

No. 12  
STATE OF MICHIGAN  
**Journal of the Senate**  
95th Legislature  
REGULAR SESSION OF 2010

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Senate Chamber, Lansing, Wednesday, February 10, 2010.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present  
Anderson—present  
Barcia—present  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—excused  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—excused  
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—excused  
Scott—excused  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Reverend Dr. William H. Findley of Dundee First Presbyterian Church of Monroe offered the following invocation:

O God, Creator of all things, we gather here today to celebrate the 100th anniversary of one of Your greatest and most appreciated creations, the Boy Scouts of America. The Boy Scouts of America has influenced and nurtured millions of young men, and now young women, to grow into loyal and faithful citizens who continue in adulthood to honor the Scout Oath and Law in their daily lives. You have helped to instill in our lives the scout spirit that drives all of us to make real the values and characteristics that are essential to our democratic form of government.

We thank You that so many scouts have become leaders in our state and national government, in the military, in business, indeed, in all walks of life. We thank You for the men and women who have stepped up to provide the leadership and the guidance that has helped this organization to grow and prosper and make a difference in the lives of so many young people in this country. Without them, there would be no Boy Scouts of America, which has been able to help our youth to experience adventure and encounter challenges that have changed their lives forever.

Continue, O God, not only those of us in scouting, but all of us to reach out to the world around us and help those in need, to treasure and take care of the gifts You have given us, and to truly do our best.

We also ask for Your continued guidance into the future as the leaders of the Boy Scouts of America work to develop men and women of strong moral character and values. Be with those who live up to the Scout Oath which says, "On my honor I will do my best." May we all, with Your help and guidance, O Creator God, do our best. Amen.

Boy Scout Jake Bauer of Gerald R. Ford Council Troop 105 of Middleville led the members of the Senate in recital of the *Pledge of Allegiance*.

### Recess

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

10:33 a.m.

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

During the recess, Senator Allen introduced representatives of the Boy Scouts of America, as they celebrate their 100th Anniversary; Mitchell Pierpoint, Eagle Scout from Troop 43 in Dimondale; and Scout Executive Dan Bettison.

Messrs. Pierpoint and Bettison responded briefly.

During the recess, Senators McManus, Switalski, Cherry, Kahn, Pappageorge and Jansen entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Allen admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:34 a.m.

11:10 a.m.

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

During the recess, Senators Bishop, Clarke, Brown, Jacobs, Garcia, Whitmer, Hunter and Kuipers 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. 1072**

**Senate Bill No. 1085**

**Senate Bill No. 1086**

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

Senator Cropsey moved that Senator Sanborn be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 9:

**House Bill Nos. 4931 5456 5698**

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 Hardiman as Chairperson.

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

**House Bill No. 4202, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2 and 7 (MCL 390.1472 and 390.1477), as amended by 2007 PA 153.

**House Bill No. 5567, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2008 PA 284.

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. 1072, entitled**

A bill to amend 1969 PA 312, entitled "An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof," by amending sections 2, 5, 6, 8, and 10 (MCL 423.232, 423.235, 423.236, 423.238, and 423.240).

Substitute (S-3).

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

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

**Senate Bill No. 1085, entitled**

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

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. 1086, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

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. 251, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1092, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 12 (MCL 125.2692), as amended by 2002 PA 745.

Substitute (S-2).

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

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

**Senate Bill No. 192, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2008 PA 472.

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

1. Amend page 4, line 2, by striking out all of subdivision (H) and inserting:

**"(H) PAYMENTS BY A JOINT VENTURE, FORMED FOR THE PURPOSE OF COMPLETING A CONSTRUCTION PROJECT, TO A PERSON INCLUDED IN MAJOR GROUP 87 UNDER THE STANDARD INDUSTRIAL CLASSIFICATION CODE AS COMPILED BY THE UNITED STATES DEPARTMENT OF LABOR FOR CONSTRUCTION MANAGEMENT, ARCHITECTURAL, AND ENGINEERING SERVICES THAT ARE BILLED TO THE JOINT VENTURE UNDER A CONTRACTUAL AGREEMENT SPECIFIC TO THAT CONSTRUCTION PROJECT."**

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

During the Committee of the Whole, Senators Gleason and Barcia entered the Senate Chamber.

Senator Thomas moved that Senators Brater, Scott and Clark-Coleman be excused from today's session.

The motion prevailed.

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. 1072**

**Senate Bill No. 1085**

**Senate Bill No. 1086**

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. 1072**

**Senate Bill No. 1085**

**Senate Bill No. 1086**

**Senate Bill No. 574**

**Senate Bill No. 1057**

**Senate Bill No. 1045**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1072, entitled**

A bill to amend 1969 PA 312, entitled "An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof," by amending sections 2, 3, 5, 6, 8, and 10 (MCL 423.232, 423.233, 423.235, 423.236, 423.238, and 423.240).

The question being on the passage of the bill,

Senator Patterson offered the following amendment:

1. Amend page 5, following line 23, by inserting:

"Sec. 9. Where there is no agreement between the parties, or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other conditions of employment under the proposed new or amended agreement are in dispute, the arbitration panel shall base its findings, opinions and order upon the following factors, as applicable:

(a) The lawful authority of the employer.

(b) Stipulations of the parties.

(c) The interests and welfare of the public and the financial ability of the unit of government to ~~meet those costs~~ **PAY**.  
**IN DETERMINING THE ABILITY OF THE UNIT OF GOVERNMENT TO PAY, THE ARBITRATION PANEL SHALL NOT CONSIDER UNUSED MILLAGE OR ASSESSMENT CAPACITY BUT SHALL CONSIDER ALL OF THE FOLLOWING:**

**(i) THE FINANCIAL IMPACT ON THE COMMUNITY OF ANY AWARD MADE BY THE ARBITRATION PANEL OVER A MINIMUM OF 5 YEARS FROM THE DATE OF THE AWARD.**

**(ii) ALL LIABILITIES, WHETHER OR NOT THEY APPEAR ON THE BALANCE SHEET OF THE UNIT OF GOVERNMENT.**

**(iii) THE FINANCIAL CLIMATE OF THE REGION, STATE, AND COUNTRY.**

**(iv) THE OBLIGATION OF THE UNIT OF GOVERNMENT TO ADHERE TO THE REQUIREMENT OF OPERATING UNDER A BALANCED BUDGET AND NOT TO ENGAGE IN DEFICIT SPENDING.**

(d) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:

(i) In public employment in comparable communities.

(ii) In private employment in comparable communities.

**(E) THE PAY AND BENEFITS OF OTHER EMPLOYEES OF THE UNIT OF GOVERNMENT OUTSIDE OF THE BARGAINING UNIT IN QUESTION.**

**(F) (e)**—The average consumer prices for goods and services, commonly known as the cost of living.

**(G) (f)**—The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

**(H) (g)**—Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

**(I) (h)**—Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment."

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

The question being on the passage of the bill,

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

**Roll Call No. 45**

**Yeas—33**

Allen  
Anderson

Clarke  
Cropsey

Jacobs  
Jansen

Pappageorge  
Prusi

Barcia	Garcia	Jelinek	Richardville
Basham	George	Kahn	Stamas
Birkholz	Gilbert	Kuipers	Switalski
Bishop	Gleason	McManus	Thomas
Brown	Hardiman	Nofs	Van Woerkom
Cassis	Hunter	Olshove	Whitmer
Cherry			

**Nays—1**

Patterson

**Excused—4**

Brater

Clark-Coleman

Sanborn

Scott

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1085, entitled**

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

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. 46****Yeas—32**

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

**Nays—2**

Kuipers

Patterson

**Excused—4**

Brater

Clark-Coleman

Sanborn

Scott

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1086, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled “Urban cooperation act of 1967,” by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

The question being on the passage of the bill,

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

**Roll Call No. 47****Yeas—32**

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

**Nays—2**

Kuipers	Patterson
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**Excused—4**

Brater	Clark-Coleman	Sanborn	Scott
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**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 574, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 312e (MCL 257.312e), as amended by 2006 PA 298.

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. 48****Yeas—34**

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

**Nays—0****Excused—4**

Brater	Clark-Coleman	Sanborn	Scott
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**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1057, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74101, 74102, 74102a, 74116, 74117, 74120, and 74122 (MCL 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, and 324.74122), sections 74101 and 74122 as amended by 2004 PA 587, sections 74102, 74116, and 74120 as added by 1995 PA 58, section 74102a as amended by 2006 PA 307, and section 74117 as amended by 2009 PA 197; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 49****Yeas—23**

Allen	Cassis	Hunter	Patterson
Anderson	Clarke	Jacobs	Richardville
Barcia	Garcia	Jansen	Stamas
Basham	George	Jelinek	Switalski
Birkholz	Gleason	Kahn	Whitmer
Bishop	Hardiman	Pappageorge	

**Nays—11**

Brown	Gilbert	Nofs	Thomas
Cherry	Kuipers	Olshove	Van Woerkom
Cropsey	McManus	Prusi	



**Excused—4**

Brater

Clark-Coleman

Sanborn

Scott

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1045, entitled**

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

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. 50****Yeas—33**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brown  
Cassis  
Cherry

Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman  
Jacobs

Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Nofs  
Olshove  
Pappageorge

Patterson  
Prusi  
Richardville  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—1**

Hunter

**Excused—4**

Brater

Clark-Coleman

Sanborn

Scott

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of  
**Messages from the Governor**

The following message from the Governor was received and read:

February 9, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office pursuant to Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279:

**Commission of Agriculture**

Ms. Jennifer A. Fike, a Democrat, of 1627 Harbal Drive, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Ann M. Jousma-Miller, who has resigned, is appointed for a term commencing February 9, 2010 and expiring December 31, 2011.

Ms. Audrey M. Herioux, a Democrat, of 2423 17th Road, Bark River, Michigan 49807, county of Delta, succeeding James E. Byrum, who has resigned, is appointed for a term commencing February 9, 2010 and expiring December 31, 2010.

Mr. Donald M. Coe, an Independent, of 211 Midtown Drive, Traverse City, Michigan 49684, county of Grand Traverse, is reappointed for a term expiring December 31, 2013.

Sincerely,  
 Jennifer M. Granholm  
 Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

Senator McManus introduced  
**Senate Bill No. 1126, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 305 (MCL 168.305), as amended by 2004 PA 287.

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

Senator McManus introduced  
**Senate Bill No. 1127, entitled**

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 6 and 7 (MCL 552.6 and 552.7).

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

Senators Basham, Hunter, Clarke, Clark-Coleman, Anderson, Thomas, Kahn and Garcia introduced  
**Senate Bill No. 1128, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4702 (MCL 600.4702), as amended by 2002 PA 142.

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

Senators Patterson, Basham, Hunter, Clarke, Clark-Coleman, Anderson, Thomas, Kahn and Garcia introduced  
**Senate Bill No. 1129, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3801 (MCL 600.3801), as amended by 1988 PA 2.

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

Senators Basham, Hunter, Clarke, Clark-Coleman, Anderson, Thomas, Kahn and Garcia introduced  
**Senate Bill No. 1130, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g, 159m, and 159q (MCL 750.159g, 750.159m, and 750.159q), section 159g as amended by 2002 PA 124 and sections 159m and 159q as added by 1995 PA 187.

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. 1131, entitled**

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending sections 31 and 33 (MCL 288.501 and 288.503), section 31 as amended by 2008 PA 136.

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

Senator Van Woerkom introduced

**Senate Bill No. 1132, entitled**

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

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

Senators Garcia and Jelinek introduced

**Senate Bill No. 1133, entitled**

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending section 408 (MCL 484.1408), as amended by 2008 PA 48.

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

Senators Jansen, Kuipers, Gilbert, Van Woerkom and Jelinek introduced

**Senate Bill No. 1134, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32503 and 32512 (MCL 324.32503 and 324.32512), section 32503 as amended by 2004 PA 325 and section 32512 as amended by 2003 PA 14.

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

Senator Allen introduced

**Senate Bill No. 1135, entitled**

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

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

**House Bill No. 4931, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2008 PA 565.

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 Judiciary.

**House Bill No. 5456, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 759e.

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. 5698, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 151, 172, 173, 198, 210, 224a, 229, 242, 244, 255b, 256, 257, and 290 (MCL 560.102, 560.151, 560.172, 560.173, 560.198, 560.210, 560.224a, 560.229, 560.242, 560.244, 560.255b, 560.256, 560.257, and 560.290), section 102 as amended by 1996 PA 591 and section 224a as amended by 1996 PA 219.

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 Local, Urban and State Affairs.

### Statements

Senators Birkholz 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 Birkholz's statement is as follows:

My voting intentions for last week, February 4, when I was absent due to my attendance at an Energy Summit where I spoke on renewable energy: Had I been here, I would have voted "no" on Roll Call No. 33, House Bill No. 4610; "yes" on Roll Call No. 34, Senate Bill No. 980; "yes" on Roll Call No. 35, Senate Bill No. 723; "yes" on Roll Call No. 36, Senate Bill No. 724; and "yes" on Roll Call No. 37, House Bill No. 5626.

Senator Cherry's statement is as follows:

In 2009, Michigan's average unemployment rate was 14 percent, the state's highest annual rate since 1983. Our workers are in crisis, and we should be doing everything that we can in the Legislature to create and maintain jobs, help support small businesses, encourage entrepreneurship, and educate and retrain our workers.

While I agree that reforming government is necessary, we need to look at all legislation that can help put food on people's plates, keep clothes on their children's backs, and keep a roof over their heads. We should be considering ways to not only save the state—and, in turn, Michigan taxpayers—money, but also ways to jump-start our economy and create jobs.

Hire Michigan First would require any company that receives state tax credits and incentives to place a priority on hiring Michigan workers, ensuring that taxpayer dollars are going towards jobs for our people. We need to be dealing with economic-related legislation just like that one that is still languishing. Modernizing our unemployment system would extend benefits to workers in state-approved training programs and those only working part-time, while allowing us to secure nearly \$140 million in federal funding.

We can pass bills right now that would reform our government and help Michigan workers. I urge my colleagues to do so.

### Committee Reports

The Committee on Families and Human Services reported

**House Bill No. 4535, entitled**

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

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 4820, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 18 (MCL 722.638), as amended by 1998 PA 428.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:  
Meeting held on Tuesday, February 9, 2010, at 2:30 p.m., Room 210, Farnum Building  
Present: Senators Jansen (C), Hardiman and Jacobs

The Committee on Reforms and Restructuring reported  
**Senate Bill No. 1072, entitled**

A bill to amend 1969 PA 312, entitled "An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof," by amending sections 2, 5, 6, 8, and 10 (MCL 423.232, 423.235, 423.236, 423.238, and 423.240).

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Michael D. Bishop  
Chairperson

To Report Out:

Yeas: Senators Bishop, Gilbert, George, Kuipers, Prusi, Hunter and Cherry

Nays: None

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

The Committee on Reforms and Restructuring reported  
**Senate Bill No. 1085, entitled**

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

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.

Michael D. Bishop  
Chairperson

To Report Out:

Yeas: Senators Bishop, Gilbert, George, Prusi, Hunter and Cherry

Nays: Senator Kuipers

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

The Committee on Reforms and Restructuring reported  
**Senate Bill No. 1086, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

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.

Michael D. Bishop  
Chairperson

To Report Out:

Yeas: Senators Bishop, Gilbert, George, Prusi, Hunter and Cherry

Nays: Senator Kuipers

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Reforms and Restructuring submitted the following:  
Meeting held on Tuesday, February 9, 2010, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Bishop (C), Gilbert, George, Kuipers, Prusi, Hunter and Cherry

The Committee on Commerce and Tourism reported

**Senate Bill No. 860, entitled**

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 4 (MCL 409.104), as amended by 1996 PA 438.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Stamas and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, February 9, 2010, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Stamas and Hunter

Excused: Senators Nofs and Clarke

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 9, 2010, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senator Sanborn

#### Scheduled Meetings

**Agriculture and Bioeconomy** - Thursday, February 11, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations and House Appropriations** - Thursday, February 11, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

##### Subcommittees -

**Agriculture** - Wednesday, February 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Community Colleges** - Thursday, February 18, 1:30 p.m., Lansing Community College, Administration Building Board Room, 610 North Capitol Avenue; Friday, February 26, 10:30 a.m., Muskegon Community College, Stevenson Center, Room 1100, 221 South Quarterline Road, Muskegon; Monday, March 1, 1:30 p.m., Schoolcraft Community College, VisTaTech Center, Sutherland Room, 18600 Haggerty Road, Livonia (373-2768)

**Community Health Department** - Thursdays, February 18, 1:00 p.m., February 25, March 4 and March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Economic Development and House Economic Development Appropriations Subcommittee** - Wednesday, February 17, 10:30 a.m., Room 426, Capitol Building (373-2768)

**Higher Education** - Friday, February 19, 10:00 a.m., Saginaw Valley State University, Curtiss Hall, 7400 Bay Road, University Center; Monday, February 22, 10:00 a.m., Western Michigan University, Room 2028, Brown Hall, 1903 West Michigan Avenue, Kalamazoo; Monday, March 1, 10:00 a.m., Madonna University, Franciscan Center, 36600 Schoolcraft Road, Livonia; and Monday, March 8, 10:30 a.m., Ferris State University, Interdisciplinary Resource Center, 1301 South State Street, Big Rapids (373-2768)

**Higher Education and House Higher Education Appropriations Subcommittee** - Wednesday, February 24, 3:00 p.m. or later after committees are given leave to meet, House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services Department and House Human Services Department Appropriations Subcommittee** - Thursday, February 18, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Judiciary and Corrections** - Tuesday, February 16, 3:00 p.m.; Wednesday, February 17, 9:00 a.m.; Tuesdays, February 23, 2:30 p.m., March 2 and March 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**K-12, School Aid, Education** - Tuesdays, February 23, March 2 and March 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**K-12, School Aid, Education and House School Aid and Education Appropriations Subcommittee** - Wednesday, February 17, and Thursday, February 18, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police and Military Affairs** - Tuesday, February 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Transportation Department and House Transportation Appropriations Subcommittee** - Tuesday, February 16, 8:00 a.m., Room 426, Capitol Building (373-2768)

**Education** - Thursday, February 11, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, February 11, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

**Finance** - Thursday, February 11, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Hunting, Fishing and Outdoor Recreation** - Thursday, February 11, 1:00 p.m., Room 100, Farnum Building (373-1777)

**State Drug Treatment Court Advisory Committee** - Tuesday, February 23, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Transportation** - Tuesday, February 23, 1:00 p.m., Room 110, Farnum Building (373-7708)

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

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, February 11, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

