

No. 14
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, February 23, 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 present.

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

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

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

Reverend Virgil L. Thomas of Miracle Tabernacle Church of God in Christ of Detroit offered the following invocation: Almighty God, Creator of heaven and earth and mankind, how excellent is Your name in all the earth. Today I ask for Your blessing upon this Senate session and that the wisdom greater than Solomon will be displayed. I ask that Your will be done here on earth for the people of Michigan, so that our families may be blessed with opportunities with jobs. I ask that our families may be healed in their minds and in their spirits.

O God, look with Your favor on this great state of Michigan, in every city and the city of Detroit. God, You said in Your word that all power and all authority has been given to You in heaven and on earth. Give us this day, the people of Michigan, to move forward in this year 2010.

Today we pray a special blessing upon our Governor and every person in this room—every Senator and every worker—as they make decisions concerning the welfare of Michigan. Bless now, we pray, our military and every person who served and is serving in the military, especially those who have given their lives. We pray for their families to be blessed.

God, again, we just need You to speak a word from heaven. Bring Your wisdom, Your peace, and Your prosperity to Your people. This we pray and we ask in Your precious name, thank God. Amen.

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

Motions and Communications

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:38 a.m.

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

During the recess, Senators Kuipers, Gilbert, Brater, Cassis, McManus, Hardiman, Jelinek, Jansen, Van Woerkom, Bishop, Pappageorge, Birkholz, George, Nofs, Kahn, Garcia, Allen and Clarke entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

February 9, 2010

Enclosed is a copy of the following audit report:

Performance audit of the Michigan Tax Tribunal, Department of Energy, Labor, & Economic Growth.

February 18, 2010

Enclosed is a copy of the Comprehensive Annual Financial Report of the Bureau of State Lottery for the fiscal years ended September 30, 2009 and 2008.

If you have questions regarding this report, please call me; or Scott M. Strong, C.P.A., Deputy Auditor General; or Laura J. Hirst, C.P.A., Audit Division Administrator for contract audits.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

February 4, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of

Administrative Hearings and Rules filed Administrative Rule #2008-052-CH (Secretary of State Filing #10-02-02) on this date at 2:30 p.m. for the Department of Community Health, entitled "Board of Athletic Trainers."

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

February 4, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-035-CH (Secretary of State Filing #10-02-01) on this date at 2:28 p.m. for the Department of Community Health, entitled "Sharing Health Care Information."

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

Sincerely,
 Terri Lynn Land
 Secretary of State
 Robin L. Houston, Departmental Supervisor
 Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 16:

House Bill Nos. 5029 5672

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, February 17:

House Bill No. 5323

The Secretary announced that the following official bills were printed on Thursday, February 11, and are available at the legislative website:

Senate Bill Nos. 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135
House Bill Nos. 5803 5804

The Secretary announced that the following official bills and joint resolution were printed on Friday, February 12, and are available at the legislative website:

Senate Bill Nos. 1136 1137 1138
Senate Joint Resolution U
House Bill Nos. 5805 5806 5807 5808

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, February 17, and are available at the legislative website:

House Bill Nos. 5809 5810 5811 5812 5813 5814 5815 5816 5817 5818 5819 5820 5821
House Joint Resolution UU

The Secretary announced that the following official bills were printed on Thursday, February 18, and are available at the legislative website:

House Bill Nos. 5822 5823 5824 5825 5826 5827 5828 5829 5830 5831 5832 5833 5834 5835
5836 5837 5838 5839 5840 5841 5842

The Secretary announced that the following official bills and joint resolution were printed on Friday, February 19, and are available at the legislative website:

House Bill Nos. 5843 5844 5845 5846 5847 5848 5849
House Joint Resolution VV

Messages from the Governor

The following message from the Governor was received on February 19, 2010, and read:

EXECUTIVE ORDER No. 2010-1

Creation of Office of Health Services Inspector General 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 amongst its units that the Governor considers necessary for efficient administration;

WHEREAS, fraud, waste, and abuse in the state's health services programs affect all Michigan citizens by increasing health care costs and by undermining the trust of taxpayers funding the program;

WHEREAS, the current fraud, waste, and abuse control activities conducted by the Department of Community Health have been successful in recouping, withholding, or avoiding unnecessary spending;

WHEREAS, notwithstanding the success of these efforts, the current system would benefit from consolidation of fraud, waste, and abuse responsibilities and increased focus on specific auditing and fraud prevention goals;

WHEREAS, further reduction in fraud, waste, and abuse in the state's health services programs will benefit this state and Michigan taxpayers;

WHEREAS, the State of Michigan should safeguard taxpayer dollars by using innovative strategies to reduce fraud, waste, and abuse in health services programs;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of 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. "Children's Special Health Care Services Program" means the program for medical assistance for mothers and children provided under Part 58 of the Public Health Code, 1978 PA 368, MCL 333.5801 to 333.5879, including the program for medical assistance for mothers and children established under the Title V of the federal Social Security Act, 42 USC 701 to 710.

B. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

C. "Department of Community Health" or "Department" 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.

D. "Department of Human Services Office of Inspector General" means the office within the Department of Human Services created under Section 43b of The Social Welfare Act, 1939 PA 280, MCL 400.43b.

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

F. "Health Services Programs" means this state's Medicaid Program, Mental Health Program, MICHild Program, and Children's Special Health Care Services Program.

G. "Health Services Inspector General" means the head of the Office of Health Services Inspector General created within the Department of Community Health under this Order.

H. "Medicaid Program" means the program for medical assistance for the medically indigent provided in accordance with The Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.119b, including the program for medical assistance established under Title XIX of the federal Social Security Act, 42 USC 1396 to 1396w-2.

I. "Medical Services Administration" means the agency within the Department of Community Health referenced in Section I of Executive Order 1997-4, MCL 333.26324, with oversight of the state Medicaid Program and MI Child Program.

J. "Mental Health Program" means the program for mental health services provided under the Mental Health Code, 1974 PA 258, MCL 330.1001 to 330.2106, which includes the provision of prepaid inpatient health plans under the Medicaid Program.

K. "MI Child Program" means the program for medical assistance for low income individuals provided in accordance with The Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.119b, which includes the program for health insurance established under Title XXI of the federal Social Security Act, 42 USC 1397aa to 1397mm.

L. "Office of Health Services Inspector General" or "Office" means the office created within the Department of Community Health under this Order.

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

II. CREATION OF THE OFFICE OF HEALTH SERVICES INSPECTOR GENERAL

A. The Office of Health Services Inspector General is created as an independent and autonomous entity within the Department of Community Health.

B. The Office shall exercise its prescribed powers, duties, responsibilities, and functions independently of the Director of the Department of Community Health, including, but not limited to, budget, procurement, and related management functions. The Department of Community Health shall assist the Office with budget, procurement, and related management functions, as requested by the Office. The Office shall be headed by the Health Services Inspector General, who shall be a member of the classified state civil service. The appointing authority for the Health Services Inspector General shall be the Governor. The Health Services Inspector General shall administer the personnel functions of the Office and be the appointing authority for employees of the Office. The Department of Community Health shall assist the Office with personnel functions, as requested by the Health Services Inspector General.

C. All of the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds of the Department of Community Health necessary for the Office to perform the powers and duties vested in the Office under this Order are transferred to the Office.

D. The Medical Services Administration, Mental Health and Substance Abuse Administration, and the other appropriate administrative divisions within the Department of Community Health shall retain and share with the Office their respective authority, powers, duties, and functions relating to administrative or civil enforcement actions or collections with respect to Health Services Programs. These entities shall continue to pursue actions on mispayments and other errors that do not rise to the level of fraud or abuse, as determined by the Office. Nothing in this paragraph shall be interpreted to diminish the ability of the Office to exercise its powers, duties, responsibilities, and functions independently of the Department of Community Health, subject to Section III.A.23. of this Order.

III. POWERS AND DUTIES OF THE OFFICE OF HEALTH SERVICES INSPECTOR GENERAL

A. The Office of Health Services Inspector General shall conduct and supervise activities to prevent, detect, and investigate fraud, waste, and abuse in Health Services Programs. Specifically, the Office shall do all of the following:

1. Solicit, receive, and investigate complaints related to fraud, waste, and abuse in Health Services Programs.
2. Undertake and be responsible for the Department of Community Health's duties under federal law with respect to fraud, waste, and abuse for the administration of the Health Services Programs in Michigan.
3. Actively seek out fraudulent billing practices of providers and develop techniques and procedures for detecting suspect billing patterns through the use of existing database resources managed by the Department of Community Health and available from federal sources.
4. Pursuant to Section 8 of The Social Welfare Act, 1939 PA 280, MCL 400.8, subpoena and enforce the attendance of witnesses, administer oaths or affirmations, examine witnesses under oath, and take testimony as the Health Services Inspector General deems relevant or material to an investigation, examination, or review undertaken by the Office.
5. Require and compel the production of such books, papers, records, and documents as the Health Services Inspector General deems to be relevant or material to an investigation, examination, or review undertaken by the Office.
6. Examine and copy or remove documents or records of any kind related to Health Services Programs or necessary for the Office to perform its duties and responsibilities that are prepared, maintained, or held by, or available to, any state agency or local unit of government entity or contractor to a state agency or local unit of government. Any such documents or records shall be afforded confidentiality protections as provided under state and federal law. The removal of records shall be limited to those circumstances in which a copy is insufficient for an appropriate legal or investigative purpose.
7. Request information, assistance, and cooperation from any federal, state, or local government department, board, bureau, commission, or other agency or unit thereof as may be necessary for carrying out the duties imposed upon the Health Services Inspector General by this Order. State departments and agencies, political subdivisions of this state, and their contractors shall provide such information, assistance, and cooperation.
8. Pursue administrative and civil enforcement actions or collections against any individual or entity that engages in fraud, abuse, or illegal or improper acts or unacceptable practices perpetrated within Health Services Programs, including but not limited to:
 - a. Referring information and evidence to regulatory agencies and licensure boards.
 - b. Withholding payment of medical assistance funds in accordance with state and federal laws and regulations.

- c. Excluding providers, vendors, and contractors from participation in the Medicaid program.
 - d. Imposing administrative sanctions and penalties in accordance with state and federal laws and regulations.
 - e. Initiating and maintaining actions for civil recovery and, where authorized by law, seizure of property or other assets connected with improper payments.
 - f. Entering into administrative or civil settlements.
 - g. Pursuing any other formal or informal enforcement action relating to fraud, waste, and abuse that the Department of Community Health is authorized to take under state or federal law, including, but not limited to, any actions under Sections 111a to 111h of The Social Welfare Act, 1939 PA 280, MCL 400.111a to 400.111h, or 1979 AC, R 400.3401 to 400.3425.
 9. Promptly provide information and evidence relating to suspected criminal acts to the Medicaid Fraud Control Unit of the Department of Attorney General, or any successor entity, to the extent required by federal law. A criminal referral does not preclude the Office from continuing its investigation, which may lead to administrative or civil sanctions. Nothing in this paragraph shall restrict the Office from referring cases of suspected criminal acts to any appropriate law enforcement agency, including, but not limited to, federal and local prosecutors.
 10. Promptly provide all information and evidence relating to suspected fraud, waste or abuse by Health Services Programs beneficiaries to the Department of Human Services Office of Inspector General. The Office and the Department of Human Services Office of Inspector General shall collaborate on investigations as necessary.
 11. Prepare cases, provide testimony, and support administrative hearings and other legal proceedings.
 12. Review managed care contracts, prepaid inpatient health plans, other health plans, or any other provider service arrangements for Health Services Programs to minimize the risk of fraud, and to monitor billing, encounter data, and sub-contracting arrangements between Medicaid managed care companies, providers, and services provided to beneficiaries for fraud, waste, or abuse, and make recommendations to the Department of Community Health for clauses which should be included in future contracts.
 13. Serve as the central point of contact with entities having contracts with the Department of Community Health to report, monitor, audit, or investigate fraud, waste, or abuse in Health Services Programs.
 14. Promulgate rules or regulations relating to fraud, waste, and abuse under Sections 6, 9, and 10 of The Social Welfare Act, 1939 PA 280, MCL 400.6, 400.9, and 400.10, or other applicable law.
 15. Develop procedures to collect overpayments, restitution amounts, and settlement proceeds.
 16. Monitor compliance by entities participating in Medicaid programs with requirements to inform their employees, contractors, and agents about the details of state and federal false claims statutes.
 17. Communicate information to the public and beneficiaries of Health Services Programs describing fraud schemes and practices to encourage reporting of fraud, waste, and abuse to the Office.
 18. Work with municipal and county units administering Health Services Programs to identify questionable claims and the existence of fraud, waste or abuse, including establishing cooperative agreements to review, refer, investigate, and audit such claims.
 19. Keep the Governor and the Director of the Department of Community Health apprised of efforts to prevent, detect, investigate, and prosecute fraud, waste, and abuse in Health Services Programs.
 20. Advise the Governor and the Director of the Department of Community Health of programs and practices that increase the risk of waste of funds and recommend policies to prevent and better detect fraud, waste, and abuse in Health Services Programs.
 21. Monitor the implementation of any recommendations made by the Office to departments, agencies, or other entities.
 22. Prepare an annual report for the Governor and the Director of the Department of Community Health on the progress of implementing the Office of Health Services Inspector General, fraud control initiatives, results, and recommendations. The report shall include at a minimum the number of audits, investigations, and administrative and civil enforcement proceedings initiated and completed; funds recovered by administrative or civil collection proceedings or settlements; the number of referrals to the Department of Attorney General or other law enforcement agencies for criminal investigation; and the number of referrals to regulatory agencies and licensure boards.
 23. Make every effort to collaborate with the Medical Services Administration, the Mental Health and Substance Abuse Administration, or other administrative divisions of the Department of Community Health while carrying out its duties, including, but not limited to, regular communication regarding actions of the Office which impact the operations of these entities.
 24. Perform any other functions necessary or appropriate to fulfill the duties and responsibilities of the Office.
 25. Comply with applicable federal law.
- B. The Office shall submit all administrative cost allocations relative to federal financial participation consistent and in accordance with the State of Michigan's cost allocation plan. The Department of Community Health shall, as necessary, prepare and submit for approval, consistent with 45 CFR 95.501 to 95.519 and other applicable law, a cost allocation plan amendment.

IV. IMPLEMENTATION

A. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to the Department of Community Health, the Department of Human Services, or any other entity for the authority, activities, powers, duties, functions, and responsibilities vested in the Office of Health Services Inspector General under this Order are transferred to the Office.

B. The personnel currently assigned to the Program Investigation Section, Bureau of Medicaid Financial Management and Administrative Services, Medical Services Administration within the Department of Community Health shall be transferred to the Office. The Office shall immediately assume the functions performed by the Program Investigation Section on the effective date of this Order.

C. Personnel in other offices, divisions, or entities within the Department of Community Health who are currently assigned to perform fraud, waste, or abuse related activity, including, but not limited to, detection, monitoring, audit, or other related audit functions that fall under the area of responsibility of the Office described in this Order, shall be transferred to the Office.

D. An individual designated by the Governor as the Health Services Inspector General Transition Director (hereinafter, "Transition Director") shall provide executive direction and supervision for the implementation of all transfers under this Order. The Transition Director shall identify the positions that will be transferred to the Office, consistent with this Order. The Transition Director and the Director of the Department of Community Health shall make every effort to develop agreements specifying the positions that will be transferred by the effective date of this Order. In the event of a failure to reach agreement on the positions to be transferred, the Transition Director shall develop a written recommendation specifying the positions to be transferred and submit the recommendation to the Governor for consideration and approval. All transfers to the Office shall be consistent with this Order and documented by a memorandum of understanding between the Transition Director and the Director of Department of Community Health.

E. State departments, agencies, and state officers shall fully and actively cooperate with the Office and the Transition Director in the implementation of this Order.

F. The Health Services Inspector General shall administer the functions transferred under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

G. The Health Services Inspector General may delegate within the Office a duty or power conferred on the Health Services Inspector General by this Order or by other law, and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Health Services Inspector General.

H. The Health Services Inspector General may hire or retain such contractors, subcontractors, advisors, consultants, and agents as the Health Services Inspector General may deem advisable and necessary, in accordance with relevant law and the procedures, rules, and regulations of the Civil Service Commission and the Department of Technology, Management, and Budget, and may make and enter into contracts necessary or incidental to the exercise of powers and performance of the duties of the Office.

I. 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.

V. 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. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 1, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of February in the year of our Lord, two thousand ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

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

The following bill was read a third time:

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.

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. 53

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Kahn

In The Chair: Richardville

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

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

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

"An act to create the Michigan education savings program; to provide for education savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax credits or deductions; and to provide for penalties and remedies,".

The Senate agreed to the full title.

Senator Kahn stated that had he been present earlier today when the vote was taken on the passage of the following bill, he would have voted "yea":

House Bill No. 4202

The following bill was read a third time:

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 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. 54**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Richardville

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

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

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”.

The Senate agreed to the full title.

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

House Bill No. 4535

House Bill No. 4820

The motion prevailed.

The following bill was read a third time:

House Bill No. 4535, entitled

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

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. 55**Yeas—38**

Allen	Clark-Coleman	Jansen	Prusi
Anderson	Clarke	Jelinek	Richardville
Barcia	Cropsey	Kahn	Sanborn
Basham	Garcia	Kuipers	Scott

Birkholz
Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

McManus
Nofs
Olshove
Pappageorge
Patterson

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

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

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

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 56

Yeas—38

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
Nofs
Olshove
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

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

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

“An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detention in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 5140, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by amending the title, as amended by 2002 PA 554, and by adding section 618a.

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

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

House Bill No. 4200, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7cc and 7dd (MCL 211.7cc and 211.7dd), section 7cc as amended by 2008 PA 198 and section 7dd as amended by 2008 PA 243.

Substitute (S-1).

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

1. Amend page 9, line 26, after “month.” by inserting “**THE DEPARTMENT OF TREASURY MAY WAIVE INTEREST ON ANY TAX SET FORTH IN A CORRECTED OR SUPPLEMENTAL TAX BILL FOR THE CURRENT TAX YEAR AND THE IMMEDIATELY PRECEDING 3 TAX YEARS IF THE ASSESSOR OF THE LOCAL TAX COLLECTING UNIT FILES WITH THE DEPARTMENT OF TREASURY A SWORN AFFIDAVIT IN A FORM PRESCRIBED BY THE DEPARTMENT OF TREASURY STATING THAT THE TAX SET FORTH IN THE CORRECTED OR SUPPLEMENTAL TAX BILL IS A RESULT OF THE ASSESSOR’S CLASSIFICATION ERROR OR OTHER ERROR OR THE ASSESSOR’S FAILURE TO RESCIND THE EXEMPTION AFTER THE OWNER REQUESTED IN WRITING THAT THE EXEMPTION BE RESCINDED.**”.

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75**Senate Resolution No. 88****House Concurrent Resolution No. 28**

The motion prevailed.

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

Senate Resolution No. 114

The resolution consent calendar was adopted.

Senators Cherry and Gleason offered the following resolution:

Senate Resolution No. 114.

A resolution to honor Mark Ingram as the recipient of the 2009 Heisman Trophy.

Whereas, Mark Ingram has been an iconic figure who was born in Flint, Michigan, to his parents, Mark Sr. and Shonda Ingram. He is a former resident of Grand Blanc, Michigan, and has been awarded the Heisman Trophy for his extraordinary abilities as a sophomore running back for the University of Alabama; and

Whereas, Mark Ingram evolved as an athlete his freshman year at Grand Blanc High School during the 2004-2005 season. During his three-year high school career as a varsity football player, Mark ran for 3,585 yards, scored 45 touchdowns, and broke countless city records. After transferring to Southwestern High School, Mark continued to dazzle spectators and earned the All-Area honoree title four years in a row and was an All-State selection his senior year; and

Whereas, Mark accepted the opportunity to play under Coach Nick Saban as a Crimson Tide running back. Currently, his sports resumé would include rushing a school record of 1,542 yards, 6.2 yards per carry, and scoring a staggering 18 touchdowns. Following his countless victories during the 2009-2010 season, Mark has been acknowledged on the Southeastern Conference All-Decade Team, as well as being ranked the sixth-best running back in the nation; and

Whereas, He has been a shining example not only on the football field, but as a son, student, and friend. His caring nature and ability to overcome all odds is nothing more than impressive and witnessed by all who come into contact with him; and

Whereas, Mark Ingram has demonstrated tremendous leadership skills that will serve him well throughout his life; now, therefore, be it

Resolved by the Senate, That the members of this legislative body support Mark Ingram. It is with great pleasure to acknowledge Mark Ingram in his successful football season and applaud his distinctive demeanor as the 2009 Heisman Trophy winner; and be it further

Resolved by the Senate, That a copies of this resolution be transmitted to Mark Ingram and the Heisman Committee in recognition of our deepest congratulations and support of him being awarded the Heisman Trophy.

Senators Anderson, Clarke, Garcia, Jacobs and Pappageorge were named co-sponsors of the resolution.

Senators Gleason, Prusi, Anderson, Hunter, Olshove, Barcia, Cherry, Thomas, Jacobs, Switalski, Clarke, Basham, Whitmer, Allen, Cropsey, Clark-Coleman, Richardville, Cassis, Pappageorge, Birkholz, George, Jansen, Garcia, Kahn, Jelinek, Scott and Brater offered the following resolution:

Senate Resolution No. 115.

A resolution to memorialize the President of the United States and the United States Congress to ensure that local businesses located in Michigan and their employees be the primary beneficiaries of the American Recovery and Reinvestment Act funds appropriated to Michigan to stimulate the economy and create jobs.

Whereas, The stated goal of the American Recovery and Reinvestment Act (ARRA) economic stimulus package is to stimulate the economy and create jobs. It is critically important to job creation that federal and state buy American-made products and domestic content requirements be observed in utilizing these recovery funds. This is especially important in Michigan, where manufacturing, the key driver in the state economy, has been particularly hard hit by the ravages of the economy; and

Whereas, Congress drafted the ARRA economic recovery legislation with a strong sense of urgency for its impact on state and local economies. This impact is, in large part, designed to channel billions of dollars of assistance to initiate job creation through public works investments. These include rebuilding our aging roads, bridges, and other vital infrastructure needs; enhancements in public transit; environmental remediation; and weatherization. Indeed, these projects will improve the overall quality of life for all Michigan families and create significant new job opportunities and economic growth. Moreover, it will also help revitalize and advance Michigan's critically important manufacturing sector; and

Whereas, The more than \$1 billion in targeted ARRA assistance for Michigan will only have the full desired effect, however, if the funds are used to support projects and initiatives that utilize the local workforce and local resources to the greatest extent possible. Michigan has made the contracting of Michigan and local vendors and suppliers a priority. This

has been the focus of a number of state statutes, the most recently-adopted budget boilerplate language, and executive directives. Clearly, Michigan's example of contracting should be mirrored in the implementation of the federal economic recovery legislation by focusing on the use of local workers and local resources; now, therefore, be it

Resolved by the Senate, That we hereby memorialize the President of the United States and the United States Congress to ensure that local businesses located in Michigan and their employees be the primary beneficiaries of the American Recovery and Reinvestment Act funds appropriated to Michigan to stimulate the economy and create jobs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

Introduction and Referral of Bills

Senators Nofs and Bishop introduced

Senate Bill No. 1139, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 11b (MCL 125.2161b), as added by 2008 PA 155.

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

Senator Gilbert introduced

Senate Bill No. 1140, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2009 PA 121.

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

Senator Gleason introduced

Senate Bill No. 1141, entitled

A bill to implement section 29 of article IX of the state constitution of 1963; to provide a process for state compliance with its obligation to finance the costs incurred by local units of government to provide, administer, and implement certain activities or services required by this state; to prescribe the powers and duties of certain state agencies and public officers; to provide for the administration of this act; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Gleason introduced

Senate Bill No. 1142, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 40, 44, 45, and 45a (MCL 24.240, 24.244, 24.245, and 24.245a), section 40 as amended by 1999 PA 262, section 44 as amended by 2004 PA 23, and sections 45 and 45a as amended by 2004 PA 491.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Gleason introduced

Senate Bill No. 1143, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 308a (MCL 600.308a), as added by 1980 PA 110, and by adding sections 308b, 308c, 308d, and 308e.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Jansen, Hardiman, Gilbert and Van Woerkom introduced

Senate Bill No. 1144, entitled

A bill to provide for certain municipal joint endeavors; to provide standards for those municipal joint endeavors; to provide powers and duties of a municipal joint endeavor; to authorize the levy of a property tax by a municipal joint endeavor; and to provide for the powers and duties of certain government officials.

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

Senators Jansen, Hardiman and Gilbert introduced

Senate Bill No. 1145, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” (MCL 423.201 to 423.217) by adding section 1a.

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

Senators Jansen and Hardiman introduced

Senate Bill No. 1146, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 976a.

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

Senator Jansen introduced

Senate Bill No. 1147, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending sections 59 and 59a (MCL 125.1459 and 125.1459a), as added by 2008 PA 456.

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

Senator Patterson introduced

Senate Bill No. 1148, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1246a.

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

House Bill No. 5323, entitled

A bill to amend 1965 PA 314, entitled “Public employee retirement system investment act,” by amending sections 13, 15, 19, 20c, 20d, and 20k (MCL 38.1133, 38.1135, 38.1139, 38.1140c, 38.1140d, and 38.1140k), section 13 as amended by 2009 PA 84, section 15 as amended and section 20k as added by 1996 PA 485, sections 19 and 20d as amended by 2008 PA 425, and section 20c as amended by 2000 PA 307.

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 Appropriations.

Statements

Senators Scott, Cherry, Cassis, Switalski, Whitmer, Cropsey and Basham asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

“It is time for greatness—not for greed. It is time for idealism—not ideology. It is a time not just for compassionate words, but compassionate action.” These are the words of Marian Wright Edelman.

No one here in this chamber is immune to the stories of how difficult it is today for Michigan’s working families to make ends meet. Solutions to the problems this state faces do not happen quickly. But you and I do have the power to take reasonably quick action on one problem: high auto insurance rates. We know there are issues, and we know that our constituents want relief. And we know how to achieve the reforms we need.

It is time to take action now to give Michigan drivers fair, affordable auto insurance this year. It is time to enact laws that create rates based on a person's driving record and not on their credit score or their address. We should not wait any longer. It is time to act now on the bills in committee so that our hardworking constituents can buy fair and affordable policies that won't empty their wallets and bank accounts.

Senator Cherry's statement is as follows:

While Michigan's unemployment rate for January won't be released until March, it's likely that our state hasn't seen much improvement since last year. Colleagues, the people of Michigan can't afford another year like 2009. Preliminary annual data recently released by the Michigan Department of Energy, Labor, and Economic Growth show jobless rates rose sharply from 2008 to 2009 in all of Michigan's major labor market areas. The rise from an 8.4 percent unemployment rate in 2008 to a 14 percent rate in 2009 statewide was the largest spike since Michigan's current data-keeping methods began in 1976.

In my district of Flint and Genesee County, the unemployment rate went from 10.6 percent in 2008 to 15.8 percent in 2009. In the Detroit/Warren/Livonia labor market, the rate almost doubled from 8.8 percent to 15.4 percent in 2009. In the Upper Peninsula, their unemployment rate went from 8.5 percent in 2008 to 12.6 percent in 2009.

But this problem isn't just affecting Democratic districts or urban areas. The Muskegon/North Shores and northeast Lower Peninsula both had higher unemployment rates than Detroit in 2009. Saginaw/Saginaw Township's rate jumped from 8.6 percent to 13.1 percent last year; Monroe's rate went from 8.9 percent to 14.8 percent. This problem is affecting all of our districts, and we all should be working together to come up with solutions.

Whether we take up existing legislation to help Michigan workers like Hire Michigan First and the unemployment modernization or work together to develop new bills, our workers are struggling, and they need our help now. I urge my colleagues to understand the severity of this situation, and start acting accordingly.

Senator Cassis' statement is as follows:

I rise to bring some very good news from Vancouver, British Columbia. In the Winter Olympic Games comes two individuals, Meryl Davis and Charlie White, who competed in the ice dancing competition and won the silver medal. They are both Oakland County residents, with Meryl Davis, who is 23, residing in West Bloomfield Township—my district—and Charlie White comes to us from Bloomfield Hills.

Also finishing in eleventh place comes a 19-year-old young lady, Emily Samuelson, a graduate of Novi High School in my district, and Evan Bates who is 20 from Ann Arbor. Again, they came in eleventh place.

This shows how important Michigan is, and its coaches, in the ice skating competition. I want to personally congratulate all of Team USA.

Senator Switalski's statement is as follows:

You may be forgiven for not knowing it, but today is yet another election day in Michigan. Some 64 local governments and schools are holding elections today. The fact that you do not know this puts you in good company. Ninety-five percent of your fellow citizens are likewise unaware and won't vote today. Many clerks expect turnout of even less than 5 percent.

You might ask, in the face of huge deficits and cuts to locals, why would we maintain such a wasteful and duplicative calendar of elections? No good reason. Unless you think manipulating, gerrymandering, stealth, waste, fraud, and abuse are core democratic values. If these are not your principles, I ask you to join my call for House and Senate hearings on election redesign and consolidation.

These times call for bold action, but the Legislature has been timid on reform. It is time for a comprehensive redesign of elections in Michigan. We should hold all general elections once a year in November. That is only a start; let's reorganize the entire system. Let's hold all state and federal elections in even-numbered years, and hold all local and education elections in odd-numbered years. Special elections could appear on the November ballot of either year.

Perhaps you are cautious. Perhaps you do not wish to ruffle the feathers of education boosters or those who perceive an advantage with the status quo. Maybe you like the way things are going in Michigan right now. But I tell you, the status quo isn't working and we must change.

Senate Bill No. 888 is one example of robust election reform that represents a major departure from current practice. It would be welcomed by local clerks who run our irrational and chaotic system. It would save money, increase efficiency, and raise voter participation, while reducing errors and fraud.

There is no added value to holding four elections each year. Election inflation actually cheapens democracy. True reform would end the abuse of stealth recall elections where 10 percent of the electorate could overturn the will of 51 percent of the voters. If local elections were all held on the same date, school districts that contain both cities and townships would finally have their elections at no cost. By the way, those odd-year local elections would continue to be nonpartisan. The clerks who run these elections should all be nonpartisan.

The arguments against reform are familiar. Some school boosters prefer a stealth election in February because stingy seniors may be away in Florida. They believe they have a better chance of passing bond or millage elections if only school people know about the election. I can't believe that people have the nerve to publicly argue such a position. It is

a cynical repudiation of the very concept of democracy. Why don't these apologists just come out and say they prefer Russian democracy to American democracy.

Seize this opportunity to make government efficient. Transparent government holds regular elections on a known, set schedule and does away with abuses like stealth elections. Election redesign and consolidation saves money by piggybacking elections on dates a regular election is already held. At a time when we are cutting both revenue sharing to local governments and aid to schools, shouldn't we insist that scarce dollars not be wasted on duplicative, inefficient, and redundant elections? In the name of democracy, shouldn't we concentrate elections on the date with the highest turnout? Shouldn't we balance voting annually between state and federal offices in one year and followed by education and local elections in the next?

Please visit my desk and sign my call for election redesign and reform that requests the Legislature to hold hearings on election consolidation.

Senator Whitmer's statement is as follows:

I, too, wanted to stand up and brag for just a moment about East Lansing's own, Ryan Miller. He is the NHL standout from the Buffalo Sabres and was the goaltender for the United States when we beat Canada on their home ice on Sunday 5-3. Ryan Miller, I am hoping, will join us at some point here in the Senate. Perhaps we can invite all of the Olympians who come from Michigan—win, lose, or draw; gold, silver, or bronze. They do us proud every night watching the Olympics, and I think that we should bring them all here to the State Senate.

Senator Cropsey's statement is as follows:

Folks, I'm a little surprised by comments made by a previous speaker from the 26th District about the Michigan Senate and we all need to work together and get jobs here in Michigan. I sit on the Transportation budget, and let me tell you what the real problem is. When it comes to federal funding of our roads, Michigan is a donor state. Despite having the worst economy in the country for the past decade; despite having the highest unemployment rate in the country for four years; and despite going from one of the wealthiest states in the nation to one of the poorest states in the nation, the large Democrat majority in Congress and our Democrat President are sending Michigan tax dollars to other states. I ask, when will President Obama stop this outrage and give back to Michigan at least the same amount of dollars that we send to Washington, D.C.? When will our United States Senators stand up and start fighting for the state of Michigan and not for the special interest groups?

Given our high unemployment rate and the state of our economy, why doesn't President Obama and the Democrats who run Congress waive the state matching fund requirement for Michigan? It's bad enough they take our money and give it to richer states, but to demand that we have to pay even more to get our own money back? It's unconscionable, and the Democrats—and only the Democrats—have the power to change this. And they should do it now.

Let's talk about another issue—the misspending of the dollars that is going on. Let's talk about the green economy. Our Governor has talked for years about growing a green economy and making Michigan the manufacturing center for wind turbines. And yet, what are we hearing on the evening news? President Obama and the Democrat Congress are using stimulus funds to buy wind turbines from China. Yes, China. The Democrats have used our tax dollars to create 2,000 permanent jobs in China to build wind turbines to sell to Michigan and every other state.

Ladies and gentlemen, until President Obama and the Democrats in Congress start putting America first and stop sending Michigan dollars all across the country, our economy is in for yet more years of tough sledding. When people voted for change, I don't believe using Michigan tax dollars to create jobs in China was what they had in mind.

So if the Democrats want to talk about voting for jobs, I suggest they start with their own party and demand that Michigan tax dollars be used to help Michigan, not China. Pick up your phone and dial 1-202-224-4822 and demand that our Senators get to work for Michigan now and stop representing the special interests who are stealing our jobs and bleeding us dry. Chinese wind turbines built with American tax dollars and Michigan tax dollars. Is that the change we can live with?

Senator Basham's statement is as follows:

It is interesting to note—and I did pay attention to what the previous speaker said—I think it is important that we focus on balancing Michigan's budget. As I understand it, Michigan has been a donor state for a number of years relative to a number of different Presidents, both Democrat and Republican. One of the reasons that we are a donor state is due to our national infrastructure system. States like Montana, Wyoming, and those small states with low populations didn't use the fuel, and we now have great roads going across this great nation.

So I agree with the previous speaker that we should not be a donor state, but to put it on one President, I think, is being a bit disingenuous. To turn this chamber into partisan remarks doesn't really help us either. So I look forward to working with all members of this chamber in dealing with Michigan's problems, and certainly, the federal government has its hands full dealing with their issues.

I would hope that the previous speaker would join me in creating the middle-income class of people we need here in the state so that there are actually consumers, and certainly, organized labor has a direct correlation to middle-income. If he wants to help me do some union organizing, he can see me after session, and I will be glad to work with him on those sorts of things.

Committee Reports

The Committee on Agriculture and Bioeconomy reported

Senate Bill No. 1030, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2008 PA 217.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, February 11, 2010, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

The Committee on Hunting, Fishing and Outdoor Recreation reported

Senate Bill No. 1013, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 40110a and 43540d; and to repeal acts and parts of acts.

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.

James A. Barcia
Chairperson

To Report Out:

Yeas: Senators Barcia, Cropsey and Allen

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 Hunting, Fishing and Outdoor Recreation submitted the following:

Meeting held on Thursday, February 11, 2010, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Barcia (C), Cropsey and Allen

Excused: Senators McManus and Prusi

The Committee on Finance reported

Senate Bill No. 619, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 21 (MCL 205.111), as amended by 1994 PA 34.

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

House Bill No. 5018, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 3A.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, February 11, 2010, at 1:15 p.m., Room 110, Farnum Building

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

The Committee on Education reported

Senate Bill No. 357, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending sections 2 and 6 (MCL 408.682 and 408.686).

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 757, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278a, 1278b, and 1280 (MCL 380.1278a, 380.1278b, and 380.1280), section 1278a as amended by 2008 PA 316, section 1278b as amended by 2007 PA 141, and section 1280 as amended by 2006 PA 123, and by adding section 1278c.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Gleason

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 Education submitted the following:

Meeting held on Thursday, February 11, 2010, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Whitmer and Gleason

Excused: Senator Cassis

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Thursday, February 11, 2010, at 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, February 11, 2010, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Nofs, Olshove, Clarke and Clark-Coleman

Excused: Senators Richardville and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Joint meeting held on Tuesday, February 16, 2010, at 8:00 a.m., Room 426, Capitol Building

Present: Senators Hardiman (C), Cropsey and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, February 16, 2010, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C) and Cropsey

Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, February 16, 2010, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C), Kahn and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Joint meeting held on Wednesday, February 17, 2010, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Brown, Stamas, Switalski and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Wednesday, February 17, 2010, at 9:10 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C), Kahn and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:

Joint meeting held on Wednesday, February 17, 2010, at 10:30 a.m., Room 426, Capitol Building

Present: Senators Jansen (C), Scott and Anderson

Excused: Senators George and Stamas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Wednesday, February 17, 2010, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, February 17, 2010, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Jelinek (C), Hardiman, Kahn, Garcia, George, Jansen, Brown, Stamas, Brater, Cherry, Clark-Coleman and Scott

Excused: Senators Pappageorge, Cropsey, McManus, Switalski, Anderson and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Joint meeting held on Thursday, February 18, 2010, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hardiman (C), Jansen and Scott

Excused: Senators Kahn and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Joint meeting held on Thursday, February 18, 2010, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Brown, Stamas and Clark-Coleman

Excused: Senator Switalski

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Thursday, February 18, 2010, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Kahn (C), Stamas and Cherry

Excused: Senators Pappageorge, George, Barcia and Switalski

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Thursday, February 18, 2010, at 1:30 p.m., Lansing Community College, Administration Building Board Room, 610 N. Capitol Avenue, Lansing

Present: Senators Hardiman (C), Garcia and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, February 19, 2010, at 10:00 a.m., Saginaw Valley State University, Curtiss Hall, 7400 Bay Road, University Center

Present: Senators Stamas (C), George, Hardiman, Kahn, Barcia and Anderson

Excused: Senator Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Monday, February 22, 2010, at 10:00 a.m., Western Michigan University, Brown Hall, Room 2028, 1903 W. Michigan Avenue, Kalamazoo

Present: Senators Stamas (C) and George

Excused: Senators Kahn, Hardiman, Barcia, Anderson and Brater

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, February 25, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, March 4, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Community Colleges - Friday, February 26, 10:30 a.m., Muskegon Community College, Stevenson Center, Room 1100, 221 South Quarterline Road, Muskegon (CANCELED); 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 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 24, 8:30 a.m., Room 426, Capitol Building (373-2768)

Higher Education - 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 25, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary and Corrections - Tuesdays, March 2 and March 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

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

Campaign and Election Oversight - Wednesday, February 24, 12:00 noon, Room 405, Capitol Building (373-1725)

Economic Development and Regulatory Reform - Wednesday, February 24, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, February 25, 2:30 p.m., Room 210, Farnum Building (373-6920)

Health Policy - Wednesday, February 24, 3:00 p.m., Room 110, Farnum Building (373-0793)

Hunting, Fishing and Outdoor Recreation - Thursday, February 25, 1:00 p.m., Room 100, Farnum Building (373-1777) (CANCELED)

Hunting, Fishing and Outdoor Recreation and Natural Resources and Environmental Affairs - Wednesday, February 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1777)

Reforms and Restructuring - Wednesday, February 24, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

Senior Citizens and Veterans Affairs - Wednesday, February 24, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:24 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, February 24, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate