

**No. 17**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

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Senate Chamber, Lansing, Tuesday, March 10, 2009.

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—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

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

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

Senator John Pappageorge of the 13th District offered the following invocation:

Lord, give us all here the strength to greet the coming day in peace. Help us in all things to rely on Your holy will. Bless our dealings with all people. Teach us to treat all people who come to us throughout the day with peace of soul and with firm conviction that Your will governs all.

In all our deeds and words, guide our thoughts and feelings. In unexpected events, let us not forget that they are all sent by You. Teach us to act firmly and wisely, without embittering and embarrassing others. Give us the physical strength to bear the labors of this day. Direct our will, teach us to pray, and pray in what unites us. Amen.

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

The President, Lieutenant Governor Cherry, assumed the Chair.

Senators Brown and Switalski entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

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

Senators Basham, Patterson, Gleason and Birkholz entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

March 9, 2009

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Mary A. Asmonga-Knapp to the Western Michigan University Board of Control. After the hearing is conducted, please submit the written recommendation to the Senate Government Operations and Reform Committee.

Sincerely,  
Michael D. Bishop, Chairman  
Government Operations and Reform Committee

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 5:  
**House Bill Nos. 4159 4217 4248 4315**

The Secretary announced that the following official bills were printed on Thursday, March 5, and are available at the legislative website:

**Senate Bill Nos. 320 321 322 323 324 325 326 327 328 329 330 331**  
**House Bill Nos. 4505 4506 4507 4508 4509 4510 4511 4512 4513 4514 4515**

The Secretary announced that the following official bills were printed on Friday, March 6, and are available at the legislative website:

**Senate Bill Nos. 332 333 334 335 336 337 338 339 340 341 342 343 344 345**  
**346**  
**House Bill Nos. 4516 4517 4518 4519 4520**

## Messages from the Governor

The following message from the Governor was received on March 6, 2009, and read:

### EXECUTIVE ORDER No. 2009-7

#### **Abolishing the Campground Public Health Advisory Board Department of Community Health**

#### **Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Campground Public Health Advisory Board will contribute to a smaller and more efficient state government;

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

#### **I. DEFINITIONS**

As used in this Order:

A. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

B. "Campground Public Health Advisory Board" means the board authorized under Section 12513 of the Public Health Code, 1979 PA 368, MCL 333.12513.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

#### **II. TRANSFER OF AUTHORITY**

A. The Campground Public Health Advisory Board is transferred by Type III transfer to the Department of Community Health.

B. The Campground Public Health Advisory Board is abolished.

#### **III. IMPLEMENTATION OF TRANSFERS**

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Campground Public Health Advisory Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Community Health.

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

#### **IV. MISCELLANEOUS**

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on March 6, 2009, and read:

EXECUTIVE ORDER  
No. 2009-8

**Abolishing the Clinical Advisory Committee  
Department of Community Health**

**Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Clinical Advisory Committee will contribute to a smaller and more efficient state government;

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

**I. DEFINITIONS**

As used in this Order:

A. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

B. "Clinical Advisory Committee" means the committee authorized under Section 20155 of the Public Health Code, 1978 PA 368, MCL 333.20155.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

**II. TRANSFER OF AUTHORITY**

A. The Clinical Advisory Committee is transferred by Type III transfer to the Department of Community Health.

B. The Clinical Advisory Committee is abolished.

**III. IMPLEMENTATION OF TRANSFER**

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Clinical Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Community Health.

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

#### IV. MISCELLANEOUS

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on March 6, 2009, and read:

#### EXECUTIVE ORDER No. 2009-9

#### **Abolishing the Grantee Health Agency Advisory Committee Department of Community Health**

#### **Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Grantee Health Agency Advisory Committee will contribute to a smaller and more efficient state government;

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

#### **I. DEFINITIONS**

As used in this Order:

A. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

B. "Grantee Health Agency Advisory Committee" means the committee authorized under Section 16625 of the Public Health Code, 1978 PA 368, MCL 333.16625 and amended by 2005 PA 161.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

**II. TRANSFER OF AUTHORITY**

A. The Grantee Health Agency Advisory Committee is transferred by Type III transfer to the Department of Community Health.

B. The Grantee Health Agency Advisory Committee is abolished.

**III. IMPLEMENTATION OF TRANSFERS**

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Grantee Health Agency Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Community Health.

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

**IV. MISCELLANEOUS**

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on March 6, 2009, and read:

EXECUTIVE ORDER  
No. 2009-10

**Abolishing the Hearing and Vision Programs Advisory Committee  
Department of Community Health**

**Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Hearing and Vision Programs Advisory Committee will contribute to a smaller and more efficient state government;

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

#### **I. DEFINITIONS**

As used in this Order:

A. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

B. "Hearing and Vision Programs Advisory Committee" means the committee authorized under Section 9315 of the Public Health Code, 1979 PA 368, MCL 333.9315.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

#### **II. TRANSFER OF AUTHORITY**

A. The Hearing and Vision Programs Advisory Committee is transferred by Type III transfer to the Department of Community Health.

B. The Hearing and Vision Programs Advisory Committee is abolished.

#### **III. IMPLEMENTATION OF TRANSFERS**

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Hearing and Vision Programs Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Community Health.

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

#### **IV. MISCELLANEOUS**

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:

Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on March 6, 2009, and read:

EXECUTIVE ORDER  
No. 2009-11

**Abolishing the Poison Control Center Network Advisory Committee  
Department of Community Health**

**Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, the Poison Control Center Network Advisory Committee has completed the work for which it was established;

WHEREAS, abolishing the Poison Control Center Network Advisory Committee will contribute to a smaller and more efficient state government;

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

#### **I. DEFINITIONS**

As used in this Order:

A. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

B. "Poison Control Center Network Advisory Committee" means the committee authorized under Section 2 of 1978 PA 606, MCL 333.1012.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

#### **II. TRANSFER OF AUTHORITY**

A. The Poison Control Center Network Advisory Committee is transferred by Type III transfer to the Department of Community Health.

B. The Poison Control Center Network Advisory Committee is abolished.

#### **III. IMPLEMENTATION OF TRANSFERS**

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Poison Control Center Network Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Community Health.

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

#### **IV. MISCELLANEOUS**

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.



The following message from the Governor was received on March 6, 2009, and read:

EXECUTIVE ORDER  
No. 2009-12

**Abolishing the Sanitarian Advisory Committee  
Department of Community Health**

**Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Sanitarian Advisory Committee will contribute to a smaller and more efficient state government;

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

**I. DEFINITIONS**

As used in this Order:

A. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

B. "Sanitarian Advisory Committee" means the committee created under Section 18421 of the Public Health Code, 1978 PA 368, MCL 333.18421.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means the term as defined under Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

**II. TRANSFER OF AUTHORITY**

A. The Sanitarian Advisory Committee is transferred by Type III transfer to the Department of Community Health.

B. The Sanitarian Advisory Committee is abolished.

**III. IMPLEMENTATION OF TRANSFERS**

A. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Community Health in such ways as to promote efficient administration.

C. All records, property, unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the 7-member Sanitarian Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Community Health.

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

**IV. MISCELLANEOUS**

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on March 6, 2009, and read:

EXECUTIVE ORDER  
No. 2009-13

**Abolishing the PBDE Advisory Committee  
Department of Environmental Quality**

**Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the PBDE Advisory Committee will contribute to a smaller and more efficient state government;

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

**I. DEFINITIONS**

As used in this Order:

A. "Department of Environmental Quality" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

C. "PBDE Advisory Committee" means the committee authorized under Section 14724 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.14724.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

**II. TRANSFER OF AUTHORITY**

A. The PBDE Advisory Committee is transferred by Type III transfer to the Department of Environmental Quality.

B. The PBDE Advisory Committee is abolished.

**III. IMPLEMENTATION OF TRANSFERS**

A. The Director of the Department of Environmental Quality shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Environmental Quality in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the PBDE Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Environmental Quality.

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

**IV. MISCELLANEOUS**

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on March 6, 2009, and read:

EXECUTIVE ORDER  
No. 2009-14

**Abolishing the Citizen's Advisory Committee for Natural Beauty Roads  
Department of Natural Resources**

**Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Citizen's Advisory Committee for Natural Beauty Roads will contribute to a smaller and more efficient state government;

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

**I. DEFINITIONS**

As used in this Order:

A. "Department of Natural Resources" means the principal department of state government created under Section 250 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350, and Section 501 of the Natural Resources and Environmental Protection Act, 1965 PA 380, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

B. "Citizen's Advisory Committee for Natural Beauty Roads" means the committee authorized under Section 35705 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.35705.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

**II. TRANSFER OF AUTHORITY**

A. The Citizen's Advisory Committee for Natural Beauty Roads is transferred by Type III transfer to the Department of Natural Resources.

B. The Citizen's Advisory Committee for Natural Beauty Roads is abolished.

**III. IMPLEMENTATION OF TRANSFERS**

A. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Natural Resources in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Citizen's Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Natural Resources.

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

#### IV. MISCELLANEOUS

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on March 6, 2009, and read:

EXECUTIVE ORDER  
No. 2009-15

**Abolishing the Public Boating Access Site Advisory Committee  
Department of Natural Resources**

**Executive Reorganization**

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, the Public Boating Access Site Advisory Committee has completed the work for which it was established and should be disbanded;

WHEREAS, abolishing the Public Boating Access Site Advisory Committee will contribute to a smaller and more efficient state government;

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

#### I. DEFINITIONS

As used in this Order:

A. "Department of Natural Resources" means the principal department of state government created under Section 250 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350, and Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

B. "Public Boating Access Site Advisory Committee" means the committee authorized under Section 78113 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.78113.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

## II. TRANSFER OF AUTHORITY

A. The Public Boating Access Site Advisory Committee is transferred by Type III transfer to the Department of Natural Resources.

B. The Public Boating Access Site Advisory Committee is abolished.

## III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Department of Natural Resources in such ways as to promote efficient administration. The Department of Natural Resources shall bring public boating access site issues to the Michigan State Waterways Commission for review and advice as a part of the public notification process.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Public Boating Access Site Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Natural Resources.

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

## IV. MISCELLANEOUS

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 17, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of March, in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor

By the Governor:

Terri L. Land  
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received and read:

March 6, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 1 of 1963 (2nd Ex. Sess.) PA 48, MCL 390.551:

### **Western Michigan University Board of Control**

Ms. Mary A. Asmonga-Knapp of 105 Central Street, Battle Creek, Michigan 49017, county of Calhoun, succeeding Sarah DeNooyer, whose term has expired, appointed for a term commencing March 6, 2009 and expiring December 31, 2016.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointment was referred to the Committee on Government Operations and Reform.

## Recess

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

The motion prevailed, the time being 10:09 a.m.

10:22 a.m.

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

During the recess, Senators Gilbert, Jansen, Hardiman, Bishop, Van Woerkom, Stamas, Jelinek, Cassis, Allen, George and Kahn entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Anderson as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 284, entitled**

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2008 PA 22.

**House Bill No. 4239, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 11 and 19a (MCL 421.11 and 421.19a), section 11 as amended by 2005 PA 182 and section 19a as amended by 1983 PA 247.

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

During the Committee of the Whole, Senators Garcia and Hunter entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 4239**

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

The following bill was read a third time:

**Senate Bill No. 145, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 1998 PA 231.

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. 36**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Brater

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 146, entitled**

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending sections 2, 16, 31, 44, 61, and 76 (MCL 780.752, 780.766, 780.781, 780.794, 780.811, and 780.826), sections 2, 16, 44, and 76 as amended by 2005 PA 184 and sections 31 and 61 as amended by 2006 PA 461.

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. 37**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Brater

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Brater entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 188, entitled**

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending sections 1, 2, and 4 (MCL 780.651, 780.652, and 780.654), section 1 as amended by 2003 PA 185 and section 4 as amended by 2002 PA 112.

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. 38**

**Yeas—35**

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

**Nays—2**

Clark-Coleman                      Scott

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 319, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

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. 39**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas



Brown  
Cassis  
Cherry

Hardiman  
Hunter

Pappageorge  
Patterson

Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4239, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 11 and 19a (MCL 421.11 and 421.19a), section 11 as amended by 2005 PA 182 and section 19a as amended by 1983 PA 247.

