine, massage therapy, and stretching and exercise certainly may make someone feel better. In fact, we know that about 30 percent of people will respond to even placebo pills and say that they feel better. Yet that is not the same as providing a treatment for a legitimate medical disorder.

Some may ask, if it makes the public feel better, why not allow it? What is the harm or the hazard? And there are three. The first is pursuing a therapy that is not based in science can delay providing legitimate treatment to someone who has a legitimate disorder. Say, if chronic fatigue syndrome is treated with chiropractic treatment for several months, when, in fact, it might be due instead to an incipient colon cancer, heart failure, or bleeding ulcer. It may lead to a delay in diagnosis.

The second problem is that it diverts precious resources in therapies that are not tested or scientifically sound. And third, it perpetuates the myth that a pseudoscience like spinal manipulation is somehow necessary to lead a healthy and normal life.

So, colleagues, I will be voting “no” on this measure for those reasons, and I ask you to join me.

The following bill was read a third time:

Senate Bill No. 935, entitled

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

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. 666

Yeas—34

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

Nays—0

Excused—4

Barcia	Hunter	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

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. 204, entitled

A bill to amend 1985 PA 148, entitled “Self-service storage facility act,” by amending sections 2, 3, 4, and 5 (MCL 570.522, 570.523, 570.524, and 570.525), as amended by 2000 PA 443.

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 14, after “**ADDRESS.**” by inserting “**AN OWNER WHO GIVES NOTICE UNDER SUBSECTION (2) SHALL MAKE AN AFFIDAVIT STATING HOW AND WHEN THE NOTICE WAS DELIVERED TO THE TENANT AND SHALL ATTACH A COPY OF THE NOTICE TO THE AFFIDAVIT. THE OWNER SHALL RETAIN THE AFFIDAVIT FOR INTRODUCTION INTO EVIDENCE IN ANY POTENTIAL ACTION UNDER SECTION 6(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 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. 667**Yeas—34**

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

Nays—0**Excused—4**

Barcia	Hunter	Scott	Thomas
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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 full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 553, entitled

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

The 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 Clark-Coleman and Clarke asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

I would like to take a few moments to recognize one of my staff members who will be leaving—has already retired. Shirley Sims has been with me since I was in the House. Three months after I become a member of the House, she began working for me. She was with me through two terms in the House and two terms in the Senate.

She is retiring to go home to enjoy a life of leisure. We will certainly miss her because she has been my office manager for all of that time. She has made things extremely easy for me, but I know that she has worked hard and deserves this chance to enjoy life at a more leisurely pace.

So I would like to take this opportunity to recognize her and present her with a Special Tribute. I would ask that my colleagues would also recognize and thank her for her years of service.

Senator Clarke’s statement is as follows:

I also want to say that many years ago before there was a term-limits law, in 1991 when I was a young, idealistic legislator, Shirley Sims helped me out too over in the old Roosevelt Building.

Senate Bill No. 554, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9q.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 16, after “(4)” by striking out “THE” and inserting “**SUBJECT TO THE REQUIREMENTS OF SECTIONS 9S AND 9R, A**”.

2. Amend page 3, line 22, after “PLAN” by inserting “**UNLESS THE CUSTOMER DEMONSTRATES A SIGNIFICANT CHANGE IN ECONOMIC CIRCUMSTANCES AND REQUESTS A MODIFICATION OF THE PAYMENT PLAN**”.

3. Amend page 7, following line 11, by inserting:

“(iv) **IF IT IS FEASIBLE TO PROVIDE SERVICE TO THE OCCUPANT AS A CUSTOMER WITHOUT A MAJOR REVISION OF EXISTING DISTRIBUTION FACILITIES AND THE OCCUPANT REFUSES TO PUT THE ACCOUNT IN THEIR NAME.**”.

4. Amend page 8, line 2, after “effect” by striking out “November 1, 2009” and inserting “30 days after the effective date of the amendatory act that added this 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. 668

Yeas—34

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

Nays—0

Excused—4

Barcia	Hunter	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

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. 557, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9p.

The House of Representatives has passed the bill 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.

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:

Senate Bill No. 981

The motion prevailed.

Recess

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

The motion prevailed, the time being 1:46 p.m.

2:00 p.m.

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

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

Senate Bill No. 944

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 Assistant President pro tempore, Senator Sanborn, designated Senator Switalski as Chairperson.

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

Senate Bill No. 944, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

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

Third Reading of Bills

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

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:

Senate Bill No. 944

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:

Senate Bill No. 944

Senate Bill No. 638

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 944, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 669

Yeas—32

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

Nays—0

Excused—5

Barcia	Hunter	Scott	Thomas
Basham			

Not Voting—1

Cassis

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was announced:

Senate Bill No. 638, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending section 1 of article I, section 1 of article III, and section 1a of article IV (MCL 38.71, 38.91, and 38.101a), section 1 of article I and section 1 of article III as amended by 1996 PA 282 and section 1a of article IV as added by 2005 PA 124.

(This bill was defeated on December 2 and the motion to reconsider the vote postponed. See Senate Journal No. 99, p. 2296.)

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

The motion prevailed.

The question being on the passage of the bill,

Senator Richardville offered the following amendments:

1. Amend page 5, line 27, after “**TEACHING,**” by striking out “**AS MEASURED BY OBJECTIVE CRITERIA,**” and inserting “**ACCORDING TO THE STANDARDS DEVELOPED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SUBSECTION (3) OR ACCORDING TO STANDARDS DEVELOPED BY THE CONTROLLING BOARD AND APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION,**”.

2. Amend page 6, following line 4, by inserting:

“(3) **NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP AND PUBLISH STANDARDS FOR A CONTROLLING BOARD TO USE TO DETERMINE WHETHER A TEACHER ON CONTINUING TENURE IS CONSISTENTLY INEFFECTIVE IN TEACHING. THESE STANDARDS OR STANDARDS DEVELOPED BY A CONTROLLING BOARD SHALL CONTAIN OBJECTIVE CRITERIA FOR MAKING THIS DETERMINATION.**”.

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

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. 670**Yeas—19**

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

Nays—13

Anderson	Clarke	Kahn	Prusi
Brater	Gleason	Nofs	Switalski
Cherry	Jacobs	Olshove	Whitmer
Clark-Coleman			

Excused—5Barcia
Basham

Hunter

Scott

Thomas

Not Voting—1

Patterson

In The Chair: Sanborn

Senator Cropsey moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was defeated.

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

Senator Whitmer requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 671**Yeas—21**Allen
Birkholz
Bishop
Brown
Cassis
CropseyGarcia
George
Gilbert
Hardiman
JansenJelinek
Kahn
Kuipers
McManus
NofsPappageorge
Richardville
Sanborn
Stamas
Van Woerkom**Nays—11**Anderson
Brater
CherryClark-Coleman
Clarke
GleasonJacobs
Olshove
PrusiSwitalski
Whitmer**Excused—5**Barcia
Basham

Hunter

Scott

Thomas

Not Voting—1

Patterson

In The Chair: Sanborn

Senator Cropsey moved to reconsider the vote by which the bill was defeated.
The motion prevailed.
The question being on the passage of the bill,

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:19 p.m.

2:37 p.m.

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

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. 672

Yeas—20

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

Nays—13

Anderson	Clarke	Kahn	Prusi
Brater	Gleason	Nofs	Switalski
Cherry	Jacobs	Olshove	Whitmer
Clark-Coleman			

Excused—5

Barcia	Hunter	Scott	Thomas
Basham			

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Committee Reports

The Committee on Local, Urban and State Affairs reported
Senate Bill No. 935, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham
Nays: None

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

The Committee on Local, Urban and State Affairs reported

House Bill No. 4801, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham
Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Tuesday, December 1, 2009, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Commerce and Tourism reported

Senate Bill No. 944, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs and Clarke
Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 968, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16401 (MCL 333.16401), as amended by 2002 PA 734.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs
Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 969, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 970, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 971, entitled

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

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

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

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 972, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 973, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, December 2, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Allen, Gilbert, Thomas, Hunter and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, December 2, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, Stamas, Switalski, Anderson, Barcia, Brater, Cherry and Clark-Coleman

Excused: Senators Garcia, McManus and Scott

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, December 3, 2009, at 9:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators McManus (C), Jelinek, Brown, Hardiman, Pappageorge, Switalski, Cherry and Clark-Coleman

Excused: Senators Cropsey and Scott

Scheduled Meetings

Appropriations -

Subcommittee -

State Police and Military Affairs - Wednesday, December 9, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Health Policy - Wednesday, December 9, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Statutory Mandates - Thursday, December 10, 9:00 a.m., Bloomfield Conference Room, 5th Floor, Oakland County Executive Office Building, 2100 Pontiac Lake Road, Waterford (373-0212)

Transportation - Tuesday, December 8, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 2:40 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, December 8, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate