

# Senate Watch

A summary of today's Senate actions;  
published daily when the Senate is in session.



6/4/09

## MESSAGES FROM THE HOUSE

### [SB 383](#) (Kuipers)

The legislation (**SB 383-387**) would enact the Michigan Trust Code and amend other statutes to make conforming changes needed to be consistent with the new trust code.

- The Senate concurred with the House amendment [RC 214: 35 yes, 0 no, 2 not voting]
- IE was ordered

### [SB 384](#) (Kuipers)

- The Senate concurred with the House amendment [RC 215: 36 yes, 0 no, 1 excused]
- IE was ordered

### [SB 385](#) (Clarke)

- The Senate concurred with the House amendment [RC 216: 36 yes, 0 no, 1 excused]
- IE was ordered

### [SB 386](#) (Kuipers)

- The Senate concurred with the House amendment [RC 217: 37 yes, 0 no]
- IE was ordered

### [SB 387](#) (Cropsey)

- The Senate concurred with the House amendment [RC 218: 36 yes, 0 no, 1 not voting]
- IE was ordered

**HB 4308****(Cushingberry)**

Supplemental appropriations for fiscal year 2008-2009.

- The Senate concurred with the House amendment to Senate substitute S-1 [RC 219: 32 yes, 5 no]

**SB 432****(Clarke)**

The bill would allow, under certain conditions and subject to the quota restrictions within the liquor code, a liquor license to be granted to a private entity for a restaurant located on property owned by Wayne State University. In general, under the Michigan Liquor Control Code, an on-premises liquor license can be issued to owners of bars and restaurants subject to a quota restriction that limits the number of such licenses in a municipality to no more than one license for each 1,500 of population. On premises liquor licenses are generally prohibited for establishments located on state-owned property, although there are several exceptions. For instance, the Liquor Control Commission (LCC) is allowed to issue a license to a hotel operated by a private entity but located on property owned by Central Michigan University.

Senate Bill 432 would amend the Michigan Liquor Control Code (MCL 436.1513) to also permit the LCC to issue a liquor license, subject to the quota provisions of Section 531, to a private entity for the sale of liquor for consumption on the licensed premises of a restaurant located on land owned by Wayne State University if both of the following conditions were met:

- The land was leased or subleased at fair market value to a private entity that owned, leased, or subleased the restaurant.
- The restaurant was located within an area designated for industrial, research, or commercial development by the governing board of the university.

- The Senate concurred with the House amendments [RC 223: 37 yes, 0 no]
- IE was ordered

## THIRD READING

**SB 142****(Jansen)**

The bill (S-1) would amend the Electrical Administrative Act to do all of the following:

- Allow the Electrical Administrative Board and the Department of Energy, Labor, and Economic Growth (DELEG) to issue a license, without an exam, to an electrician licensed in another state with equivalent licensing standards.
- Require DELEG to issue a license, without an exam, to an electrician licensed in another state pursuant to a reciprocal agreement executed by DELEG and another state's regulatory agency.
- Require DELEG and the Board to inquire with any existing coalitions of state regulatory agencies or any private entities regarding interstate reciprocity agreements or standards.
- Allow DELEG to enter into a reciprocal agreement meeting standards specified in the bill.
- Require DELEG to post information regarding reciprocity on its website and facilitate communication on that site for Michigan licensees making out-of-State inquiries.

-- Delete a requirement that the Board and DELEG issue a sign specialty license, without an exam, to a licensee in another state that meets or exceeds Michigan's standards.

- Richardville-1 adopted
- SB 142 was passed [RC 220: 21 yes, 16 no]

#### HB 4579

(Warren)

The bill (S-4) would amend Part 413 (Transgenic and Nonnative Species) of the Natural Resources and Environmental Protection Act to do the following:

- Authorize the Natural Resources Commission (NRC), after consulting with the Michigan Department of Agriculture (MDA), by order to add to or delete from the list of prohibited or restricted species any species other than an insect or plant.
- Authorize the Agriculture Commission, after consulting with the Department of Natural Resources (DNR), by order to add to or delete from the list of prohibited or restricted species any insect or plant species.
- Require the DNR or MDA, at least 30 days before a proposed order was issued, to post the order on the Department's website and submit a copy of it to the Legislature.
- Prescribe criteria for listing an organism as a prohibited or restricted species.
- Require the DNR or MDA, as applicable, in determining whether to grant or deny a permit application for introduction of a genetically engineered organism, to consider whether any application for a Federal permit or approval for the organism had been granted or denied.
- Extend criminal penalties to the illegal possession or introduction of a prohibited or restricted species with intent to harm human health.
- Authorize the MDA to administer and enforce Part 413 with respect to insect and plant species, and authorize the DNR to administer and enforce Part 413 regarding all other species.
- Replace references to the Invasive Species Advisory Council with references to the DNR.
- Delete a sunset date on annual reporting requirements.

- HB 4579 was passed [RC 221: 37 yes, 0 no]
- IE was ordered

#### HB 4479

(Barnett)

The bill would amend the General Property Tax Act to require a county board of commissioners to hold its annual session to ascertain and determine the amount of money to be raised for county purposes not later than October 31 in each year, rather than in October. Under the Act, a board must examine all certificates, statements, papers, and records submitted to it, showing the money to be raised in the townships for school, highway, drain, township, and other purposes. Under the bill, the examination also would have to be made at a session held by October 31 in each year. The bill also would allow a township clerk to give the county clerk a certification regarding taxes levied in the township, notwithstanding requirements for the county board to determine and apportion amounts to be raised for county purposes. If a certification were provided, the board would have to meet and direct or amend its direction for the spread of millages by local units in the county pursuant to the certification.

- **HB 4479 was passed [RC 222: 37 yes, 0 no]**
- **IE was ordered**

## GENERAL ORDERS

### **SB 434**

**(Gilbert)**

The bill (S-1) would amend the Administrative Procedures Act to do all of the following:

- Prohibit an agency from promulgating or adopting a rule that was more stringent than the applicable Federal standard unless specifically authorized by statute to do otherwise.
- Specify that a guideline, operational memorandum, bulletin, interpretive statement, or form with instructions would be considered merely advisory and could not be given the force and effect of law.
- Specify that the State Office of Administrative Hearings and Rules would not be required to approve a rule-making request and could do so only after indicating that there were appropriate and necessary policy and legal bases for approving a request.
- Require an agency, if proposing a rule that would have a disproportionate impact on small businesses, to consider exempting them and, if it did not, to reduce the economic impact of the rule on small businesses by taking certain actions, including identifying the number of small businesses affected by the rule and its probable effect on them.
- Require an agency's regulatory impact statement to compare the proposed rule to standards in other Great Lakes states, and include a cost-benefit analysis of the rule.
- Allow a court to include a determination of an agency's failure to assess the impact of a rule on small businesses, when issuing a declaratory judgment that a rule or its application interferes with or impairs a plaintiff's legal rights or privileges.
- Allow a person alleging a violation regarding the processing of a rule to bring an action for an award of damages, and allow the circuit court to award up to 10 times the cost of any permit fees plus costs relating to witness and attorney fees.

- **Committee substitute S-1 adopted**
- **SB 434 advanced to 3<sup>rd</sup> Reading**

### **SB 583**

**(Stamas)**

The bill (S-1) would amend the Community College Act to allow the treasurer of a community college district to invest certain funds of the district in certificates of deposit (CDs) with a financial institution if that institution arranged for the funds to be invested in CDs in one or more insured depository institutions, the full amount of the principal and interest of each CD were insured by an agency of the United States, and other conditions were met.

- **Committee substitute S-1 adopted**
- **SB 583 advanced to 3<sup>rd</sup> Reading**