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. 40**

**Yeas—37**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman  
Hunter

Jacobs  
Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge  
Patterson

Prusi  
Richardville  
Sanborn  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

“An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment

security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

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

Senators Olshove, Jacobs, Cherry, Clark-Coleman, Whitmer and Scott introduced

**Senate Bill No. 347, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509v (MCL 168.509v), as added by 1994 PA 441.

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

Senators Jacobs, Cherry, Clark-Coleman, Whitmer and Scott introduced

**Senate Bill No. 348, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 509w and 509x (MCL 168.509w and 168.509x), as added by 1994 PA 441.

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

Senators Barcia, Prusi, Allen and McManus introduced

**Senate Bill No. 349, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43521 (MCL 324.43521), as amended by 1996 PA 585.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

Senators Cassis, Switalski, Jansen, Hardiman and Pappageorge introduced

**Senate Bill No. 350, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 3240 (MCL 600.3240), as amended by 2006 PA 579.

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

Senators Kahn, Pappageorge, Garcia, Gilbert and Allen introduced

**Senate Bill No. 351, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 169 (MCL 750.169).

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

Senators Anderson, Basham and Prusi introduced

**Senate Bill No. 352, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 5451 and 6023 (MCL 600.5451 and 600.6023), section 5451 as added by 2004 PA 575 and section 6023 as amended by 1998 PA 61.

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

Senators Anderson, Basham and Prusi introduced

**Senate Bill No. 353, entitled**

A bill to authorize local units of government to fingerprint applicants or licensees in certain occupations for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

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

Senators Anderson, Jacobs, Basham and Prusi introduced

**Senate Bill No. 354, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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

Senators Anderson, Basham and Prusi introduced

**Senate Bill No. 355, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a, 401, and 601 (MCL 339.303a, 339.401, and 339.601), section 303a as amended by 2006 PA 489, section 401 as amended by 1988 PA 463, and section 601 as amended by 2008 PA 319, and by adding article 14.

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

Senators Patterson, George, Whitmer and Basham introduced

**Senate Bill No. 356, entitled**

A bill to regulate certain activities of carriers with regard to medical benefit plans; to provide for the powers and duties of certain state and local governmental officers and entities; to provide for certain reports; and to prescribe certain penalties.

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

**House Bill No. 4159, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

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 Families and Human Services.

**House Bill No. 4217, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241b (MCL 18.1241b), as added by 1995 PA 38.

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 Energy Policy and Public Utilities.

**House Bill No. 4248, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as added by 2007 PA 95.

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. 4315, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520c (MCL 750.520c), as amended by 2007 PA 163.

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.

### Statements

Senators Cropsey, Patterson, Brater, Basham, Garcia and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's statement is as follows:

Yesterday morning, I had coffee with a couple of gentlemen in my district who are contractors here in the state of Michigan doing, at one time, a thriving business here in Michigan. This last year in 2008 business had been down from 2007, but they are very concerned about the new Michigan business tax and especially the surcharge. They told me that in 2007 under the old single business tax, they paid a little bit under \$150,000 in taxes under the single business tax. Last year, they have just finished their filings and that sort of thing, they have paid well over \$300,000 on the new Michigan business tax with the surcharge. They also do some contracting in the state of Texas. They said in the state of Texas where the tax liability is \$14,000, it is less than 5 percent of what they are paying here in Michigan.

We have passed through this body the repeal of the surcharge on the Michigan business tax. I think it is important to note that the House of Representatives has not passed that. It is important that the House of Representatives do pass that, that it be sent to the Governor, and that it be signed by the Governor. We are going to be hemorrhaging more businesses as this businessman looks at his business and wonders—and doesn't have to wonder very long—why he shouldn't be moving his total business to Texas, instead of doing any business here in Michigan. I would hope that the House of Representatives would listen to the employers of this state that are trying to provide jobs for our citizens, and say, "Give us some relief; we need some relief because the burden is becoming unbearable."

Senator Patterson's statement is as follows:

"Duty," d-u-t-y, a four-letter word. It is easily discharged in the minds of some, like the likes of Charlie Cain, but it is not so easy when emergencies occur and conflicting duties arise, both of which are sworn to before God. Duty, to attend session, cast votes; duty, to serve loved ones in times of great need. Last year when my obligation for caring for my dying father and my grieving mother imposed a duty on me, I had to make a decision. Today, when I left my beloved wife in the emergency room at the University of Michigan Hospital, I had to make a choice. Duty, d-u-t-y.

What decision would each of you make in the discharge of your duties? D-u-t-y. I would like Charlie Cain to tell me which decision he would make: Come and cast votes and discharge the duty sworn to under Article 11, Section 1, or discharge the duty as a son and as a spouse?

"Duty," a four-letter word. It's easy to comprehend, not necessarily so easy to abide by.

Senator Brater's statement is as follows:

I have passed out to you today a copy of an editorial from the *Lansing State Journal* commenting on the actions of this body last week when the majority party refused to allow us to attach to a bill having to do with election law a very important piece of legislation that I have been introducing now for many years. That is Senate Bill No. 97, which would allow citizens in the state of Michigan to vote with an absentee ballot without stating a reason or an excuse. It's not only on this side of the aisle that this bill has been introduced; former Senators on the other side of the aisle have also introduced the bill. The current Secretary of State states that she supports no-reason absentee voting, as does the municipal clerks association which is a bipartisan group of clerks.

Currently, 28 states allow no-reason absentee voting. The concept has been endorsed by city councils, city clerks statewide, and many, many newspapers around the state. In addition, during a series of statewide public Senate Campaign and Election Oversight Committee meetings, we heard tremendous support from citizens statewide in favor of this change.

Currently, in order to vote absentee, you must state one of five reasons for getting this ballot, and that includes being over 60 years of age, being incarcerated, having religious reasons, having a disability, or needing assistance at the polls. What this does is work against hardworking, well-meaning citizens who have to work on Election Day, who have children, and who have any kind of transportation issues getting to the polls.

According to the U.S. Census Bureau, voter turnout has steadily declined during the past 40 years. Of registered voters who failed to show up at the polls in 2000 for elections, 46 percent or 7.5 million Americans told the U.S. Census Bureau that they did not vote for logistical reasons. That might include having young children at home, having transportation issues, being ill unexpectedly, or having trouble getting to the polls for any reason whatsoever.

We must, as a body, on a bipartisan basis support the concept that every citizen must be encouraged and have access to voting on Election Day. This is a constitutional right; it's a duty of every citizen to vote. It's unacceptable that Michigan is in a minority of states that does not give citizens this right to have access to the ballot on Election Day.

Democracy is not a partisan issue. This is an urgent issue. It is not election time right now, so no one can say that we are doing this for political reasons. We need to take care of this during this relatively quiet time in the Legislature when we are only taking up three or four bills a day. It seems like an excellent time for us to take up this bill. I urge that the committee take up this bill for a hearing, that it quickly discharge its duty to review this legislation, and send it to the Senate floor.

Senator Basham's statement is as follows:

I was just reading a couple of e-mails that came across my desk that I thought might be of interest to the members. It says, "Virginia Beach, Virginia - The home state of Marlboro and the world's largest cigarette factory is set to ban smoking in restaurants and bars. Governor Tim Kaine signed legislation in Virginia Beach that takes effect December 1 of this year.

Kaine worked for years for a total ban on smoking in all restaurants. The bill that lawmakers passed last month falls short, but generally restricts smoking to separate rooms.

Virginia has grown tobacco for 400 years. Philip Morris churns out Marlboros and Virginia Slims at the world's largest cigarette factory in Richmond, Virginia."

I thought it was interesting to note that even Virginia is passing smoke-free legislation. Also in another e-mail, a person wrote to me that he "spoke with a restaurant owner who voluntarily ended his smoking section and went smokeless. He said that after two weeks, he lost over 40 percent of his business and had to go back to a smoking section. His smoking patrons all went to other smoking-section restaurants. He shared with me that he wished that the state Legislature would pass the non-smoking bill. He said that if all restaurants were non-smoking that he would not have to lose business because of the patrons having to pick between a smoking restaurant and a non-smoking." He encouraged us to continue doing our jobs in the Michigan Legislature.

Senator Garcia's statement is as follows:

Last week, I was not present. I was away on National Guard duty, and during that period, I missed four votes. The first one was an amendment on Senate Bill No. 21, record Roll Call No. 30; I would have voted "nay" on that. Then there was record Roll Call Nos. 31, 32, and 33, and I would have voted "yea" on all three of those.

Senator Scott's statement is as follows:

I return today to talk to you about the Reverend Dr. Martin Luther King, whose words continue to energize and inspire me. Today's words are often repeated and are an inspiration to me every day. Dr. King said, "You must be willing to suffer the anger of the opponent, and yet not return the anger. No matter how emotional your opponents are, you must remain calm."

I am still trying to remain calm, but I want you to take up my bills. So please, colleagues, encourage the chair of the insurance committee to move my bills.

### Committee Reports

The Committee on Health Policy reported

**Senate Bill No. 47, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9721.

With the recommendation that the bill pass.

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

Thomas M. George  
Chairperson

To Report Out:

Yeas: Senators George, Allen, Patterson, Sanborn, Clarke and Gleason

Nays: Senator Jacobs

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 151, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315, 16335, 17801, 17820, 17821, and 17822 (MCL 333.16315, 333.16335, 333.17801, 333.17820, 333.17821, and 333.17822), section 16315 as amended by 2007 PA 166, section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, sections 17820 and 17821 as amended by 2006 PA 387, and section 17822 as amended by 2005 PA 281, and by adding sections 17808, 17823, 17824, 17825, 17849, 17850, 17854, 17856, 17862, 17864, 17866, 17868, 17870, 17872, 17878, 17882, and 17884.

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.

Thomas M. George  
Chairperson

## To Report Out:

Yeas: Senators George, Allen, Patterson, Sanborn, Clarke, Gleason and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, March 4, 2009, at 3:03 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Allen, Patterson, Sanborn, Clarke, Gleason and Jacobs

The Committee on Finance reported

**Senate Bill No. 69, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 417 and 441 (MCL 208.1417 and 208.1441).

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.

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge and Jansen

Nays: Senators Jacobs, Cherry and Whitmer

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

The Committee on Finance reported

**Senate Bill No. 191, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

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.

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 201, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

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.

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Cherry and Whitmer

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 Finance submitted the following:

Meeting held on Thursday, March 5, 2009, at 11:22 a.m., Room 110, Farnum Building

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

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:  
Meeting held on Thursday, March 5, 2009, at 8:30 a.m., Room 405, Capitol Building  
Present: Senators George (C) and Brown  
Excused: Senator Clark-Coleman

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:  
Meeting held on Thursday, March 5, 2009, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:  
Joint meeting held on Thursday, March 5, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Allen (C), Gilbert, Stamas and Clarke  
Excused: Senator Hunter

## COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:  
Meeting held on Thursday, March 5, 2009, at 1:00 p.m., Room 210, Farnum Building  
Present: Senators Patterson (C), Birkholz, Kuipers, Richardville, Olshove and Clarke  
Excused: Senators Brown and Thomas

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:  
Joint meeting held on Thursday, March 5, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Hardiman (C), Cropsey and Anderson

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:  
Meeting held on Thursday, March 5, 2009, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Cropsey (C), Kahn and Brater

**Scheduled Meetings**

**Appropriations** - Wednesday, March 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittees -**

**Agriculture** - Wednesdays, March 11 and March 18, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Economic Development** - Wednesdays, March 11 and March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

**General Government** - Thursdays, March 12 and March 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

**Higher Education** - Thursday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building and Wednesday, April 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**History, Arts, and Libraries** - Thursdays, March 12 and March 19, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Judiciary and Corrections** - Tuesday, March 17, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**State Police and Military Affairs** - Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Transportation Department** - Wednesdays, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

**Economic Development and Regulatory Reform** - Wednesday, March 11, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Education** - Thursday, March 12, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, March 12, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Health Policy** - Wednesday, March 11, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

**Legislative Commission on Government Efficiency** - Thursday, April 2, 10:00 a.m., Room 426, Capitol Building (373-0212)

**Legislative Commission on Statutory Mandates** - Friday, March 20, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

**Michigan Law Revision Commission** - Tuesday, March 24, 11:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Natural Resources and Environmental Affairs** - Wednesday, March 11, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:56 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, March 11, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate