

No. 68  
STATE OF MICHIGAN  
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Senate Chamber, Lansing, Tuesday, August 17, 2010.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

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

Senator Alan L. Cropsey of the 33rd District offered the following invocation:

The invocation today is taken from Psalm 119: “The heavens proclaim your glory. The skies display your craftsmanship. Day after day they continue to speak; night after night they make you known. They speak without a sound or word; their voice is never heard. Yet their message has gone throughout the earth, and their words to all the world.

You have made a home in the heavens for the sun. It bursts forth like a radiant bridegroom after his wedding. It rejoices like a great athlete eager to run the race. The sun rises at one end of the heavens and follows its course to the other end. Nothing can hide from its heat.

Your instructions are perfect, reviving the soul. Your decrees are trustworthy, making wise the simple. Your commandments are right, bringing joy to the heart. Your commands are clear, giving insight for the living. Reverence for you is pure, lasting forever. Your laws are true; each one is fair. They are more desirable than gold, even the finest gold. They are sweeter than honey, even honey dripping from the comb. They are a warning to your servant, a great reward for those who obey them.

O Lord, how can I know all the sins lurking in my heart? Cleanse me from these hidden faults. Keep your servant from deliberate sins! Don’t let them control me. Then I will be free from guilt and innocent of great sin.

May the words of my mouth and the meditation of my heart be pleasing to you, O Lord, my rock and my redeemer.” Amen.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

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

### Motions and Communications

Senators Clarke, Allen, Brater, Gilbert, Bishop, Garcia, Stamas, Barcia, Hunter and McManus entered the Senate Chamber.

### 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.

11:01 a.m.

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

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolution be postponed for today:

#### **Senate Resolution No. 172**

The motion prevailed.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, August 13, for her approval the following bill:

#### **Enrolled Senate Bill No. 215 at 1:57 p.m.**

The Secretary announced that the following official bills were printed on Thursday, August 12, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1444</b>	<b>1445</b>	<b>1446</b>	<b>1447</b>	<b>1448</b>	<b>1449</b>	<b>1450</b>	<b>1451</b>	<b>1452</b>
<b>House Bill Nos.</b>	<b>6364</b>	<b>6365</b>	<b>6366</b>	<b>6367</b>	<b>6368</b>	<b>6369</b>	<b>6370</b>	<b>6371</b>	

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 Assistant President pro tempore, Senator Sanborn, designated Senator Richardville as Chairperson.

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

**House Bill No. 5221, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 205 (MCL 324.20501 to 324.20519).

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

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

The following bill was announced:

**Senate Bill No. 437, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20126 and 20126a (MCL 324.20126 and 324.20126a), section 20126 as amended by 1999 PA 196 and section 20126a as added by 1995 PA 71, and by adding section 20114e.

(This bill was read a third time on July 28, amendment adopted and consideration postponed. See Senate Journal No. 66, p. 1228.)

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. 381**

**Yeas—30**

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

**Nays—8**

Anderson	Clark-Coleman	Olshove	Switalski
Brater	Jacobs	Scott	Whitmer

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

### Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 437 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

Mr. President, I would just like to indicate that this is not the most deleterious bill in this package. It just happens to be coming up first, so I just want to note that this is not a package of bills—if I could speak to the package as a whole, Mr. President.

This is not a package of bills that I intend to support. I believe that taking out Part 201 to make some cosmetic tweaks to it in the name of reform is highly unfortunate. Part 201, just to remind the body, is a section of law which repealed through its adoption Act 307, which was our polluter pay law that we had here in the state of Michigan. Polluter pay, Act 307, was one of the strongest laws in the nation to protect the air and waters of the state of Michigan. Since we are the Great Lakes State, the only state completely surrounded by the waters of the Great Lakes, the state of Michigan is in a very special position and needs to take special care of the waters entrusted to us for future generations.

Just to remind you, what Part 201 did was to increase the risk standard that we tolerated for cancer and other health risks from 1 in 1 million to 1 in 100,000. So it was a tenfold increase in risk that we tolerate now in the state of Michigan for people exposed to carcinogenic toxins in our environment. It also reduced the liability for polluters, so it’s extremely difficult in this state to enforce against those who are responsible and who own property that is contaminated. It took away the need to remediate groundwater in all cases, which I will get into in a future bill. I’ll have an amendment to address that.

In brief, this is a package of bills which in the name of reform really is doing nothing to address the underlying problem that we have a very weak set of environmental laws in effect now in the state of Michigan. Whereas, before 1995, we had some of the strongest laws in the nation.

So I would just like to indicate that I won’t be supporting this bill or the other bills in the package.

The following bill was read a third time:

#### **Senate Bill No. 1345, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 20114a, 20120a, 20120b, 20120c, and 20120d (MCL 324.20114a, 324.20120a, 324.20120b, 324.20120c, and 324.20120d), section 20114a as amended by 1996 PA 115, sections 20120a, 20120b, and 20120c as added by 1995 PA 71, and section 20120d as amended by 1996 PA 383, and by adding sections 20114b, 20114c, 20114d, 20120, and 20120e; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Brater offered the following amendments:

1. Amend page 2, line 13, after “**APPROVAL**” by inserting “**OR A PERMIT IS NEEDED IF THE RESPONSE ACTIVITY RESULTS IN A DISCHARGE INTO THE WATERS OF THE STATE ABOVE WATER QUALITY STANDARDS**”.

2. Amend page 20, line 26, after “required.” by inserting “**DEPARTMENT APPROVAL OR A PERMIT IS NEEDED IF THE RESPONSE ACTIVITY RESULTS IN A DISCHARGE INTO THE WATERS OF THE STATE ABOVE WATER QUALITY STANDARDS**.”

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

#### **Roll Call No. 382**

#### **Yeas—16**

Anderson  
Barcia  
Basham  
Brater

Cherry  
Clark-Coleman  
Clarke  
Gleason

Hunter  
Jacobs  
Olshove  
Prusi

Scott  
Switalski  
Thomas  
Whitmer

**Nays—22**

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

**Excused—0****Not Voting—0**

In The Chair: Sanborn

Senator Brater offered the following amendment:

1. Amend page 16, line 5, after “per” by striking out “100,000” and inserting “**1,000,000**”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 383****Yeas—16**

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Thomas
Brater	Gleason	Prusi	Whitmer

**Nays—22**

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

**Excused—0****Not Voting—0**

In The Chair: Sanborn

Senator Brater offered the following amendments:

1. Amend page 20, line 24, after “A” by inserting “**RESPONSE ACTIVITY PLAN PROVIDING FOR A**”.

2. Amend page 20, line 24, after “groundwater” by striking out “**COMPLIES WITH THIS PART,**” and inserting “is approved by the department.”.

3. Amend page 34, line 8, by striking out all of section **20120E**.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 384**

**Yeas—16**

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Thomas
Brater	Gleason	Prusi	Whitmer

**Nays—22**

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

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

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. 385**

**Yeas—29**

Allen	Clarke	Hunter	Patterson
Barcia	Cropsey	Jansen	Prusi
Basham	Garcia	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Gleason	Nofs	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry			

**Nays—9**

Anderson	Jacobs	Olshove	Switalski
Brater	Kuipers	Scott	Whitmer
Clark-Coleman			

**Excused—0****Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1345 and moved that the statements she made during the discussion of the amendments be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s first statement is as follows:

This amendment addresses the need to obtain a water discharge permit. The current statute allows a party that is a polluter to conduct a cleanup with no oversight from the state. This amendment would require the polluter to get a permit from the state if contamination from the site or contaminated groundwater was discharging into the surface waters of the state above drinking water standards.

This amendment is designed to protect recreational water users and downriver communities from potential pollution.

Senator Brater’s second statement is as follows:

I made reference to this issue and the issue that this amendment addresses in the discussion of the previous bill. This is the amendment that would restore our tolerance of cancer risk from the current 1 in 1 million to decrease the cancer risk to 1 in 100,000. That is, when Part 201 was adopted in 1995, we increased by tenfold the risk of cancer that we consider acceptable for our citizens in the state of Michigan.

This amendment is an opportunity to express to our constituents our concern about their health and welfare as we are directed by the Michigan Constitution to do. It is very serious. It is time that we became serious again about protecting the health of our families and raise the bar for cleanup standards to the point where it is more protective.

This amendment returns us to a safer definition of a cleanup. I hope you will join me in voting to protect our citizens in preventing cancer from exposure to toxic waste.

Senator Brater’s third statement is as follows:

I would like to call your attention to this important amendment, which would appeal a provision that was adopted in Part 201 in 1995 that puts our state officially on record as saying that the solution to pollution is dilution. What this amendment would do is put our environmental law back to a point where we actually required remediation and cleanup of toxic waste that was in our groundwater.

What the current standard does is create a mixing zone, a so-called mixing zone, which allows contaminated groundwater to flow untreated through the aquifers and be discharged into surface waters with a theory that once it hits the surface waters, such as a water or stream, it would be diluted and no longer need to be dealt with.

Well, this is just closing our eyes and ignoring the fact that many of these pollutants are persistent and bioaccumulative chemicals that accumulate in the fish and other wildlife of our rivers and streams, and then make the fish and other aquatics unfit for human consumption. So also as a provision of this mixing zone legislation, it is required for communities to take people off of wells who are using groundwater for drinking water. So we are taking away the opportunity for many citizens in the state to use the aquifers, many aquifers in the rich groundwater of the state of Michigan for drinking water, which has always been our right and our privilege and something that we have enjoyed here in the state of Michigan.

Right in my district, we have been battling for decades the spread of one form of Oxaine in the aquifers discharged from what was then the Gelman Sciences Society. It is now Paul Sciences that has acquired the company, and they are now owner of the pollution. But right now, as we speak, this one form of dioxide is spreading in plumes under the homes and in my district making its way to the Huron River untreated. We really don’t know when it gets beyond the river what is going to happen to the dioxide because we don’t really have a good idea of the hydrogeology of the area.

It is possible that the aquifer that the pollution is in could just go right under the river and reach the township on the north side of the river, or it could just end up in the river. I only give you the details of this because many of you may have situations in your districts where your citizens are being exposed to the very same problem that you may be faced

with—citizens who can no longer use the drinking water from their wells. This has been a very tragic situation of which I would not wish on any of you.

So I am asking you to think carefully today about this. Here is an opportunity to vote to restore to the state of Michigan a higher environmental standard, one of which we can be proud of, one of which is truly protective of the waters of the Great Lakes and all the rivers and streams of the great state of Michigan. So I ask for your support.

The following bill was read a third time:

**Senate Bill No. 1346, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 20101, 20104, and 20104a (MCL 324.20101, 324.20104, and 324.20104a), section 20101 as amended and section 20104a as added by 1996 PA 383 and section 20104 as amended by 1995 PA 71.

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. 386**

**Yeas—30**

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

**Nays—8**

Anderson	Clark-Coleman	Olshove	Switalski
Brater	Jacobs	Scott	Whitmer

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1347, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 20112a, 20113, and 20114 (MCL 324.20112a, 324.20113, and 324.20114), section 20112a as added and section 20114 as amended by 1995 PA 71 and section 20113 as amended by 1996 PA 383.

The question being on the passage of the bill,

Senator Brater offered the following amendments:

1. Amend page 6, line 14, after “has” by striking out “knowledge” and inserting “**REASON TO BELIEVE**”.
2. Amend page 6, line 20, after “(i)” by striking out the balance of the line through “release” on line 21 and inserting “**REPORT THE STATUS OF THE PROPERTY AS A FACILITY**”.
3. Amend page 6, line 23, by striking out “release” and inserting “**STATUS OF THE PROPERTY**”.

The amendments were not adopted, a majority of the members serving not voting therefor.



Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 387****Yeas—16**

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Thomas
Brater	Gleason	Prusi	Whitmer

**Nays—22**

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

**Excused—0****Not Voting—0**

In The Chair: Sanborn

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. 388****Yeas—30**

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

**Nays—8**

Anderson	Clark-Coleman	Olshove	Switalski
Brater	Jacobs	Scott	Whitmer

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1347 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

This is my final amendment in this package, and I appreciate your patience and your attention. This amendment addresses the need to disclose the existence of a contaminated site. Current law does not require disclosure unless the owner has specific knowledge of a specific release of a reportable quantity under federal law. The threshold of some hazardous chemicals is as much as 5,000 pounds before a party would have to tell the state about the release. A series of small releases every day over a year would not trigger this requirement.

So even though an owner knows that he or she is the owner of a contaminated site, they tell no one. They could put a fence up around the site, forget about it, and then won’t try to sell or redevelop the property because that would trigger site assessment and potential enforcement by the department.

They do under the law still have a duty to be diligently pursuing a cleanup and notify a neighbor if the contamination migrates through groundwater or through dust blowing onto an adjacent property. But enforcement is next to nonexistent because we have deprived the department of its funds systematically over the years. So it is now a department that does not even have the money to pursue existing threats to the public health.

These sites pose a real risk to Michigan residents because neighbors are not placed on notice that they should be monitoring their drinking water and protecting the health of themselves and their children. The reasons that we know there are 7,000 sites of leaking underground storage tanks is because they are required—the owners of those sites are required—to tell the state when they have reason to know their property is a facility or a polluted site. This is different in Part 213 than it is in Part 201 of the legislation in front of us.

The current standard has nothing to do with protecting public health and everything to do with protecting people who are failing to take responsibility for their actions. As currently written, this is a polluter protection law, not a polluter pay law. I ask for your support of this amendment.

The following bill was read a third time:

**Senate Bill No. 1348, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 20129, 20137, and 20139 (MCL 324.20129, 324.20137, and 324.20139), as amended by 1995 PA 71.

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. 389****Yeas—30**

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

**Nays—8**Anderson  
BraterClark-Coleman  
JacobsOlshove  
ScottSwitalski  
Whitmer**Excused—0****Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1348 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

This is a continuation of the package of bills which amends Part 201, which, in my opinion, is a deleterious piece of Michigan law which should be restored to its original condition of Act 307, which it was before 1995 and which was noted as the polluter pay law.

I would just like to read into the record as my “no” vote explanation some remarks that were made on March 27, 1995, by then-Attorney General Frank J. Kelley at a press conference here in Lansing when he was trying to call our attention to the problems inherent in this statute. This is a bill that has been put together “to destroy the effectiveness of the polluter pay act of Michigan, which is Public Act 307 of 1982.” Then went on to say that these—what this legislation did was “transfer financial responsibility from those who use, generate or dispose of hazardous material to the general public of Michigan, which means the polluters will walk away from any responsibility for their acts of pollution. This is a mockery.

Second, these proposed amendments, known as House Bill No. 4596”—which was then and became Part 201, which we are now amending—“attempt to take away the authority of the Attorney General to go after polluters of the natural resources of our state. The goal is to take away from the Attorney General the authority to make the polluters pay. This is preposterous. It is also a violation of the letter and the spirit of the Michigan Constitution.”

Senators Clark-Coleman and Switalski asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

It is also my pleasure to recognize Lauren Jade Jasinski, who has been interning in my office. It is certainly with sad feelings that I say goodbye to her.

She is from Plymouth, Michigan, and she graduated summa cum laude from Canton High School in 1996. She is studying education and is at Michigan State University, James Madison College, in which she is studying social relations and policy. In addition to this degree, she is also a student in the College of Education. She is working towards her certification in secondary social studies education. This will allow her to teach middle school and high school history, government, economics, or political science. But she is most interested in teaching in an urban setting.

I truly admire this young lady. You’ve got to be dedicated, and I think that with Lauren we had that dedication. So she’s been very active over at Michigan State University, and she’s been so helpful in my office. She worked on a project to promote matriculation and graduation in Detroit Public Schools. She also solicited donated backpacks for Title I students within the Detroit Public Schools, and she also helped a group of churches and nonprofit groups recoup money from the utility billing dispute.

She's just been so helpful in my office. We are going to miss her so much, but we are going to wish her well because we know that the education community deserve and will certainly welcome this dedicated young lady into the next phase of her life.

So I would like my colleagues to join me in congratulating her and saying adieu to this lady.

Senator Switalski's statement is as follows:

It's a hail and farewell. Rachel Fletcher has been interning for me this past semester and has done a great job. She is a Master of Social Work student at Michigan State, and today is her last day.

She has worked on a bunch of Medicare/Medicaid issues and nursing home things for me and done really well. She's done so well that she got hired today by Lutheran Social Services, and she going to be leaving me for gainful employment.

I would hope that the Senate would thank her for her services, and wish her good luck in the future.

The following bill was read a third time:

**Senate Bill No. 1349, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20107a and 20108b (MCL 324.20107a and 324.20108b), section 20107a as amended and section 20108b as added by 1996 PA 383.

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. 390**

**Yeas—30**

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

**Nays—8**

Anderson	Clark-Coleman	Olshove	Switalski
Brater	Jacobs	Scott	Whitmer

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**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. 41**  
**Senate Resolution No. 168**  
**Senate Resolution No. 169**  
**Senate Concurrent Resolution No. 48**  
The motion prevailed.

Senators Garcia and Pappageorge offered the following concurrent resolution:

**Senate Concurrent Resolution No. 52.**

A concurrent resolution relative to secondary road patrol funds for counties, cities, and villages.

Whereas, Section 76 of Chapter 14 of the Revised Statutes of 1846, being MCL § 51.76, as added by 1978 PA 416, permits secondary road patrol services to be provided by county sheriff departments to cities and villages. This section also provides that a secondary road patrol agreement is void if the city or village reduces the number of sworn law enforcement officers below the highest number employed at any time within the immediately preceding 36 months, unless the Michigan Legislature, by concurrent resolution, recognizes that the reduction was due to cuts in general services due to economic conditions. Section 77 of Chapter 14, being MCL § 51.77, also provides a similar maintenance of effort standard for counties providing these secondary road patrol services, unless it is recognized that the reduction was merely due to cuts in general services due to economic conditions; and

Whereas, Indeed, subsection (3) of MCL § 51.76 specifically provides, in part, that: "A concurrent resolution adopted by a majority vote of the Senate and the House of Representatives which states that the city or village is required to reduce general services because of economic conditions and is not reducing law enforcement services shall be presumptive that the city or village has not violated the strictures of this subsection"; and

Whereas, In all of Michigan's counties, cities, and villages, general services have been reduced as a result of serious economic difficulties. These reductions in services have occurred in direct reaction to economic conditions; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That counties, cities, and villages in Michigan have been required to reduce general services because of economic conditions and are not reducing law enforcement services as stipulated in section 76 or 77 of Chapter 14 of the Revised Statutes of 1846, as added by 1978 PA 416; and be it further

Resolved, That counties, cities, and villages have met the necessary terms of their agreements for secondary road patrol services as they relate to maintenance of effort.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senator Scott was named co-sponsor of the concurrent resolution.

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

Senator Van Woerkom introduced

**Senate Bill No. 1453, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52504 (MCL 324.52504), as amended by 2006 PA 500.

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

Senator Prusi introduced

**Senate Bill No. 1454, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803i (MCL 257.803i), as amended by 1998 PA 68.

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

Senator Hunter introduced

**Senate Bill No. 1455, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102, 103, 206, 211, 302, 304, 308, 401, 403, 404, 406, 501, 502, 503, 505, 506, 507, 510, 514, 515, 604, 702, 801, 804, and 805 (MCL 450.4102, 450.4103, 450.4206, 450.4211, 450.4302, 450.4304, 450.4308, 450.4401, 450.4403, 450.4404, 450.4406, 450.4501, 450.4502, 450.4503, 450.4505, 450.4506, 450.4507, 450.4510, 450.4514, 450.4515, 450.4604, 450.4702, 450.4801, 450.4804, and 450.4805), section 102 as amended by 2008 PA 566, sections 103, 304, 403, 406, 501, 502, 503, 506, 515, 801, and 804 as amended by 2002 PA 686, section 206 as amended by 2008 PA 567, and sections 302, 308, 401, 404, and 702 as amended by 1997 PA 52, and by adding sections 216, 409, 708, and 709; 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 Commerce and Tourism.

Senators Stamas, Kahn and Barcia introduced

**Senate Bill No. 1456, entitled**

A bill to provide for the preservation of certain economic development rates or contracts; to provide for the adoption of certain rate-making policies for certain electric utilities; and to prescribe the powers and duties of certain state agencies and officials.

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

Senator Basham introduced

**Senate Bill No. 1457, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 29 (MCL 125.1679), as amended by 2004 PA 66.

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

Senators Whitmer, Switalski, Cherry, Basham, Olshove, Anderson, Jacobs, Brater, Clark-Coleman, Thomas and Scott introduced

**Senate Bill No. 1458, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

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

Senators Hunter, Switalski, Basham, Olshove, Cherry, Whitmer, Brater, Jacobs, Anderson, Clark-Coleman, Thomas and Scott introduced

**Senate Bill No. 1459, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411w.

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

Senators Anderson, Cherry, Switalski, Basham, Whitmer, Brater, Jacobs, Clark-Coleman, Thomas and Scott introduced

**Senate Bill No. 1460, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 4b to chapter IX.

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

Senators Anderson, Cherry, Switalski, Basham, Whitmer, Jacobs, Brater, Clark-Coleman, Thomas and Scott introduced

**Senate Bill No. 1461, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2008 PA 565.

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

Senators Whitmer, Switalski, Cherry, Olshove, Basham, Anderson, Jacobs, Brater, Clark-Coleman, Thomas and Scott introduced

**Senate Bill No. 1462, entitled**

A bill to provide for the reporting of cyberbullying incidents; and to provide for certain powers and duties of law enforcement officers and school officials regarding those incidents.

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

Senators Hunter, Switalski, Basham, Olshove, Cherry, Anderson, Whitmer, Jacobs, Brater, Clark-Coleman, Thomas and Scott introduced

**Senate Bill No. 1463, entitled**

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," (MCL 28.1 to 28.16) by adding section 17.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Cropsey moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

**Domestic Violence Prevention and Treatment Board**

Ms. Shirley Mann Gray of 5399 West Bloomfield Lake Road, West Bloomfield, Michigan 48323, county of Oakland, is reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term commencing October 1, 2010 and expiring September 30, 2013.

The Honorable Nathaniel C. Perry, III, of 3102 Circle Drive, Flint, Michigan 48507, county of Genesee, is reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term commencing October 1, 2010 and expiring September 30, 2013.

Ms. Kym L. Worthy of 1441 St. Antoine Street, Detroit, Michigan 48226, county of Wayne, is reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term commencing October 1, 2010 and expiring September 30, 2013.

**Michigan Commission on Law Enforcement Standards**

Mr. Ronald J. Bretz of 3521 Delta River Drive, Lansing, Michigan 48906, county of Ingham, is reappointed to represent individuals submitted by the Criminal Defense Attorneys of Michigan, for a term commencing November 2, 2010 and expiring November 1, 2014.

Mr. James D. Bosscher of 8252 West Falmouth Road, McBain, Michigan 49657, county of Missaukee, is reappointed to represent elected Sheriffs submitted by the Michigan Sheriffs' Association, for a term commencing November 2, 2010 and expiring November 1, 2014.

Mr. David L. Morse of 1752 Town Commons Drive, Howell, Michigan 48855, county of Livingston, is reappointed to represent individuals submitted by the Prosecuting Attorneys Association of Michigan, for a term commencing November 2, 2010 and expiring November 1, 2014.

Ms. Doreen E. Olko of 3874 HiDale Drive, Lake Orion, Michigan 48360, county of Oakland, is reappointed to represent individuals submitted by the Michigan Association of Chiefs of Police, for a term commencing November 2, 2010 and expiring November 1, 2014.

Mr. Richard R. Weiler of 2521 Foxhill Drive, Sterling Heights, Michigan 48310, county of Macomb, is reappointed to represent individuals nominated by the Police Officers Labor Council of Michigan, for a term commencing November 2, 2010 and expiring November 1, 2014.

**Natural Resources Commission**

Mr. John M. Madigan, a Republican, of 831 West Munising Avenue, Munising, Michigan 49862, county of Alger, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2014.

Mr. James R. Richardson, a Republican, of 36658 McGuire Road, Ontonagon, Michigan 49953, county of Ontonagon, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2014.

**Firefighters Training Council**

Mr. Randal J. Agruda of 3879 Pleasant Ridge Drive, Williamsburg, Michigan 49690, county of Grand Traverse, is reappointed from a list submitted by the Michigan Townships Association and the Michigan Municipal League, for a term commencing January 1, 2011 and expiring December 31, 2014.

Mr. Timothy A. James of 458 South Main Street, Vermontville, Michigan 49096, county of Eaton, is reappointed from a list submitted by the Michigan Association of Fire Chiefs, for a term commencing January 1, 2011 and expiring December 31, 2014.

Mr. Clifford A. Messing of 8826 East Huron Line Road, Ruth, Michigan 48470, county of Sanilac, is reappointed from a list submitted by the Michigan State Firemen's Association, for a term commencing January 1, 2011 and expiring December 31, 2014.

**Michigan State Waterways Commission**

Mr. Brian T. Arp of 30255 White Street, Gibraltar, Michigan 48173, county of Wayne, succeeding Michael Bryanton, whose term will expire, is appointed for a term commencing September 19, 2010 and expiring September 18, 2013.

Mr. Glen Dennis Bailey of 30024 East Maxton, Drummond Island, Michigan 49726, county of Chippewa, is reappointed to represent persons residing north of townline 16 in the Upper Peninsula and individuals who own or operate a harbor or marina, for a term commencing September 19, 2010 and expiring September 18, 2013.

Mr. Michael J. Bryanton of 523 Bainbridge Drive, #42, East Lansing, Michigan 48823, county of Ingham, succeeding Carol Oakley, whose term has expired, is appointed for a term commencing July 1, 2010 and expiring September 18, 2012.

**Michigan Natural Resources Trust Fund Board**

Ms. Lisa K. Wozniak of 1018 North Congress Street, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Dennis Muchmore, whose term will expire, is appointed for a term commencing October 2, 2010 and expiring October 1, 2014.

**Northern Michigan University Board of Control**

Mr. Larry C. Inman of 8971 Crockett, Williamsburg, Michigan 49690, county of Grand Traverse, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Mr. Douglas B. Roberts, Ph.D., of 1853 Northgate Drive, East Lansing, Michigan 48823, county of Ingham, is reappointed for a term commencing January 1, 2011 and expiring December 31, 2018.

**Grand Valley State University Board of Control**

Mr. Douglas W. Crim of 16711 Peacock Lane, Haslett, Michigan 48840, county of Clinton, succeeding Lucille Taylor, whose term will expire, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Ms. Mary L. Kramer of 8162 East Jefferson Avenue, Unit 1A, Detroit, Michigan 48214, county of Wayne, succeeding Dorothy Johnson, whose term will expire, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

**Messages from the Governor**

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

**Senate Bill No. 1163**

The motion prevailed.

The following messages from the Governor were received and read:

August 13, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Sections 302 and 1102 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.1102:

**Board of Barber Examiners**

Mr. Robert D. Morey of 8398 Peninsular Drive, Fenton, Michigan 48430, county of Genesee, succeeding Walter J. Lupu, whose term will expire, is appointed to represent barbers, for a term commencing October 1, 2010 and expires September 30, 2014.



Mr. Paul A. Data of 354 East Lyons Street, Schoolcraft, Michigan 49087, county of Kalamazoo, is reappointed to represent barbers, for a term commencing October 1, 2010 and expiring September 30, 2014.

Ms. Sherry L. Freeman of 435 South Stoll Road, Lansing, Michigan 48917, county of Eaton, is reappointed to represent barbers, for a term commencing October 1, 2010 and expiring September 30, 2014.

August 13, 2010

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following reappointment to office under Section 3 of the Carnival-Amusement Safety Act of 1966, 1966 PA 225, MCL 408.653:

**Carnival-Amusement Safety Board**

Mr. Kurt G. Kipling of 654 Teal Lake Road, Ishpeming, Michigan 49849, county of Marquette, is reappointed to represent the general public, for a term expiring July 10, 2014.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

**Domestic Violence Prevention and Treatment Board**

Ms. Shirley Mann Gray of 5399 West Bloomfield Lake Road, West Bloomfield, Michigan 48323, county of Oakland, is reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term commencing October 1, 2010 and expiring September 30, 2013.

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Ms. Mary L. Kramer of 8162 East Jefferson Avenue, Unit 1A, Detroit, Michigan 48214, county of Wayne, succeeding Dorothy Johnson, whose term will expire, is appointed for a term commencing January 1, 2011 and expiring December 31, 2018.

Senator Cropsey moved that the appointments be considered en bloc.

The motion prevailed.

Senator Cropsey moved that the Senate disapprove the appointments,

The question being on the disapproval of the said appointments to office,

The Senate disapproved the appointments, a majority members serving voting therefor, as follows:

**Roll Call No. 391****Yeas—21**

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

**Nays—17**

Anderson	Clark-Coleman	Jacobs	Scott
Barcia	Clarke	Olshove	Switalski
Basham	Gleason	Patterson	Thomas
Brater	Hunter	Prusi	Whitmer
Cherry			

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Scott, Birkholz and Cassis 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:

In a recent *Detroit Free Press* editorial, the writer said, "It's time for the insurance industry, consumer advocates, and legislators to come up with a plan to make premiums affordable and fair." I couldn't agree more, and I have been saying this very same thing, literally, for years now. The *Free Press* was responding to the Michigan Supreme Court's ruling upholding the use of credit scores to determine auto insurance rates.

The *Free Press* writer said that banning credit scoring alone would not have fixed the urban crisis. It's true that credit scoring isn't the only problem with urban or statewide rates, but I believe that banning credit scoring would have given us a good start on the other auto insurance problems that plague drivers. Fixing this problem would have been a good way to start the dialogue between the industry, advocates, and legislators that the *Free Press* calls for.

I believe that the Supreme Court ruled incorrectly on this. Although we lost this battle, I will not give up my efforts to reform auto insurance for all of our constituents. In tough economic times, people do not need to be paying more than they should for any product or service. Too many people are charged far too much to insure their cars. As elected officials, it is our duty to right this wrong.

Once again, I ask you to please join me in my efforts to fix these problems. We need to look at the bills we have in committee, and do what we need to do to give all Michigan drivers fair and affordable auto insurance.

Senator Birkholz's statement is as follows:

This package of bills deals with what we commonly call orphaned contaminated sites. These are sites where there is a huge problem with contamination and no known owners. The people who owned them are either dead, bankrupt, or, in many cases, both.

These bills were some of the toughest bills that I have worked on since I've been in the Legislature. I want to acknowledge my colleague from the 37th District, Senator Allen, for introducing the cornerstone of this package and helping shepherd it through the early work in this huge area of needed reform for the state. I also want to thank the stakeholders who have been there hour after hour after hour for many months trying to come up with a package of bills which would deal with the issues involved in reforming our state's cleanup law and helping direct our state's future into the next generation.

These bills will help us move forward and help our citizens to truly move forward with cleaning up our state, at the same time, harnessing the tremendous economic powers which redevelopment can provide in helping to jumpstart our state's economy. They will make these processes much more streamlined. It will be consistent with federal practices, and it will provide new avenues of appeals for persons who are not satisfied with the DNRE decisions. They will also help local units of government and cleanup companies in pursuing cleanups throughout the state.

We've added key concepts which will lead to more self-implemented cleanups, more efficient use of precious department resources, and new methods of revitalizing our brownfields. Many of them are located in urban areas. As the economy begins to grow, our communities would like to put these properties back to good work, and yet, we can protect our natural resources more than we have been able to do to date.

I want to thank all of the members of this body who supported us in this package and the stakeholders.

Senator Cassis' statement is as follows:

I rise for the purpose of providing my voting intentions for the August 11, 2010, session. I was absent, excused on that day to be with my 99-year-old father, George Hayden Cunningham, in New York.

On Roll Call No. 376, Senate Bill No. 215, which revised the name and duties of the Commission on Spanish-Speaking Affairs, I would have voted "yes." On Roll Call No. 377, Senate Bill No. 749, which would create a Gold Star Family license plate, I would have voted "yes." On Roll Call No. 378, Senate Bill No. 1093, creating a United States Army Airborne specialty license plate, I would have voted "yes." On Roll Call No. 379, Senate Bill No. 1014, allowing Native American language and cultural classes to be taught by a noncertified teacher under certain circumstances, I would have voted "yes." On Roll Call No. 380, Senate Concurrent Resolution No. 46, approving the conveyance of property and lease for a previously approved construction project at West Shore Community College, I would have voted "yes."

**Scheduled Meetings****Appropriations -**

**Community Health Department and Health Policy** - Tuesday, August 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Banking and Financial Institutions** - Wednesday, August 18, 9:00 a.m., Room 210, Farnum Building (373-3543)

**Finance** - Thursdays, August 19 and August 26, 11:00 a.m., Room 110, Farnum Building (373-1758)

**Health Policy and Community Health Department Appropriations Subcommittee** - Tuesday, August 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Natural Resources and Environmental Affairs** - Wednesday, August 18, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 12:05 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, August 18, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate