

# Senate Watch

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



6/24/09

## MOTIONS & RESOLUTIONS

[HB 4785](#)

(Hammel)

[HB 4786](#)

(Bert Johnson)

Unemployment Benefits: The bills would enact amendments to the Michigan Employment Security Act to (1) provide unemployment benefits to individuals who are available for and seeking only part-time work, and (2) provide extended benefits to individuals who exhaust regular benefits and are enrolled in an approved job training program. Enactment of these provisions would enable the state to receive \$138.9 million in additional federal funding made available under the federal American Reinvestment and Recovery Act of 2009.

- Motion to discharge committee
- Motion to call the previous question not adopted [RC 296: 15 yes, 20 no, 2 not voting]
- Motion to discharge from committee not adopted [RC 297: 15 yes, 20 no, 2 excused]

## MESSAGES FROM THE HOUSE

[SB 243](#)

(Jansen)

DELEG appropriations for fiscal year 2009-2010.

- The Senate nonconcurred in the House substitute H-1 [RC 339: 1 yes, 34 no, 2 excused]

[SB 249](#)

(Cropsey)

Fiscal Year 2009-2010 Judiciary budget appropriations.

- The Senate nonconcurred in the House substitute H-1 [RC 340: 0 yes, 35 no, 2 excused]

**SB 254****(Hardiman)**

Fiscal Year 2009-2010 Department of Transportation appropriations.

- The Senate nonconcurred in the House substitute H-1 [RC 341: 2 yes, 33 no, 2 excused]

**SB 586****(Stamas)**

SB 586 would transfer to the Cobo authority created by Senate Bill 585 \$16 million in annual tobacco tax revenue money that would have gone to Detroit through 2016 to pay Cobo Hall bonds, and add another \$15 million annually from 2016 through 2039. That extra money would pay debt service on money borrowed now for Cobo repairs and upgrades (or to expand a facility in Oakland County if the Detroit city council turns down this deal).

- The Senate nonconcurred in the House substitute H-1 [RC 342: 0 yes, 35 no, 2 excused]

**SB 588****(Jansen)**

SB 588 would transfer \$9 million of tobacco lawsuit settlement revenue to the Cobo Hall authority created by Senate Bill 585.

- The Senate nonconcurred in the House substitute H-1 [RC 343: 0 yes, 35 no, 2 excused]

**SB 587****(Allen)**

Senate Bill 587 (**S-1**) would amend the State Convention Facility Development Act to:

-- Revise the definition of "convention hotel" (which is subject to an excise tax under the Act) to include a facility in a county that has a publicly owned or leased convention facility with at least 200,000 square feet of total exhibit space (rather than a convention facility with at least 350,000 square feet of exhibit space); and in a county that has 1,000 or more rooms to provide accommodation for transient guests (rather than 2,000 or more rooms).

-- Divert a \$9.0 million appropriation in FY 2008-09 from a regional authority created under the Regional Convention Facility Authority Act to a building authority in Oakland County, if the transfer of Cobo Hall to a regional convention authority were disapproved between May 1 and July 1.

-- Provide for an alternative distribution of funds if the Detroit City Council disapproved the transfer of Cobo Hall to a regional convention authority between May 1 and July 1.

-- Establish a bond limit of \$135.0 million for an Oakland County building authority, if the Detroit City Council disapproved the transfer of Cobo Hall to a regional convention authority between May 1 and July 1.

- The Senate nonconcurred in the House substitute H-1 [RC 344: 0 yes, 35 no, 2 excused]

## THIRD READING

### SB 462

(Richardville)

Senate Bill 462 (S-1) would create the "Mortgage Loan Originator Licensing Act" to do the following:

- Prohibit an individual from engaging in the business of a mortgage loan originator without obtaining and maintaining a license under the Act, with certain exceptions.
- Require a person applying for a license to undergo a criminal background check and submit certain personal history information.
- Require an applicant to meet specified prelicensing education requirements, pass a written test, and post a surety bond.
- Require a licensed mortgage loan originator to complete annual continuing education requirements, including education in Federal law and regulations, ethics, and lending standards for the nontraditional mortgage product marketplace.
- -- Require the Commissioner of Financial and Insurance Regulation to establish a schedule of fees sufficient to pay the expected costs of administering and enforcing the Act, including an annual fee for each licensed mortgage loan originator.
- Require the fees to be deposited into the Mortgage Brokers, Lenders, and Servicers Licensing Act Fund.
- Provide that the Commissioner would have to require mortgage loan originators to be licensed and registered through the NMLSR.
- Permit the Commissioner to issue an order suspending an individual's license or prohibiting an individual from being licensed under certain circumstances. -- Permit the Commissioner to conduct investigations or examinations for the purpose of initial licensing, license removal or suspension, or investigating violations or complaints.
- Authorize the Commissioner to direct, subpoena, or order the attendance of any person with relevant testimony about the loans or the business or subject matter of an investigation.

- SB 462 was passed [RC 298: 36 yes, 0 no, 1 excused]

### SB 463

(Stamas)

Senate Bill 463 (S-1) would amend the Mortgage Brokers, Lenders, and Servicers Licensing Act (MBLSLA) to require a loan officer to be registered under the proposed Mortgage Loan Originator Licensing Act, rather than under the MBLSLA as currently required.

- SB 463 was passed [RC 299: 36 yes, 0 no, 1 excused]

### SB 464

(Olshove)

Senate Bill 464 (S-1) would amend the Secondary Mortgage Loan Act to require a secondary mortgage loan officer to be registered under the proposed Act, rather than under the Secondary Mortgage Loan Act as currently required.

- SB 464 was passed [RC 300: 36 yes, 0 no, 1 excused]

**SB 465****(Sanborn)**

Senate Bill 465 (S-1) would amend the Consumer Financial Services Act to prohibit a licensee acting as a mortgage broker or mortgage lender from employing or engaging an individual as a loan officer to originate mortgage loans unless he or she were a licensed loan officer under the proposed Act.

- SB 465 was passed [RC 301: 36 yes, 0 no, 1 excused]

**HB 4743****(Booher)**

House Bills **4743 (H-1)** and **4749 (H-2)** would amend the Banking Code and the Savings Bank Act, respectively, to do the following:

-- Require a bank or savings bank to charge off a debt if it were past due for 12 months, rather than six months.

-- Require the bank or savings bank to charge off only the portion of the debt that was not well secured. Under the Banking Code, if the interest on a debt due to a bank is past due and unpaid for a period of six months, the bank must charge off the debt to its allowance for loan and lease losses, unless the debt is well secured and in the process of collection or it constitutes a claim against a solvent estate in probate.

The Savings Bank Act requires that all debts due to a savings bank on which interest is past due and unpaid for a period of six months be charged off to the savings bank's reserve for bad debts or the profit and loss account, unless the debts are well secured and in the process of collection or they constitute claims against solvent estates in probate. Under the bills, if the interest on a debt were past due and unpaid for 12 months, the bank or savings bank would have to charge off the portion of the debt that was not well secured unless the debt constituted a claim against a solvent estate in probate.

- HB 4743 was passed [RC 302: 36 yes, 0 no, 1 excused]

**HB 4749****(Clemente)**

[See above]

- HB 4749 was passed [RC 303: 36 yes, 0 no, 1 excused]
- IE was ordered

## GENERAL ORDERS – (TO PASSAGE)

### [HB 4437](#)

(Smith)

Department of Corrections appropriations for fiscal year 2009-2010.

- Committee substitute S-1 adopted
  - Cropsey 1A adopted
  - Jansen 1B adopted
- HB 4437 advanced to 3<sup>rd</sup> Reading
- Prusi-1 not adopted [RC 304: 12 yes, 24 no, 1 excused]
- Prusi-2 adopted
- HB 4437 was passed [RC 305: 20 yes, 16 no, 1 excused]
- IE not granted

### [HB 4446](#)

(Lahti)

DEQ/DNR appropriations for fiscal year 2009-2010.

- McManus substitute adopted
  - Birkholz 1A adopted
- HB 4446 advanced to 3<sup>rd</sup> Reading
- HB 4446 was passed [RC 306: 20 yes, 16 no, 1 excused]

### [HB 4436](#)

(McDowell)

Department of Community Health appropriations for fiscal year 2009-2010.

- Committee substitute S-1 adopted
  - Kahn 1A adopted
  - Switalski 1B adopted
  - Cherry 1C adopted
  - Thomas 1D adopted
  - Brown 1E adopted
  - Hardiman 1F adopted
- HB 4436 advanced to 3<sup>rd</sup> Reading
- Brater-1 adopted [RC 307: 19 yes, 17 no, 1 excused]
  - Motion to reconsider and postpone temporarily adopted [RC 308: 18 yes, 17 no, 1 excused, 1 not voting]
  - Brater-1 reconsidered [RC 321: 21 yes, 15 no, 1 excused]
  - Brater-1 not adopted [RC 322: 18 yes, 17 no, 1 excused, 1 not voting]
- Cherry-2 not adopted [RC: 309: 16 yes, 20 no, 1 excused]
- Cherry-3 not adopted [RC 310: 16 yes, 20 no, 1 excused]

- Cherry-4 not adopted
- Clarke-5 not adopted [RC 311: 14 yes, 22 no, 1 excused]
- Cherry-6 not adopted [RC 312: 16 yes, 20 no, 1 excused]
- Cherry-7 not adopted [RC 313: 16 yes, 20 no, 1 excused]
- Cherry-8 not adopted [RC 314: 16 yes, 20 no, 1 excused]
- Cherry-9 not adopted [RC 315: 14 yes, 21 no, 1 excused]]
- Cherry-10 not adopted [RC 316: 16 yes, 19 no, 1 excused, 1 not voting]
- Cherry-11 not adopted
- Scott-12 not adopted [RC 317: 17 yes, 19 no, 1 excused]
- Scott-13 not adopted [RC 318: 18 yes, 17 no, 1 excused, 1 not voting]
- Whitmer-14 not adopted [RC 319: 16 yes, 20 no, 1 excused]
- Gleason-15 not adopted [RC 320: 16 yes, 20 no, 1 excused]
- Brater-16 not adopted [RC 323: 15 yes, 21 no, 1 excused]
- Hardiman-17 adopted
- HB 4436 was passed [RC 324: 20 yes, 16 no, 1 excused]
- IE not ordered

**HB 4447**

**(Terry Brown)**

K-12 School Aid appropriations for fiscal year 2009-2010.

- Committee substitute S-1 adopted
  - Kahn 1A adopted
  - Stamas 1B adopted
  - Brown 1C adopted
  - Hardiman 1D adopted
  - Hardiman 1E adopted
  - Stamas 1F adopted
  - Brown 1G adopted
  - Birkholz 1H adopted
- HB 4447 advanced to 3<sup>rd</sup> Reading
- Cherry-1 not adopted [RC 325: 15 yes, 20 no, 1 excused, 1 not voting]
- Clark-Coleman-2 not adopted [RC 326: 15 yes, 20 no, 2 excused]
- Clark-Coleman-3 not adopted [RC 327: 15 yes, 20 no, 2 excused]
- Clark-Coleman-4 not adopted [RC 328: 16 yes, 19 no, 2 excused]
- Clark-Coleman-5 not adopted [RC 329: 16 yes, 19 no, 2 excused]
- Clark-Coleman-6 not adopted [RC 330: 15 yes, 20 no, 2 excused]
- Clark-Coleman-7 not adopted [RC 331: 14 yes, 20 no, 2 excused, 1 not voting]
  - Clark-Coleman-7 reconsidered
  - Clark-Coleman-7 not adopted [RC 332: 14 yes, 21 no, 2 excused]
- Clark-Coleman-8 not adopted [RC 333: 14 yes, 20 no, 2 excused, 1 not voting]
- Prusi-9 not adopted
- Prusi-10 not adopted
  - Prusi-10 reconsidered
  - Prusi-10 adopted

- Gleason-11 not adopted [RC 334: 16 yes, 18 no, 2 excused, 1 not voting]
- Whitmer-12 not adopted [RC 335: 15 yes, 20 no, 2 excused]
- HB 4447 was passed [RC 336: 19 yes, 16 no, 2 excused]
  - Passage reconsidered
  - HB 4447 was passed [RC 338: 20 yes, 15 no, 2 excused]
- IE not ordered

**HB 4721**                    **(Terry Brown)**

Stimulus supplemental for School Aid appropriations for fiscal year 2008-2009.

- Committee substitute S-1 adopted
  - Jelinek 1A adopted
  - Jelinek 1B adopted
- HB 4721 advanced to 3<sup>rd</sup> Reading
- HB 4721 was passed [RC 337: 35 yes, 0 no, 2 excused]
- IE was ordered

## GENERAL ORDERS

**HB 4166**                    **(Tlaib)**

House Bill 4166 (H-1) would create the "Refund Anticipation Loan Disclosure Act" to:

- Require a refund anticipation loan (RAL) facilitator, before a taxpayer completed an application for an RAL, to give the taxpayer certain information, including a table of loan fees and percentage rates for representative loan amounts, and a statement that the RAL was an extension of credit and not the taxpayer's actual refund.
- Require a facilitator, before entering into an RAL agreement, to disclose to the taxpayer the estimated fees and annual percentage rate of the loan.

- HB 4166 advanced to 3rd Reading

**HB 4607**                    **(Johnson)**

House Bill 4607 (H-1) would create the "Refund Anticipation Loan Act" to:

- Prohibit a facilitator from requiring a customer to obtain an RAL in order to complete a tax return, misrepresenting a condition of granting an RAL, failing to process an RAL, or engaging in any fraudulent activities in connection with an RAL.
- Permit a borrower to rescind an RAL by returning the check or repaying the loan amount by the close of business on the business day following the day the loan was made. A person who violated either bill would be guilty of a misdemeanor punishable by a maximum fine of \$500 and/or imprisonment for up to 93 days. Each bill would preempt any local regulation or ordinance relating to RALs. "Refund anticipation loan" would mean an extension of credit to a

taxpayer that a person arranged to be repaid directly from the proceeds of the taxpayer's Federal or State personal income tax refund.

- **HB 4607 advanced to 3<sup>rd</sup> Reading**

**HB 4897**                      **(Sheltrown)**

The bill (H-2) would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to create an exception to a requirement that a hunter wear hunter orange, for certain hunters using a crossbow, engaged in falconry, or engaged in a stationary hunt. Part 401 prohibits a person from taking game during established daylight shooting hours from August 15 through April 30 unless he or she wears a cap, hat, vest, jacket, or rain gear of hunter orange. Hunter orange includes camouflage that is at least 50% hunter orange. The hunter orange garments must be the hunter's outermost garment and must be visible from all sides of the person. These provisions do not apply to a person taking deer with a bow during archery deer season, taking bear with a bow, or taking turkey or migratory birds other than woodcock. The bill would extend the exception to a person taking deer with a crossbow during archery deer season, a person taking bear with a crossbow, a person engaged in the sport of falconry, and a person who was stationary and in the act of hunting bobcat, coyote, or fox.

- **HB 4897 discharged from committee**
- **HB 4897 advanced to 3<sup>rd</sup> Reading**

**HB 4450**                      **(DeShazor)**

The bill would amend the Michigan Vehicle Code to do the following:

- Require that a child in a child restraint system be positioned in a rear seat, as a rule.
- Delete an exception to the child restraint requirement for a child being nursed.

Except as otherwise provided, the Code requires each driver transporting a child less than four years old in a motor vehicle to secure the child properly in a child restraint system that meets Federal standards. Under the bill, the driver would have to position the child in the child restraint system in a rear seat, if the vehicle had one. If all available rear seats were occupied by children younger than four, then the child could be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system could be placed in the front seat only if the front passenger air bag were deactivated. The current requirement does not apply to a child being nursed. The bill would delete that exception.

- **HB 4450 advanced to 3<sup>rd</sup> Reading**