No. 48 STATE OF MICHIGAN

Journal of the Senate

95th Legislature **REGULAR SESSION OF 2009**

Senate Chamber, Lansing, Thursday, June 4, 2009.

10:00 a.m.

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

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

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

Pastor Darius Walden of The Tabernacle Church of God Congregation of Warren offered the following invocation:

God, it says in Your word, "Lord, how are they increased that trouble me! Many are they that rise up against me. Many there be which say of my soul, There is no help for him in God." I tell you today, God, that this is the way that we feel right now in the state of Michigan. We feel many times that all hope is gone and that all hope is lost and that people are even looking around sometimes for our ultimate demise. But I thank You that that verse goes on to say, "But You, O LORD, are a shield for me, the glory and the lifter up of my head."

Lord, I say today that we look to You. We look to all the things that we have to do today. We look to You to lift up our heads and bring fresh ideas to this chamber—bring new and fresh ideas and thoughts and processes. Lord, cause us to move forward as You lift up our heads. We can even look beyond our current situation and see into the future and that that future is as bright as the promises of God.

We thank You for these times we have today. Guide us and direct us. In Your name, we pray. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Sanborn and Garcia entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 3: **House Bill Nos.** 4723 4724

The Secretary announced that the following official bills were printed on Wednesday, June 3, and are available at the legislative website:

Senate Bill Nos. 616 617 618 619 620 621 622 623 House Bill Nos. 5031 5032 5033 5034

Messages from the House

Senate Bill No. 383, entitled

A bill to amend 1846 RS 81, entitled "Of fraudulent conveyances and contracts, relative to goods, chattels, and things in action," by amending section 1 (MCL 566.131).

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 27, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2010." and renumbering the remaining enacting section.

The House of Representatives has passed the bill as amended and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 214 Yeas—35

Allen	Clark-Coleman	Jansen
Anderson	Clarke	Jelinek
Barcia	Cropsey	Kahn
Basham	Garcia	Kuipers
Birkholz	George	McManus
Bishop	Gilbert	Olshove
Brown	Gleason	Pappageorge
Cassis	Hardiman	Patterson
Cherry	Jacobs	Prusi

Richardville Sanborn Scott Stamas Switalski Thomas Van Woerkom Whitmer Nays—0

Excused—0

Not Voting—2

Brater Hunter

In The Chair: President

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

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.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Brater entered the Senate Chamber.

Senate Bill No. 384, entitled

A bill to amend 1846 RS 63, entitled "Of uses and trusts," (MCL 555.1 to 555.27) by adding section 28. The House of Representatives has amended the bill as follows:

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

"Enacting section 1. This amendatory act takes effect April 1, 2010." and renumbering the remaining enacting section.

The House of Representatives has passed the bill as amended and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 215 Yeas—36

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

Nays—0

Excused—1

Not Voting—0

In The Chair: President

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

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

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 385, entitled

A bill to amend 1998 PA 434, entitled "Uniform fraudulent transfer act," by amending section 1 (MCL 566.31). The House of Representatives has amended the bill as follows:

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

"Enacting section 1. This amendatory act takes effect April 1, 2010." and renumbering the remaining enacting section. The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 216 Yeas—36

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

Nays—0

Excused—1

Hunter

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Hunter entered the Senate Chamber.

Senate Bill No. 386, entitled

A bill to amend 1967 PA 224, entitled "Powers of appointment act of 1967," by amending section 13 (MCL 556.123). The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 26, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2010." and renumbering the remaining enacting section. The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 217

Yeas-37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 387, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1103, 1104, 1105, 1106, 1107, 1201, 1209, 1210, 1212, 1214, 1308, 1403, 1507, 2501, 2504, 2511, 2519, 2705, 2722, 2901, 2904, 2907, 3104, 3403, 3703, 3705, 3713, 3715, 3801, 3803, 3805, 3914, 3915, 5407, 5421, 6101, 7101, 7102, 7103, 7104, 7105, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7301, 7302, 7303, 7304, 7305, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7410, 7501, 7502, 7503, 7504, 7505, 7506, 7507, and 7508 (MCL 700.1103, 700.1104, 700.1105, 700.1106, 700.1107, 700.1201, 700.1209, 700.1210, 700.1212, 700.1214, 700.1308, 700.1403, 700.1507, 700.2501, 700.2504, 700.2511, 700.2519, 700.2705, 700.2722, 700.2901, 700.2904, 700.2907, 700.3104, 700.3403, 700.3703, 700.3705, 700.3713, 700.3715, 700.3801, 700.3803, 700.3805, 700.3914, 700.3915, 700.5407, 700.5421, 700.6101, 700.7101, 700.7102,

700.7103, 700.7104, 700.7105, 700.7201, 700.7202, 700.7203, 700.7204, 700.7205, 700.7206, 700.7207, 700.7301, 700.7302, 700.7303, 700.7304, 700.7305, 700.7401, 700.7402, 700.7403, 700.7404, 700.7405, 700.7406, 700.7407, 700.7410, 700.7501, 700.7502, 700.7503, 700.7504, 700.7505, 700.7506, 700.7507, and 700.7508), sections 1103 and 7503 as amended by 2000 PA 177, section 1104 as amended by 2006 PA 299, sections 1105, 3803, 7303, and 7406 as amended and section 7410 as added by 2004 PA 314, section 1106 as amended by 2004 PA 532, sections 1107, 1214, 2504, 7206, 7501, and 7507 as amended by 2000 PA 54, sections 2519, 3715, 7401, 7502, and 7508 as amended by 2005 PA 204, section 3705 as amended by 2004 PA 481, and section 3805 as amended by 2007 PA 73, by amending the heading of article VII and the headings of parts 1, 2, 3, 4, and 5 of article VII, by adding sections 7107, 7108, 7109, 7110, 7111, 7112, 7113, 7208, 7209, 7210, 7211, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 8201, 8202, 8204, and 8206, and by adding parts 6, 7, 8, and 9 to article VII; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

- 1. Amend page 98, line 12, after "IS" by striking out the balance of the subsection and inserting "AS FOLLOWS:
 - (A) IN A COUNTY IN THIS STATE IN WHICH A TRUST BENEFICIARY RESIDES.
- (B) IN A COUNTY IN WHICH ANY TRUST PROPERTY IS LOCATED.
- (C) IF THE TRUST IS CREATED BY WILL, IN THE COUNTY IN WHICH THE DECEDENT'S ESTATE WAS OR IS BEING ADMINISTERED.
 - (D) AS OTHERWISE PROVIDED BY COURT RULE.".
 - 2. Amend page 199, line 24, after "OF" by striking out "THIS ARTICLE" and inserting "ARTICLE VII".
 - 3. Amend page 200, line 2, by striking out all of enacting section 2 and inserting: "Enacting section 2. This amendatory act takes effect April 1, 2010.

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 383.
- (b) Senate Bill No. 384.
- (c) Senate Bill No. 385.
- (d) Senate Bill No. 386.".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 218 Yeas—37

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

Nays-0

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

House Bill No. 4308, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 5, following line 13, by inserting:

"Sec. 105. STATE TRANSPORTATION DEPARTMENT

(1) APPROPRIATION SUMMARY

(1) MIT NOT KIMITON BENIMIKI	
GROSS APPROPRIATION	\$ 30,400,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 30,400,000
Federal revenues:	
Total federal revenues	30,400,000
Special revenue funds:	
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 0
(2) CAPITAL OUTLAY: AIRPORT IMPROVEMENT PROGRAMS	
Airport safety, protection and improvement program (ARRA)	\$ 30,400,000
GROSS APPROPRIATION	\$ 30,400,000
Appropriated from:	
Federal revenues:	
DOT, federal aviation administration, grants-in-aid for airports (ARRA)	30,400,000
State general fund/general purpose	\$ 0"
and adjusting the subtotals, totals, and section 201 accordingly.	

2. Amend page 7, following line 10, by inserting:

"Sec. 206. From the funds appropriated in part 1, the Michigan economic recovery office shall develop, post, and maintain a user-friendly and publicly accessible Internet site to clearly illustrate all state expenditures of federal funds under the American recovery and reinvestment act of 2009, Public Law 111-5. The postings shall include all reports required by the American recovery and reinvestment act of 2009, Public Law 111-5, detailing expenditures of funds received."

3. Amend page 7, line 22, by striking out all of section 401.

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the title as amended.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 219 Yeas—32

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

Nays—5

Olshove Sanborn Switalski Thomas Patterson

Excused—0

Not Voting—0

In The Chair: President

Protests

Senators Switalski and Sanborn, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendments to the Senate substitute to House Bill No. 4308.

Senator Switalski moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Switalski's statement, in which Senator Sanborn concurred, is as follows:

I just want to reiterate that the House amendment did not fix the fundamental flaw in this bill, which is basically that the federal formula leaves Macomb County getting hosed ("mistreated": Senator Sanborn) by about \$2 million. So I can't in good conscience vote for it. I understand that it is a bigger bill, it has a lot of good stimulus things in it, and members may want to vote for that. I appreciate that, but I must register my protest at the treatment of my county by the federal formula. So I will be voting "no."

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 142

House Bill No. 4579

House Bill No. 4479

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 142, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1998 PA 302, and by adding section 4.

The question being on the passage of the bill,

Senator Richardville offered the following amendments:

- 1. Amend page 1, line 5, after "STATE." by striking out the balance of the subsection and inserting "THE BOARD AND DEPARTMENT SHALL LICENSE, WITHOUT EXAMINATION, APPLICANTS LICENSED UNDER THE LAWS OF OTHER STATES THAT HAVE EXECUTED A RECIPROCAL AGREEMENT.".
 - 2. Amend page 2, line 8, after "DEPARTMENT" by striking out the balance of the subsection and inserting a period.
 - 3. Amend page 2, following line 25, by inserting:

"(5) AS USED IN THIS SECTION, "RECIPROCAL AGREEMENT" MEANS A WRITTEN AGREEMENT EXECUTED BY THE DEPARTMENT AND A REGULATORY AGENCY OF ANOTHER STATE THAT THE DEPARTMENT AND THE BOARD DETERMINE HAS LICENSE REQUIREMENTS AND CATEGORIES OR CLASSES OF LICENSURE THAT ARE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF THIS STATE. A RECIPROCAL AGREEMENT SHALL ALSO CONTAIN THOSE PROVISIONS RECOMMENDED

BY THE BOARD AND APPROVED BY THE DEPARTMENT THAT PROVIDE THAT THE OTHER STATE DOES AT LEAST THE FOLLOWING:

- (A) ISSUES AN ELECTRICIAN IDENTIFICATION CARD WITH AN EXPIRATION DATE PRINTED ON THE CARD AS WELL AS ANY CATEGORY OR CLASS LIMITATION.
 - (B) IS AVAILABLE TO VERIFY THE LICENSE STATUS FOR ENFORCEMENT PURPOSES.
 - (C) HAS DISQUALIFICATION, SUSPENSION, AND REVOCATION STANDARDS FOR LICENSES.
- (D) REQUIRES THAT THE ELECTRICIAN POSSESS A LICENSE IN GOOD STANDING FROM HIS OR HER HOME STATE.
- (E) ALLOWS FOR UNLIMITED OR LIMITED LICENSURE, DEPENDING ON THE CATEGORIES OR CLASSES FOR WHICH APPLICANTS CAN BE QUALIFIED UNDER THE LAW OF THIS STATE AND THE OTHER STATE'S LAWS."

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 220

Yeas—21

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	McManus	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey			

Nays—16

Cherry	Hunter	Scott
Clark-Coleman	Jacobs	Switalski
Clarke	Olshove	Thomas
Gleason	Prusi	Whitmer
7	lark-Coleman larke	lark-Coleman Jacobs larke Olshove

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Thomas and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 142 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Thomas' statement is as follows:

I rise in opposition to Senate Bill No. 142. The electrical workers profession is a skilled trade represented by a union. Members of this skilled trade go through four years of intensive training; in effect, college training, or they must enter into ten years of practical on-the-job experience. They then go through apprenticeships, and then, ultimately, they are given their card to participate.

You would assume that through such a rigorous standard and having such a very strong apprenticeship program that if there were a problem with electrical workers not finding work in Michigan that their union would be advocating for the strong passage of this bill. In fact, it's just the opposite. They are opposed to this bill.

This bill, on the surface, sounds good. It is about finding more work for Michigan workers. The problem is that it is correcting a problem of finding additional workers outside of Michigan. Then it opens the door for outstate electricians to come in and to now poach the available work for Michigan workers. I don't think that that is appropriate. In fact, most of the states around us in our Midwest region, in our Great Lakes region agree, and they don't have reciprocal arrangements as well

So, while it would seem that we are cutting red tape, in fact, we are opening the door for out-of-state workers to come in and take the jobs of Michigan workers. We are not creating an environment for Michigan workers to gain employment here in the state of Michigan. We are, in fact, opening the door for them to leave the state of Michigan.

I don't think that this is what this Legislature wants to be about. Clearly, we talk all the time about finding ways to create jobs in Michigan. Well, this bill, I believe, takes away the jobs of Michigan electricians and electrical workers. It is a shortsighted fix to a small problem that exists with one Michigan company. I think that this is not the way to go.

I would ask that my colleagues reject this bill.

Senator Gleason's statement is as follows:

Across this nation, we have organizations called International Unions and International Brotherhoods. They have been occurring in this nation since the days of the birth of this country itself. We already have a process in place that was implemented and utilized nearly every single day.

I work side by side with many of these electricians. As the previous speaker has mentioned, we have the highest trade and the greatest reputation for the skills of our workers here in Michigan. That is why I give pause to this legislation saying that we may lose some of this. We are in troubled times now. We are asking for even more money because of the loss of jobs here in the state of Michigan.

Further, we have an opportunity now that we are asking those who have lost their jobs in the automobile industries to pick up some of the opportunities in the skilled trades across this state. Within the last week, we have heard the announcement of thousands of jobs being lost in our state. It is the skilled tradesmen who are working in our factories, but yet, now we are saying that we will open the doors for those who have lost jobs to be replaced by those from another state.

So I would recommend that we utilize the process that is already being well utilized, that there is no shortage of opportunities anywhere in America for those who belong to the organization in this state. Today we have many members, journeymen, who are working in multiple states because of the opportunities that are afforded there.

We should keep our folks home. We should never offer an opportunity—as slight as it might be—to lose jobs to other states. So I say we oppose this opportunity on this legislation and say that we are going to put Michigan workers first; those who have gotten notified in the last ten days that they are going to lose their skilled trades job; there are many factories across the state; that we don't allow them to lose their opportunities to someone from Ohio or Illinois or Indiana.

Mostly importantly, we should vote "no," as I stated earlier, because we already have a process in place. The electrical workers have communications with other organizations in all fifty states. So let's utilize them and not give our Michigan workers another chance to lose an employment opportunity.

Senator Richardville asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Richardville's statement is as follows:

This amendment, basically, clarifies what the reciprocal agreement is. The definition outlines the criteria that must be met by other states who would like to come and work here in Michigan. It helps to ensure that workers from other states don't have an unfair advantage over Michigan workers.

I thank you for your patience, once again, and I ask for support of the amendment.

The following bill was read a third time:

House Bill No. 4579, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 41303, 41305, 41306, 41309, 41311, 41313, and 41323 (MCL 324.41303, 324.41305, 324.41306, 324.41309, 324.41311, 324.41313, and 324.41323), section 41303 as amended by 2005 PA 78, section 41305 as amended and section 41306 as added by 2005 PA 79, section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as added by 2005 PA 80, and section 41323 as added by 2005 PA 75, and by adding section 41302.

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. 221

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4479, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 37 (MCL 211.37), as amended by 1994 PA 415.

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. 222

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 432, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2007 PA 11.

Yeas—37

(For text of amendment, see Senate Journal No. 47, p. 852.)

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 223

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

Nays-0

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Richardville as Chairperson. After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 434, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 32, 39, 40, 43, 45, 61, and 64 (MCL 24.203, 24.232, 24.239, 24.240, 24.243, 24.245, 24.261, and 24.264), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, section 45 as amended by 2004 PA 491, and section 61 as amended by 1982 PA 413.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill: Senate Bill No. 583, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 142 (MCL 389.142), as amended by 2008 PA 237.

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Allen introduced

Senate Bill No. 624, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2006 PA 18.

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

Senator Barcia introduced

Senate Bill No. 625, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4x (MCL 205.54x), as amended by 2006 PA 17.

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

Senator Switalski introduced

Senate Bill No. 626, entitled

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

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

House Bill No. 4723, 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, and by adding section 8g.

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 Transportation.

House Bill No. 4724, entitled

A bill to provide for certain duties of certain state agencies.

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 Transportation.

Statements

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

The motion prevailed.

Senator Cropsey's statement is as follows:

This past Monday, I received a letter from the State Budget Office informing all of us that the Department of Corrections is expected to overspend its budget this year by an estimated \$38.95 million. Earlier this spring, we closed three prisons. The Michigan Department of Corrections currently has about 4,000 fewer prisoners than we budgeted for, and we're informed that the Michigan Department of Corrections is making other efficiencies and savings. And, somehow, despite closing three prisons and saving money, the Michigan Department of Corrections budget is actually increasing.

Yesterday, I asked for several appropriation transfers within the Department of Corrections to be denied until I get some solid answers to a simple question. How can closing prisons, releasing prisoners, and laying off employees increase the budget? Here's the department's response I read today in *Gongwer*: "The department said some reasons for the increased expenditures was that in order to take full year advantage of anticipated savings in the 2009-2010 fiscal year, the department is moving more prisoners into parole, which means it needs to hire more parole agents and equipment to monitor those parolees."

Now let me make a point here about basic math. The Senate Fiscal Agency calculates it costs roughly \$32,500 per year to house a prisoner. The Senate Fiscal Agency also informs me that parole oversight costs about \$7,800 per parolee. That's less than one-fourth the cost of housing them. But, somehow, magically using Michigan Department of Corrections math, cutting costs from \$32,500 to \$7,800 per offender requires increasing the budget. I wasn't going to say anything, but after reading this puffery in *Gongwer*, I thought I ought to say something.

The Michigan Department of Corrections is expected to announce tomorrow the closure of an unspecified number of prison facilities and the continued rapid release of thousands more prisoners. And the truth is that even though the administration is closing prisons, degrading public safety, and putting all of us at risk, the Michigan Department of Corrections budget the administration gave us for next year actually increases above this year's baseline budget. And now we are overspending.

Mr. President, I just wanted to set the record straight on my concerns with the budget for the Michigan Department of Corrections.

Senator Scott's statement is as follows:

Oprah Winfrey has done much throughout her career to lend a helping hand and give back to her community. She once said, "Every one of us gets through the tough times because somebody is there standing in the gap to close it for us." There is no denying that we are all facing very difficult times right now.

As legislators, we are the people standing in the gap that our constituents could very easily get lost in right now. It is up to us to do whatever we can to help the people of Michigan, and the one thing we can do that will make a difference for them right now is to get serious about auto insurance rates reform.

By requiring companies to base rates on a person's driving record instead of their credit scores or their address, we can save good drivers hundreds of dollars a year. For some people, that money could be the difference between being able to pay their bills or fall behind and face financial disaster. We can be that person who lends a helping hand for the thousands of Michigan citizens who are being unfairly overcharged for the insurance we force them to carry. We can close the gap between the money they earn and the insurance bills they pay each month so they can drive their car to work, on errands, and to help their families, friends, and neighbors.

Instead of standing in the way of auto insurance reform, let's all stand together to reform rate setting which will genuinely help so many Michigan citizens.

Senator Brown's statement is as follows:

We need a plan—an emergency recovery plan—for Michigan's economy, an action plan; a plan that gives assurance to the people that Michigan's leadership is at the helm. We have emergency response plans for floods, pandemics, and food-borne illnesses, but we don't have a plan to address the economic crisis in our state.

We need a plan. That plan could include a holiday from state regulation. That plan must have empathy with business and give assurance that we will weather this storm, but we must have a plan. That plan could focus on the creation of incubator services, including business counseling and the encouragement of entrepreneurship. An action plan goes far beyond balancing the budget. It has to do with an emergency response to a crisis.

Might the Governor work with us to have a plan to give reassurance to the people of Michigan during these troubled times.

Senator Switalski's statement is as follows:

I've got a plan. These are times unlike any other in Michigan. I rise today to respond to the challenge given to all members just now and also yesterday by the chair of Appropriations in the House. He said if anyone has ideas of how to reform government, we should bring them forward. It is clear to me that Michigan government will require a dramatic downsizing, and I offer an opportunity to begin that process in the judiciary.

Part of downsizing state government means reducing the number of judges in Michigan. I believe those efforts should begin with the Court of Appeals and the circuit courts. We have a limited opportunity to begin that process by attrition, and the time is right to seize that opportunity.

Under current law, once a judge reaches the age of 70, the judge can continue to serve the rest of their term but can no longer stand for election. That creates an opportunity to downsize the judiciary to a size that fits Michigan's shrinking resources. There are nine circuit judges across the state who will be ineligible for election in 2010. The state should not fill those positions and save \$1.25 million for the state's General Fund.

At a time when we are cutting revenue sharing to the counties, these reductions may be met with cheers by the affected counties because each judge costs the county half a million dollars to fund the court officer, the judicial secretary, the court reporter, and judicial benefits, in addition to the two prosecuting attorneys who staff the courtroom. That comes to about \$4.5 million in savings to locals.

There are many ways to make this palatable, either by delaying filling these vacancies, combining areas, cross-assignments, or just comparing it to the alternative, which in some cases, I am hearing is 26 furlough days. Part-time temporary and visiting judges can be used to manage the docket.

But the status quo is not sustainable. The sooner we reconcile ourselves to changing operations to fit our new economic realities, the sooner we create the foundation necessary for Michigan's revival.

Senator Brater's statement is as follows:

Mr. President, I just wanted to respond to the remarks of my friend from the 16th District. I'm very concerned by those remarks because I think they're inaccurate, and I think they're forgetful of recent history of the actions of our Governor who started in her first term of office putting a plan in place to diversify the economy of this state. That was known then and is still known now as the 21st Century Jobs Fund.

In my recollection when the Governor first proposed that fund, it was a \$2 billion plan to support high-tech, advanced manufacturing, life sciences, and other start-up incubators—everything that the good Senator from the 16th District is talking about. Now this body, in its lack of wisdom, took that plan and ended up putting less than half the money which the Governor requested into that program, and we continue to whittle away at it today.

Now I can tell you in my district, where we are fortunate enough to have some of the advanced guard and the cutting edge of the 21st century economy, we have people lined up to take advantage of the money in this fund. We have people wanting to start up businesses here in Michigan, but they're being turned away for lack of funding.

So if you really want to reinvigorate the economy of the state of Michigan, help us diversify, and not be so reliant on one industry. This is the route which the Governor proposed. It's still a very valid approach today, and we should implement that plan.

Senator Garcia's statement is as follows:

I feel compelled to speak out about our duties here in this chamber. We all know that we have had to face wave after wave of budget challenges over the last eight years. This year and the next two years, the wave is going to get bigger. We all know that. We are discussing that and have been discussing that over the last few weeks.

We have often debated here in this chamber budget spending and budget cuts. But I submit to you, to my colleagues and to the public and to anyone who cares to listen that we have a moral responsibility to provide for public safety. We are about to lay off 100 state troopers to save \$1.7 million out of a \$9 billion budget. We just spent \$8 million to train them, and at the same time, we are about to let go anywhere from 3,000 to 7,000 prisoners over the next four months.

To many of us, this is not only silly, but dangerous. When the public gets wind of this, they are going to look at us and say, "What are those guys thinking?" We have unemployment on the rise—more uncertainty in the future—we don't need less

law enforcement. We need more law enforcement, and for \$1.7 million, we are going to take and let go of 100 state troopers. Where are they going to go? They are going to Texas, where it is warmer; where they have jobs down there for them.

Well, I propose that we take those 3,000 or 7,00 prisoners whom we are letting go and send them to Texas and have them escorted by one of these troopers whom we are about to let go. Now I know that we have a lot of priorities, but at some time, we have to make a decision about what our top priority is. I am not here to cast dispersion on anyone, the administration, this chamber, or anyone else, but I think that we really need to come to our senses and see if we can't find \$1.7 million to save 100 troopers we just got done spending \$8 million to train. They and their families are going to leave Michigan and go to Texas or some other state and provide public safety for them at our expense.

Not only is it our financial expense, but at the same time, we are going to have fewer cops on the roads and more prisoners released. Again, it just doesn't make any sense to me. So I urge the body and anyone else who cares to listen to wake up, and let's sit down and find \$1.7 million. I know we can't manufacture it. It has to come from somewhere. We need to find it if public safety is going to be a priority.

Having said that, Mr. President, I want to close with one other topic—it is just a reminder. Sixty-five years ago today, thousands of Americans landed on the beaches of Normandy. Many of them died for our freedom. I should not say today, but actually Saturday, June 6, is the sixty-fifth anniversary of the landing at Normandy. I just wanted folks to remember that there are many Americans who paid the price for our freedom and for our ability to be here.

Senator Whitmer's statement is as follows:

I rise to agree with the colleague of mine who just spoke. I absolutely agree with you, Senator. We should take some action to make sure that these troopers do not get laid off. We have a public safety concern here in the state of Michigan. And you know what? We have to ask ourselves at the end of the day, what is the most fundamental thing that the state of Michigan does? What is the most fundamental thing that any government does, that any body does to protect our people? That's the most fundamental thing that we do at the end of the day.

So my colleague just said we need to get our act together and figure out how to keep these troopers on the road. I agree. You know what? I have made a concrete suggestion about how we do that. I've told you I've got a suggestion. We can do that by action we can take here in the State Senate. I've proposed it. I've pushed it forward and what has happened? The Majority Floor Leader has said we'll take it up later in the year after the troopers have been laid off, just like on the drug immunity issue, just like on a number of issues which are before this Senate that we have not addressed yet.

We can't afford to let the troopers to be laid off. I absolutely agree with that sentiment. So how do we go about paying for them? "What do you propose, Senate Whitmer, I'm sure you are asking yourselves." Well, I propose that we level out the office allotments between Republicans and Democrats. As you are aware, the spoils of being in the majority have given you \$3 million more than what the Democrats are allotted, even though we serve the same number of constituents—\$3 million. So if you tightened your belts and served your constituents on the same tight budget which we serve our constituents, we could take those dollars and save the troopers—keep the troopers on the roads and level the playing field here. Let's put it all online and make sure people know how we're spending their tax dollars. It's equitable, it's transparent, and it keeps the troopers on the road.

So what can we do? Well, let's discharge Senate Resolution No. 51, and let's pass it immediately. The beauty of this plan is we don't have to wait for the House to act. We don't have to wait for the executive office to sign legislation. We can take this action unilaterally and ensure that these 100 troopers are not cut; that public safety is secure. We, the State Senate, can save the troopers if we take this action, and we can take it ourselves now instead of putting it off—instead of taking delay tactics and hiding behind procedure like cowards. We can take this action now, and I think that we should.

I'm going to say this every day, and you might get sick of it. You can say all you want, but I'm going to continue this fight because it's the right thing to do. It is about public safety, and you're absolutely right. My colleagues, if we represent two parts of the same county, the disparity in how our constituents are served based on whether you have an "R" in front of your district or a "D" in front of my district is unconscionable. We have an opportunity to do some good in the process of leveling that playing field, and I ask that we take this action before these troopers are laid off in the name of public safety.

Committee Reports

The Committee on Homeland Security and Emerging Technologies reported

Senate Bill No. 449, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as amended by 2004 PA 379 and section 9 as amended by 2005 PA 239.

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.

Cameron Brown Chairperson To Report Out:

Yeas: Senators Brown, Pappageorge, Hunter, Olshove and Thomas

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 Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, June 2, 2009, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville, Pappageorge, Hunter, Olshove and Thomas

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 204, entitled

A bill to amend 1985 PA 148, entitled "Self-service storage facility act," by amending sections 4 and 5 (MCL 570.524 and 570.525), as amended by 2000 PA 443.

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.

Jason E. Allen Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Garcia, Olshove and Basham

Nays: None

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

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 371, entitled

A bill to allow certain active duty service members to terminate contracts with wireless telecommunications providers; to provide for the rights and responsibilities of the parties to those terminated contracts; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide remedies; and to provide for the disposition of civil fines.

With the recommendation that the bill pass.

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

Jason E. Allen Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Garcia, Olshove and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following: Meeting held on Wednesday, June 3, 2009, at 9:00 a.m., Room 100, Farnum Building Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, June 2, 2009, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, June 2, 2009, at 3:06 p.m., Room 519, South Tower, House Office Building

Present: Senators Gilbert (C), Kahn, Van Woerkom, Basham and Gleason

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, June 4, 2009, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators McManus (C), Jelinek, Brown, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

Excused: Senator Cropsey

Scheduled Meetings

Appropriations -

Subcommittee -

Judiciary and Corrections - Tuesday, June 9, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Legislative Commission on Statutory Mandates - Thursday, June 25, 9:00 a.m., Oakland County Executive Office Building, Waterford Room, 1st Floor, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursdays, June 11, 2:00 p.m., Room H-65, Capitol Building; and September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Subcommittee -

Investment - Thursday, June 11, 10:30 a.m., Room S-927, South Tower, House Office Building (373-0575)

Local, Urban and State Affairs - Tuesday, June 9, 3:00 p.m., Room 110, Farnum Building (373-1635)

Michigan Law Revision Commission - Wednesday, June 24, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Natural Resources and Environmental Affairs - Wednesday, June 10, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn. The motion prevailed, the time being 11:29 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, June 9, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI Secretary of the Senate