

No. 54
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, June 18, 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—excused
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

Reverend A. Richard Doss of Mask Memorial Christian Methodist Episcopal Church of Lansing offered the following invocation:

Eternal God, we gather this morning to give You thanks—thanks for Your grace and for Your mercy. We petition You, O Lord, because as we gather, we gather in the midst of some very difficult times in our state with Michiganders finding hard times and rough choices that they must make. Lord, we ask Your blessings and guidance as we see our way through this period of time and work our way in looking forward to better times.

Lord, we thank You for the men and the women in these chambers as they debate, as they view, as they see their way toward things that will help us make it to better times. There are hard choices that have to be made. But, yet, Lord, there are some things that we have to continue to look forward to and those things we have to prioritize as we look forward to our state turning around and once again rising to its bright potential.

We thank You, Lord, for the gift of freedom today as we celebrate Juneteenth, as we remember that freedom isn't free. We thank You, Lord, for the men and women who represent our state in uniform, especially those who are in harm's way. We ask Your blessings on them and on their families.

And now, Lord, guide and direct us in these times in the name of Jesus. Amen.

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

Motions and Communications

Senator George entered the Senate Chamber.

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

Senator Cropsey moved that Senator Garcia be excused from today's session.
The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

12:02 p.m.

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

During the recess, Senators Cherry and Hunter entered the Senate Chamber.

The following communication was received and read:
Office of the Auditor General

June 15, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Michigan Economic Development Corporation (MEDC), a discretely presented component unit of the State of Michigan, for the period October 1, 2006 through September 30, 2008.

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

The audit report was referred to the Committee on Government Operations and Reform.

The following communication was received and read:
Office of the Senate Majority Leader

June 17, 2009

Pursuant to PA 549 of 2008, I am making the following appointment to the School District of the City of Pontiac Promise Zone Authority Board:

Mr. Gary D. Russi, 300 S. Adams, Rochester, Michigan 48309.

If you have any questions, please feel free to contact Bill Sullivan in my office at 517-373-2417.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 17:
House Bill Nos. 4161 4828

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

House Bill Nos.	5090	5091	5092	5093	5094	5095	5096	5097	5098	5099	5100	5101	5102	5103
	5104	5105	5106	5107	5108	5109	5110							
House Joint Resolutions		W		X										

Messages from the House

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

Senate Bill No. 349

The motion prevailed.

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

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.

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. 483

Senate Bill No. 204

Senate Bill No. 219

Senate Bill No. 436

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 483, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43523, 43528, and 43531 (MCL 324.43523, 324.43528, and 324.43531), as amended by 2008 PA 347.

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. 265

Yeas—35

Allen
Anderson

Cherry
Clark-Coleman

Jacobs
Jansen

Prusi
Richardville

Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kahn	Stamas
Birkholz	George	Kuipers	Switalski
Bishop	Gilbert	McManus	Thomas
Brater	Gleason	Olshove	Van Woerkom
Brown	Hardiman	Pappageorge	Whitmer
Cassis	Hunter	Patterson	

Nays—0

Excused—1

Garcia

Not Voting—1

Scott

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senator Thomas moved that Senator Scott be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Scott entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 204, entitled

A bill to amend 1985 PA 148, entitled "Self-service storage facility act," by amending sections 2, 3, 4, and 5 (MCL 570.522, 570.523, 570.524, and 570.525), as amended by 2000 PA 443.

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. 266

Yeas—36

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 219, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

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. 267**Yeas—36**

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

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was announced:

Senate Bill No. 436, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1307 and 1311 (MCL 324.1307 and 324.1311), as added by 2004 PA 325, and by adding section 1313.

(This bill was read a third time on June 17, amendment adopted and consideration postponed. See Senate Journal No. 53, p. 968.)

The question being on the passage of the bill,

Senator Cropsey moved to reconsider the vote by which the amendment offered by Senator Brater was adopted.

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

Senator Thomas requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 268**Yeas—20**

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

Nays—16

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The question being on the adoption of the amendment,

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. 269**Yeas—18**

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

Nays—17

Allen	George	Jelinek	Patterson
Birkholz	Gilbert	Kahn	Sanborn

Bishop
Brown
Cassis

Hardiman
Jansen

Kuipers
McManus

Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—1

Cropsey

In The Chair: Richardville

The question being on the passage of the bill,
Senator Cropsey moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

Protest

Senator Kahn, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Brater to Senate Bill No. 436.

Senator Kahn's statement is as follows:

I voted "no" on this amendment, although I have to say the issue of Canadian trash is important in my district and, most certainly, would like to see it eliminated. The reason I voted "no" is that the amendment was technically flawed. I refer specifically to its being initiated with this statement: "Subject to subsection (3)," and then subsequently within the amendment, subsection (3) is deleted. So the amendment needs to be redone and recast.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41

The motion prevailed.

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

Senate Resolution No. 64

The resolution consent calendar was adopted.

Senator Basham offered the following resolution:

Senate Resolution No. 64.

A resolution commemorating the 70th Anniversary of the United States Coast Guard Auxiliary.

Whereas, The United States Coast Guard Auxiliary has served as the unpaid volunteer uniformed civilian component of the United States Coast Guard since its creation by Congress on June 23, 1939, and more recently, as the lead volunteer force in the Department of Homeland Security; and

Whereas, Each year, the 30,000 volunteer men and women of the Auxiliary nationwide save almost 500 lives, assist some 15,000 boaters in distress, conduct more than 150,000 courtesy safety examinations of recreational vessels, and teach over 500,000 students in boating and water safety courses; and

Whereas, The Auxiliary, with its traditional boating safety mission, can be found on Michigan waterways, in the air, in classrooms, and on the dock assisting the U.S. Coast Guard by providing the boating public with the hundreds of hours

each year in boating safety education courses and vessel safety checks, which directly contribute to the prevention of countless search and rescue cases and ultimately save lives; and

Whereas, There has been an increased need for the Auxiliary to “fill the gaps” in terms of safety and security patrols in and around large ports and critical infrastructure following the events of September 11, 2001, and as the U.S. Coast Guard continues to deploy assets overseas to assist with military operations in the Mideast; and

Whereas, Auxiliary members have been incorporated into the U.S. Coast Guard’s port, waterways, and security missions, including Maritime Domain Awareness and the American Waterway Watch programs, as well as providing administrative and logistics support at venues ranging from medical clinics to Coast Guard training center classrooms, to foreign interpreter services aboard deployed cutters; and

Whereas, Auxiliary members are teaching thousands of Michigan recreational boaters as well as public and private stakeholders who live, work, and play around Michigan’s waterfront how to properly identify and report suspicious maritime activity for the benefit of the nation’s safety and security; and

Whereas, Admiral Thad Allen, Commandant of the United States Coast Guard said, “The Coast Guard Auxiliary is an extremely valuable asset to the Coast Guard, the Department of Homeland Security and our Nation”; now, therefore, be it

Resolved by the Senate, That we hereby commemorate June 23, 2009, as Coast Guard Auxiliary Day in recognition of the U.S. Coast Guard Auxiliary’s 70 years of dedicated service to our nation; and be it further

Resolved, That a copy of this resolution be transmitted to the Coast Guard Auxiliary’s National Commodore, the Commodore of the Ninth Central Region, the Director of Auxiliary - Ninth District, and the President of the National Association of Commodores as evidence of our support, admiration, and commendation of their efforts.

Senators Anderson, Barcia, Birkholz, Cassis, Cherry, Clark-Coleman, Clarke, Cropsey, Gleason, Jacobs, Jansen, Kuipers, Pappageorge, Prusi, Richardville and Scott were named co-sponsors of the resolution.

Senator Bishop offered the following resolution:

Senate Resolution No. 65.

A resolution to honor the memory of Carl D. Pursell, a former member of the Michigan Senate and the United States House of Representatives.

Whereas, With the passing of Carl D. Pursell, Michigan has lost a gentleman of strong commitment and service who compiled an exemplary record in public life and strengthened his community, state, and nation. This man of loyalty and unselfishness demonstrated the highest standards of leadership, and his contributions will long enrich Michigan and the lives of all who knew him; and

Whereas, A native of Imlay City, Carl Pursell earned his bachelor’s and master’s degrees from his beloved Eastern Michigan University; served his country in the United States Army; and worked as a teacher and businessman before turning his talents and focus to service through elective office. Following a term on the Wayne County Board of Commissioners from 1969 to 1970, he brought his experiences and strong personal sense of duty to Lansing and the Michigan Senate in 1971; and

Whereas, During his six years at the State Capitol, Mr. Pursell demonstrated a keen understanding of the issues facing this state, and his insights on the Senate Appropriations Committee earned him widespread respect. In 1976, he was elected to Congress for the first of his eight consecutive terms. With the House of Representatives, where he was most noted for his leadership as the ranking member of his party on the House Education Subcommittee and for his advocacy for the profession of nursing, Carl Pursell never lost his deep understanding of the challenges facing his constituents and the places they worked; and

Whereas, Another measure of the depth of his devotion to others was Carl Pursell’s continuing dedication to the rising generations through his service on the Eastern Michigan University Board of Regents from 1993 to 2000 and the generosity he and his wife Peggy extended through the several scholarships they endowed at the university; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor the memory of Carl D. Pursell, a member of this legislative body from 1971 to 1976 and a member of the United States House of Representatives from 1977 to 1992; and be it further

Resolved, That copies of this resolution be transmitted to the Pursell family as evidence of the esteem that will long be held for his memory.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted by a unanimous standing vote of the Senate.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

A moment of silence was observed in memory of former Senator Carl D. Pursell.

By unanimous consent the Senate returned to the order of
General Orders

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 248, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

Substitute (S-2).

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

1. Amend page 71, following line 22, by inserting:

“Sec. 695. The funds appropriated in part 1 for food assistance program benefits (ARRA) that are financed by federal funds designated as ARRA funding represent federal funds associated with the American recovery and reinvestment act of 2009, Public Law 111-5. These federal funds are temporary in nature.”.

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

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

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 248

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

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 436, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 1307 and 1311 (MCL 324.1307 and 324.1311), as added by 2004 PA 325, and by adding section 1313.

(This bill was read a third time earlier today, amendment not adopted and consideration postponed. See p. 987.)

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 8, following line 14, by inserting:

“Sec. 32701. (1) As used in this part:

(a) “Adverse resource impact” means any of the following:

(i) Until February 1, 2009, decreasing the flow of a river or stream by part of the index flow such that the river’s or stream’s ability to support characteristic fish populations is functionally impaired.

(ii) Beginning February 1, 2009, subject to subparagraph (vi), decreasing the flow of a cold river system by part of the index flow as follows:

(A) For a cold stream, the withdrawal will result in a 3% or more reduction in the density of thriving fish populations as determined by the thriving fish curve.

(B) For a cold small river, the withdrawal will result in a 1% or more reduction in the density of thriving fish populations as determined by the thriving fish curve.

(iii) Beginning February 1, 2009, subject to subparagraph (vi), decreasing the flow of a cold-transitional river system by part of the index flow such that the withdrawal will result in a 5% or more reduction in the density of thriving fish populations as determined by the thriving fish curve.

(iv) Beginning February 1, 2009, subject to subparagraph (vi), decreasing the flow of a cool river system by part of the index flow as follows:

(A) For a cool stream, the withdrawal will result in a 10% or more reduction in the abundance of characteristic fish populations as determined by the characteristic fish curve.

(B) For a cool small river, the withdrawal will result in a 15% or more reduction in the density of thriving fish populations as determined by the thriving fish curve.

(C) For a cool large river, the withdrawal will result in a 12% or more reduction in the density of thriving fish populations as determined by the thriving fish curve.

(v) Beginning February 1, 2009, subject to subparagraph (vi), decreasing the flow of a warm river system by part of the index flow as follows:

(A) For a warm stream, the withdrawal will result in a 5% or more reduction in the abundance of characteristic fish populations as determined by the characteristic fish curve.

(B) For a warm small river, the withdrawal will result in a 10% or more reduction in the abundance of characteristic fish populations as determined by the characteristic fish curve.

(C) For a warm large river, the withdrawal will result in a 10% or more reduction in the abundance of characteristic fish populations as determined by the characteristic fish curve.

(vi) Beginning February 1, 2009, decreasing the flow of a stream or river by more than 25% of its index flow.

(vii) Decreasing the level of a lake or pond with a surface area of 5 acres or more through a direct withdrawal from the lake or pond in a manner that would impair or destroy the lake or pond or the uses made of the lake or pond, including the ability of the lake or pond to support characteristic fish populations, or such that the ability of the lake or pond to support characteristic fish populations is functionally impaired. As used in this subparagraph, lake or pond does not include a retention pond or other artificially created surface water body.

(b) "Agricultural purpose" means the agricultural production of plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy animals and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product, as determined by the commission of agriculture, that incorporates the use of food, feed, fiber, or fur.

(c) "Assessment tool" means the water withdrawal assessment tool provided for in section 32706a.

(d) "Baseline capacity", subject to subsection (2), means any of the following, which shall be considered the existing withdrawal approval amount under section 4.12.2 of the compact:

(i) The following applicable withdrawal capacity as reported to the department or the department of agriculture, as appropriate, by the person making the withdrawal in the annual report submitted under section 32707 not later than April 1, 2009 or in the water use conservation plan submitted under section 32708 not later than April 1, 2009:

(A) Unless reported under a different provision of this subparagraph, for a quarry or mine that holds an authorization to discharge under part 31 that includes a discharge volume, the discharge volume stated in that authorization on February 28, 2006.

(B) The system capacity used or developed to make a withdrawal on February 28, 2006, if the system capacity and a description of the system capacity are included in an annual report that is submitted under this part not later than April 1, 2009.

(ii) If the person making the withdrawal does not report under subparagraph (i), the highest annual amount of water withdrawn as reported under this part for calendar year 2002, 2003, 2004, or 2005. However, for a person who is required to report by virtue of the 2008 amendments to section 32705(2)(d), baseline capacity means the person's withdrawal capacity as reported in the April 1, 2009 annual report submitted under section 32707.

(iii) For a community supply, the total designed withdrawal capacity for the community supply under the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, on February 28, 2006 as reported to the department in a report submitted not later than April 1, 2009.

(e) "Characteristic fish curve" means a fish functional response curve that describes the abundance of characteristic fish populations in response to reductions in index flow as published in the document entitled "Report to the Michigan Legislature in response to 2006 Public Act 34" by the former groundwater conservation advisory council dated July 2007, which is incorporated by reference.

(f) "Characteristic fish population" means the fish species, including thriving fish, typically found at relatively high densities in stream reaches having specific drainage area, index flow, and summer temperature characteristics.

(g) "Cold river system" means a stream or small river that has the appropriate summer water temperature that, based on statewide averages, sustains a fish community composed predominantly of cold-water fish species, and where small increases in water temperature will not cause a decline in these populations, as determined by a scientific methodology adopted by order of the commission.

(h) "Cold-transitional river system" means a stream or river that has the appropriate summer water temperature that, based on statewide averages, sustains a fish community composed predominantly of cold-water fish species, and where small increases in water temperature will cause a decline in the proportion of cold-water species, as determined by a scientific methodology adopted by order of the commission.

(i) "Community supply" means that term as it is defined in section 2 of the safe drinking water act, 1976 PA 399, MCL 325.1002.

- (j) "Compact" means the Great Lakes-St. Lawrence river basin water resources compact provided for in part 342.
- (k) "Consumptive use" means that portion of water withdrawn or withheld from the Great Lakes basin and assumed to be lost or otherwise not returned to the Great Lakes basin due to evaporation, incorporation into products or agricultural products, use as part of the packaging of products or agricultural products, or other processes. ~~Consumptive use includes a withdrawal of waters of the Great Lakes basin that is packaged within the Great Lakes basin in a container of 5.7 gallons (20 liters) or less and is bottled drinking water as defined in the food code, 2005 recommendations of the food and drug administration of the United States public health service.~~
- (l) "Cool river system" means a stream or river that has the appropriate summer water temperature that, based on statewide averages, sustains a fish community composed mostly of warm-water fish species, but also contains some cool-water species or cold-water species, or both, as determined by a scientific methodology adopted by order of the commission.
- (m) "Council" means the Great Lakes-St. Lawrence river basin water resources council created in the compact.
- (n) "Department" means the department of environmental quality.
- (o) "Designated trout stream" means a trout stream identified on the document entitled "Designated Trout Streams for the State of Michigan", as issued under order of the director of the department of natural resources, FO-210.04, on October 10, 2003.
- (p) "Diversion" means a transfer of water from the Great Lakes basin into another watershed, or from the watershed of 1 of the Great Lakes into that of another by any means of transfer, including, but not limited to, a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, tanker ship, tanker truck, or rail tanker but does not apply to water that is used in the Great Lakes basin or a Great Lake watershed to manufacture or produce a product that is then transferred out of the Great Lakes basin or watershed. Diverted has a corresponding meaning. Diversion includes a transfer of water withdrawn from the waters of the Great Lakes basin that is removed from the Great Lakes basin in a container greater than 5.7 gallons (20 liters). Diversion does not include any of the following:
- (i) A consumptive use.
 - (ii) The supply of vehicles, including vessels and aircraft, whether for the needs of the persons or animals being transported or for ballast or other needs related to the operation of vehicles.
 - (iii) Use in a noncommercial project on a short-term basis for firefighting, humanitarian, or emergency response purposes.
 - (iv) A transfer of water from a Great Lake watershed to the watershed of its connecting waterways.
- (q) "Environmentally sound and economically feasible water conservation measures" means those measures, methods, technologies, or practices for efficient water use and for reduction of water loss and waste or for reducing a withdrawal, consumptive use, or diversion that meet all of the following:
- (i) Are environmentally sound.
 - (ii) Reflect best practices applicable to the water use sector.
 - (iii) Are technically feasible and available.
 - (iv) Are economically feasible and cost-effective based on an analysis that considers direct and avoided economic and environmental costs.
 - (v) Consider the particular facilities and processes involved, taking into account the environmental impact, the age of equipment and facilities involved, the process employed, energy impacts, and other appropriate factors.
- (r) "Farm" means that term as it is defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.
- (s) "Flow-based safety factor" means a protective measure of the assessment tool that reduces the portion of index flow available for a withdrawal to 1/2 of the index flow for the purpose of minimizing the risk of adverse resource impacts caused by statistical uncertainty.
- (t) "Great Lakes" means Lakes Superior, Michigan and Huron, Erie, and Ontario and their connecting waterways including the St. Marys river, Lake St. Clair, the St. Clair river, and the Detroit river. For purposes of this definition, Lakes Huron and Michigan shall be considered a single Great Lake.
- (u) "Great Lakes basin" means the watershed of the Great Lakes and the St. Lawrence river.
- (v) "Great Lakes charter" means the document establishing the principles for the cooperative management of the Great Lakes water resources, signed by the governors and premiers of the Great Lakes region on February 11, 1985.
- (w) "Great Lakes region" means the geographic region composed of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin, the commonwealth of Pennsylvania, and the provinces of Ontario and Quebec, Canada.
- (x) "Index flow" means the 50% exceedance flow for the lowest summer flow month of the flow regime, for the applicable stream reach, as determined over the period of record or extrapolated from analyses of the United States geological survey flow gauges in Michigan. Beginning on October 1, 2008, index flow shall be calculated as of that date.
- (y) "Intrabasin transfer" means a diversion of water from the source watershed of a Great Lake prior to its use to the watershed of another Great Lake.
- (z) "Lake augmentation well" means a water well used to withdraw groundwater for the purpose of maintaining or raising water levels of an inland lake or stream as defined in section 30101.
- (aa) "Large quantity withdrawal" means 1 or more cumulative total withdrawals of over 100,000 gallons of water per day average in any consecutive 30-day period that supply a common distribution system.

(bb) "Large river" means a river with a drainage area of 300 or more square miles.

(cc) "New or increased large quantity withdrawal" means a new water withdrawal of over 100,000 gallons of water per day average in any consecutive 30-day period or an increase of over 100,000 gallons of water per day average in any consecutive 30-day period beyond the baseline capacity of a withdrawal.

(dd) "New or increased withdrawal capacity" means new or additional water withdrawal capacity to supply a common distribution system that is an increase from the person's baseline capacity. New or increased capacity does not include maintenance or replacement of existing withdrawal capacity.

(ee) "Online registration process" means the online registration process provided for in section 32706.

(ff) "Preventative measure" means an action affecting a stream or river that prevents an adverse resource impact by diminishing the effect of a withdrawal on stream or river flow or the temperature regime of the stream or river.

(gg) "Registrant" means a person who has registered a water withdrawal under section 32705.

(hh) "River" means a flowing body of water with a drainage area of 80 or more square miles.

(ii) "Site-specific review" means the department's independent review under section 32706c to determine whether the withdrawal is a zone A, zone B, zone C, or zone D withdrawal and whether a withdrawal is likely to cause an adverse resource impact.

(jj) "Small river" means a river with a drainage area of less than 300 square miles.

(kk) "Source watershed" means the watershed from which a withdrawal originates. If water is withdrawn directly from a Great Lake, then the source watershed shall be considered to be the watershed of that Great Lake and its connecting waterways. If water is withdrawn from the watershed of a direct tributary to a Great Lake, then the source watershed shall be considered to be the watershed of that Great Lake and its connecting waterways, with a preference for returning water to the watershed of the direct tributary from which it was withdrawn.

(ll) "Stream" means a flowing body of water with a drainage area of less than 80 square miles.

(mm) "Stream reach" means a segment of a stream or river.

(nn) "Thriving fish curve" means a fish functional response curve that describes the initial decline in density of thriving fish populations in response to reductions in index flow as published in the document entitled "Report to the Michigan Legislature in response to 2006 Public Act 34" by the former groundwater conservation advisory council dated July 2007, which is incorporated by reference.

(oo) "Thriving fish population" means the fish species that are expected to flourish at very high densities in stream reaches having specific drainage area, index flow, and summer temperature characteristics.

(pp) "Warm river system" means a stream or river that has the appropriate summer water temperature that, based on statewide averages, sustains a fish community composed predominantly of warm-water fish species, as determined by a scientific methodology adopted by order of the commission.

(qq) "Waters of the Great Lakes basin" means the Great Lakes and all streams, rivers, lakes, connecting channels, and other bodies of water, including groundwater, within the Great Lakes basin.

(rr) "Waters of the state" means groundwater, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the territorial boundaries of the state. Waters of the state do not include drainage ways and ponds designed and constructed solely for wastewater conveyance, treatment, or control.

(ss) "Withdrawal" means the removal of water from surface water or groundwater.

(tt) "Zone A withdrawal" means the following:

(i) For a cold river system, as follows:

(A) For a cold stream, less than a 1% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(B) For a cold small river, less than 50% of the withdrawal that would result in an adverse resource impact.

(ii) For a cold-transitional river system, there is not a zone A withdrawal.

(iii) For a cool river system, as follows:

(A) For a cool stream, less than a 10% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(B) For a cool small river, less than a 5% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(C) For a cool large river, less than an 8% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(iv) For a warm river system, less than a 10% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(uu) "Zone B withdrawal" means the following:

(i) There is not a zone B withdrawal for a cold stream or small river.

(ii) For a cold-transitional river system, less than a 5% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(iii) For a cool river system, as follows:

(A) For a cool stream, a 10% or more but less than a 20% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(B) For a cool small river, a 5% or more but less than a 10% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(C) For a cool large river, an 8% or more but less than a 10% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(iv) For a warm river system, as follows:

(A) For a warm stream, a 10% or more but less than a 15% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(B) For a warm small river or a warm large river, a 10% or more but less than a 20% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(vv) "Zone C withdrawal" means the following as long as the withdrawal will not decrease the flow of a stream or river by more than 25% of its index flow:

(i) For a cold river system, as follows:

(A) For a cold stream, a 1% or more but less than a 3% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(B) For a cold small river, 50% or more of the withdrawal that would result in an adverse resource impact but less than a 1% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(ii) There is not a zone C withdrawal for a cold-transitional river system.

(iii) For a cool river system, as follows:

(A) For a cool stream, a 20% or more reduction in the density of thriving fish populations as determined by the thriving fish curve but less than a 10% reduction in the abundance of characteristic fish populations as determined by the characteristic fish curve.

(B) For cool small rivers, a 10% or more but less than a 15% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(C) For cool large rivers, a 10% or more but less than a 12% reduction in the density of thriving fish populations as determined by the thriving fish curve.

(iv) For warm river systems, as follows:

(A) For warm streams, a 15% or more reduction in the density of thriving fish populations as determined by the thriving fish curve but less than a 5% reduction in the abundance of characteristic fish populations as determined by the characteristic fish curve.

(B) For warm small rivers and warm large rivers, a 20% or more reduction in the density of thriving fish populations as determined by the thriving fish curve but less than a 10% reduction in the abundance of characteristic fish populations as determined by the characteristic fish curve.

(ww) "Zone D withdrawal" means, beginning February 1, 2009, a withdrawal that is likely to cause an adverse resource impact.

(2) For purposes of determining baseline capacity, a person who replaces his or her surface water withdrawal capacity with the same amount of groundwater withdrawal capacity from the drainage area of the same stream reach may retain the baseline capacity established under this section."

The question being on the adoption of the amendment,

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. 270

Yeas—16

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

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. 271**Yeas—19**

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

Nays—17

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 436 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”
The motion prevailed.

Senator Thomas’ statement is as follows:

I rise in opposition, very strong opposition, to this so-called environmental reform package of bills—if I may speak to Senate Bill Nos. 436, 438, and 439 all at once.

These bills manage to both undermine DEQ’s ability to protect the resources of our state while, at the same time, reducing their already insufficient funding. A frequent complaint heard in committee testimony, in the Economic Development and Regulatory Reform Committee, was that the department takes too long to process permits, particularly compared to other states. Statistics, those that we independently have sought, seem to refute this allegation. DEQ has produced a report which shows quite specifically that 97 percent of DEQ’s permit decisions were made within the required processing period. Of those, 98 percent were ultimately approved. In anybody’s measure, that’s an A-plus.

As for specifics, Senate Bill No. 436 reduces DEQ fees by half when licensed profession engineers prepare and submit permit applications. The 21-day time period given to DEQ to review these applications is unreasonably short and very hard to attain. Senate Bill No. 438 would require the use of stratified random sampling. Doing so would place several of the department’s dedicated programs in conflict with federal regulations, guidance, and grant reports. Presumably, that is an inconsistency with legislation that is later going to come as a part of your reform package.

The efforts to structure a common method and procedure to evaluate environmental programs through benchmark analysis and peer reviews required under Senate Bill No. 439 fail to recognize the complexity and differences among those programs. This would create duplicative workloads already being done. Repeat—this would duplicate work already being done by the department.

These bills, quite frankly, are a solution in search of a problem. My colleagues should reject them, and we should go forward to more important legislative matters. I would ask that my colleagues vote “no.”

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

Senate Bill No. 248

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 248, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 2, line 11, by striking out “\$5,837,258,100” and inserting “\$5,908,781,100”.
2. Amend page 2, line 15, by striking out “\$5,834,831,500” and inserting “\$5,906,354,500”.
3. Amend page 2, line 23, by striking out “\$793,032,100” and inserting “\$864,555,100”.
4. Amend page 6, line 11, by striking out “2,843,800” and inserting “3,843,800”.
5. Amend page 6, following line 17, by inserting:
“ECIC, early childhood investment corporation..... 14,623,000”.
6. Amend page 7, line 1, by striking out “\$578,035,500” and inserting “\$593,658,500”.
7. Amend page 7, line 5, by striking out “\$576,735,500” and inserting “\$592,358,500”.
8. Amend page 7, line 8, by striking out “356,468,400” and inserting “372,091,400”.
9. Amend page 8, line 8, by striking out “133,624,000” and inserting “115,624,000”.
10. Amend page 8, line 13, by striking out “\$114,236,200” and inserting “\$132,236,200”.
11. Amend page 11, line 1, by striking out “246,923,000” and inserting “302,823,000”.
12. Amend page 11, line 5, by striking out “\$3,531,115,800” and inserting “\$3,587,015,800”.
13. Amend page 11, line 10, by striking out “3,055,153,300” and inserting “3,072,153,300”.
14. Amend page 11, line 15, by striking out “\$85,420,200” and inserting “\$109,697,200” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

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. 272

Yeas—17

Anderson
Barcia

Clark-Coleman
Clarke

Jacobs
Olshove

Scott
Switalski

Basham
Brater
Cherry

Gleason
Hunter

Pappageorge
Prusi

Thomas
Whitmer

Nays—19

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Patterson

Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 2, line 11, by striking out "\$5,837,258,100" and inserting "\$5,851,881,100".
2. Amend page 2, line 15, by striking out "\$5,834,831,500" and inserting "\$5,849,454,500".
3. Amend page 2, line 23, by striking out "\$793,032,100" and inserting "\$807,655,100".
4. Amend page 6, following line 17, by inserting:
"ECIC, early childhood investment corporation..... 14,623,000".
5. Amend page 11, line 10, by striking out "3,055,153,300" and inserting "3,040,530,300".
6. Amend page 11, line 15, by striking out "\$85,420,200" and inserting "\$100,043,200".
7. Amend page 12, line 5, after "is" by striking out "\$849,877,500.00" and inserting "\$864,500,500.00" and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

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. 273

Yeas—18

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter
Jacobs

Kuipers
Olshove
Prusi
Richardville

Scott
Switalski
Thomas
Whitmer

Nays—18

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
McManus
Pappageorge

Patterson
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Protest

Senator Stamas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Cherry to Senate Bill No. 248 and moved that the statement he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator Stamas’ statement is as follows:

I certainly appreciate the words of my friend from the 25th District, and I appreciate her hard work and dedication. We are going to talk budgets today and we are going to talk about them next week and we have been doing it in committee. We are going to hear some consistent discussion. We are going to hear, “This is a worthwhile program.” By and large, I am going to agree with that. They are going to say, “This is the function these programs serve.” No disagreement here. We are going to hear the discussion “return on investment.” Virtually, every program we are going to talk about, we are going to talk about return on investment in actual dollars from the federal government or other sources or a return on investment in terms of savings down the road. Ten, twenty, thirty years down the road? I won’t argue with those arguments either. But the reality we face as a state, the House, the Senate, and the Governor came together—we have a \$1.7 billion deficit. That is on top of the \$600 million the Governor proposed in her budget in the beginning of the year. So it’s a budget deficit of over \$2.3 billion. Even if we use every dollar we have of the stimulus money for this year, wouldn’t it seem like a wise action to take. We would still have \$1 billion to cut.

We can talk about there being ideas about how are we going to raise revenues and things, but until we have something on the table, this is the reality. These are the decisions that we have to make, and I think it is important for us to make those decisions and for the residents of this state to understand the position that our state budget is in.

Senator Scott offered the following amendments:

1. Amend page 2, line 11, by striking out “\$5,837,258,100” and inserting “\$5,841,158,100”.
2. Amend page 2, line 15, by striking out “\$5,834,831,500” and inserting “\$5,838,731,500”.
3. Amend page 2, line 23, by striking out “\$793,032,100” and inserting “\$796,932,100”.
4. Amend page 10, line 16, by striking out “\$354,990,900” and inserting “\$358,890,900”.
5. Amend page 11, line 5, by striking out “\$3,531,115,800” and inserting “\$3,535,015,800”.
6. Amend page 11, line 15, by striking out “\$85,420,200” and inserting “\$89,320,200”.
7. Amend page 12, line 5, after “is” by striking out “\$849,877,500.00” and inserting “\$853,777,500.00” and adjusting the subtotals, totals, and section 201 accordingly.
8. Amend page 67, line 10, after “to” by striking out “\$7,165,500.00” and inserting “\$11,065,500.00”.

The question being on the adoption of the amendments,

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. 274**Yeas—16**

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Scott offered the following amendments:

1. Amend page 2, line 8, by striking out “10,705.8” and inserting “10,805.8”.
 2. Amend page 2, line 10, by striking out “10,711.8” and inserting “10,811.8”.
 3. Amend page 2, line 11, by striking out “\$5,837,258,100” and inserting “\$5,846,401,500”.
 4. Amend page 2, line 15, by striking out “\$5,834,831,500” and inserting “\$5,843,974,900”.
 5. Amend page 2, line 18, by striking out “4,919,997,500” and inserting “4,923,696,500”.
 6. Amend page 2, line 23, by striking out “\$793,032,100” and inserting “\$798,476,500”.
 7. Amend page 8, line 15, by striking out “8,702.5” and inserting “8,802.5”.
 8. Amend page 8, line 16, after “wages—” by striking out “8,481.7” and inserting “8,581.7”.
 9. Amend page 8, line 16, by striking out “\$444,995,600” and inserting “\$450,220,600”.
 10. Amend page 8, line 17, by striking out “16,749,200” and inserting “16,809,200”.
 11. Amend page 8, line 25, by striking out “\$494,708,200” and inserting “\$499,993,200”.
 12. Amend page 9, line 2, by striking out “289,557,300” and inserting “291,735,800”.
 13. Amend page 9, line 9, by striking out “\$197,430,300” and inserting “\$200,536,800”.
 14. Amend page 9, line 27, by striking out “\$43,993,800” and inserting “\$44,343,800”.
 15. Amend page 10, line 2, by striking out “5,920,800” and inserting “5,990,800”.
 16. Amend page 10, line 6, by striking out “286,813,800” and inserting “290,128,800”.
 17. Amend page 10, line 7, by striking out “\$349,935,700” and inserting “\$353,490,700”.
 18. Amend page 10, line 11, by striking out “209,186,500” and inserting “210,598,600”.
 19. Amend page 10, line 13, by striking out “\$140,328,400” and inserting “\$142,471,300”.
 20. Amend page 11, line 17, by striking out “\$84,133,900” and inserting “\$84,437,300”.
 21. Amend page 11, line 19, by striking out “\$130,764,900” and inserting “\$131,068,300”.
 22. Amend page 11, line 22, by striking out “97,540,600” and inserting “97,649,000”.
 23. Amend page 11, line 24, by striking out “\$33,224,300” and inserting “\$33,419,300” and adjusting the subtotals, totals, and section 201 accordingly.
 24. Amend page 12, line 5, after “is” by striking out “\$849,877,500.00” and inserting “\$855,321,900.00”.
- The question being on the adoption of the amendments,
 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. 275**Yeas—16**

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Thomas
Whitmer

Nays—20

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Scott offered the following amendments:

1. Amend page 2, line 11, by striking out "\$5,837,258,100" and inserting "\$5,861,258,100".
2. Amend page 2, line 15, by striking out "\$5,834,831,500" and inserting "\$5,858,831,500".
3. Amend page 2, line 23, by striking out "\$793,032,100" and inserting "\$817,032,100".
4. Amend page 8, line 8, by striking out "133,624,000" and inserting "123,624,000".
5. Amend page 8, line 13, by striking out "\$114,236,200" and inserting "\$124,236,200".
6. Amend page 10, line 16, by striking out "\$354,990,900" and inserting "\$378,990,900".
7. Amend page 11, line 5, by striking out "\$3,531,115,800" and inserting "\$3,555,115,800".
8. Amend page 11, line 10, by striking out "3,055,153,300" and inserting "3,065,153,300".
9. Amend page 11, line 15, by striking out "\$85,420,200" and inserting "\$99,420,200" and adjusting the subtotals, totals, and section 201 accordingly.
10. Amend page 12, line 5, after "is" by striking out "\$849,877,500.00" and inserting "\$873,877,500.00".

The question being on the adoption of the amendments,

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. 276

Yeas—16

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—20

Allen
Birkholz
Bishop

Cropsey
George
Gilbert

Jelinek
Kahn
Kuipers

Patterson
Richardville
Sanborn

Brown
CassisHardiman
JansenMcManus
PappageorgeStamas
Van Woerkom**Excused—1**

Garcia

Not Voting—0

In The Chair: Richardville

Senator Scott offered the following amendments:

1. Amend page 2, line 11, by striking out "\$5,837,258,100" and inserting "\$5,839,558,100".
2. Amend page 2, line 15, by striking out "\$5,837,831,500" and inserting "\$5,840,131,500".
3. Amend page 2, line 23, by striking out "\$793,032,100" and inserting "\$795,332,100".
4. Amend page 10, line 27, by striking out "19,565,500" and inserting "21,865,500".
5. Amend page 11, line 5, by striking out "\$3,531,115,800" and inserting "\$3,533,415,800".
6. Amend page 11, line 15, by striking out "\$85,420,200" and inserting "\$87,720,200" and adjusting the subtotals, totals, and section 201 accordingly.
7. Amend page 12, line 5, after "is" by striking out "\$849,877,500.00" and inserting "\$852,177,500.00".

The question being on the adoption of the amendments,

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. 277**Yeas—16**Anderson
Barcia
Basham
BraterCherry
Clark-Coleman
Clarke
GleasonHunter
Jacobs
Olshove
PrusiScott
Switalski
Thomas
Whitmer**Nays—20**Allen
Birkholz
Bishop
Brown
CassisCropsey
George
Gilbert
Hardiman
JansenJelinek
Kahn
Kuipers
McManus
PappageorgePatterson
Richardville
Sanborn
Stamas
Van Woerkom**Excused—1**

Garcia

Not Voting—0

In The Chair: Richardville

Senator Scott offered the following amendments:

1. Amend page 2, line 11, by striking out "\$5,837,258,100" and inserting "\$5,850,697,100".
2. Amend page 2, line 15, by striking out "\$5,834,831,500" and inserting "\$5,848,270,500".
3. Amend page 2, line 23, by striking out "\$793,032,100" and inserting "\$806,471,100".
4. Amend page 5, line 10, by striking out "21,010,900" and inserting "34,449,900".
5. Amend page 5, line 18, by striking out "\$60,418,500" and inserting "\$73,857,500".
6. Amend page 5, line 23, by striking out "\$7,600,500" and inserting "\$21,039,500" and adjusting the subtotals, totals, and section 201 accordingly.

7. Amend page 12, line 5, after "is" by striking out "\$849,877,500.00" and inserting "\$863,316,500.00".

The question being on the adoption of the amendments,

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. 278

Yeas—16

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Clarke offered the following amendments:

1. Amend page 2, line 11, by striking out "\$5,837,258,100" and inserting "\$5,867,034,900".
2. Amend page 2, line 15, by striking out "\$5,834,831,500" and inserting "\$5,864,608,300".
3. Amend page 2, line 23, by striking out "\$793,032,100" and inserting "\$822,808,900".
4. Amend page 10, line 7, by striking out "\$349,935,700" and inserting "\$379,712,500".
5. Amend page 10, line 13, by striking out "\$140,328,400" and inserting "\$170,105,200".
6. Amend page 10, line 20, by striking out "21,395,500" and inserting "49,983,300".
7. Amend page 10, line 21, by striking out "1,288,100" and inserting "2,477,100" and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

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. 279**Yeas—16**

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—20

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

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. 280**Yeas—21**

Allen
Barcia
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Prusi
Scott

Switalski
Thomas
Whitmer

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators Cherry, Hardiman, Switalski, Scott and Clarke asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's first statement is as follows:

This amendment restores the daycare rate and billable hours cut, the before- and after-school, and the zero to three cut, as well as the relative care providers pay rate cut and the ECIC cut, all in one amendment—trying to make it easy for everybody.

This is an area where we can ill afford to make cuts: early childhood and daycare services; as we all know and in which the Children's Caucus tries to continue to reinforce our vital programs. Regarding the daycare cuts, those cuts would risk \$58 million in federal stimulus funding, which requires that we maintain daycare funding. Jobs are hard enough to come by in this age, so without help from daycare, many of our clients in the Department of Human Services would never be able to find work. By cutting daycare rates, this budget will make it harder to find daycare. By cutting the number of hours a client can bill and if they do find a daycare provider, they may not be able to pay them enough to keep a job. This part of it is a \$20.5 million amendment, but it is money that is well worth the investment if we are to put Michigan residents back to work.

Regarding the before- and after-school and the zero to three cuts, this spending is a bargain. A \$3 million cut from before- and after-school and the zero to three programs is shortsighted. For this tiny amount of money, we can help assure that children start out on the right foot; that families are given the support they need to raise healthy children who are ready for school; and that once they get to school, they have activities around the school day to enhance their classroom learning. We have all seen the brain research that shows these early years are critical to brain development. These programs help our citizens who have the least resources take advantage of this research and give the children the best start possible.

Finally, regarding the Early Childhood Investment Corporation cut, federal rules require Michigan to spend 4 percent of our federal daycare funding to assure that quality daycare is available to our citizens. The ECIC funding addresses quality through training and professional development. Should we lose this, we will put into jeopardy our \$200 million-plus federal allocation for daycare. I know that in my local paper we have had numerous stories about the need for improvement in quality in daycare programs. It is vital that we have safe daycare, and so I hope you will support this amendment because it restores the \$14.6 million cut for ECIC. Again, without it, we risk our whole daycare allocation, and I don't believe any one of us want to take that risk.

So, in total, this amendment, as I said earlier, will restore daycare rates, billable hours, payment rates for relative care providers, before- and after-school programming, zero to three programming, and ECIC funds—a total \$71 million to restore these program. I believe it is important to restore them if we want to assure that our children have a good start and that we have a safe start for them. This is a proven investment in their our future.

I ask members to support it.

Senator Hardiman's first statement is as follows:

I rise in opposition to Amendment No. 1. While I certainly appreciate the Senator from the 25th District and her desire to restore these programs and her care for the people who are served by them, in fact, I share that desire to support them. But I must rise in opposition because of the costs and because we have less revenue, and we need to pay for what we purchased.

Let me just talk about a few of these items, if I may. Obviously, the ECIC is very important. It was created a few years ago and originally was intended to attract private funds. Early childhood programs are important, but we need those funds to also support other programs. The before- and after-school program and zero to three, we worked hard to maintain some funding for those programs, which we have done in this budget, but, yes, there are reductions because of the lack of funds.

Daycare, obviously, this is very important as well. It is important to help people get into jobs. Right now the caseloads are down from what they were. They were about 50,000. They are now about 47,000, and there is a projection of about 44,000 for next year. Part of that is because of the economy. And so we tried to adjust that not only for that reason, but because some recipients are using fewer hours per week. They are not all using 40 hours per week.

So, for those reasons, I reluctantly rise in opposition to this amendment.

Senator Cherry's second statement is as follows:

I am going to give you one more chance to deal with early childhood because I know—I know—how important you all believe it is. It is so very hard for me to believe that you would make these kinds of cuts to a program that you know provides a strong future for our children in this state. This amendment restores the Early Childhood Investment Corporation funding. That corporation, if you remember right, created by us, was to build an early childhood system for Michigan. Without these dollars, it will be impossible for local Great Start Collaboratives and Great Start Parent Coalitions to continue. We simply cannot lose this system. The ECIC has leveraged almost \$10 million in private investment for state early childhood services. They have also leveraged another \$6 million from local sources. It is a significant partner of the Department of Human Services, and it provides the childcare quality, workforce training resources and referral, and consumer education services that the state is mandated to provide by the federal government.

The Early Childhood Investment Corporation positions Michigan to benefit significantly from federal early childhood dollars. Studies show that the benefits of early childhood programs outweigh the costs with a range of between \$2 and \$7 in economic benefits for \$1 that has been invested. So it is beyond me why we cannot understand that if we fund this program and fund childcare, we will be increasing the amount of dollars for future investment in our state.

We already rank 27 among states for child well-being. How low will we go if we cut funding for early childhood? Sixty percent of children entering kindergarten in Michigan do not have the appropriate social and emotional skills. Ninety-eight percent of Michigan kindergarten teachers believe that children who are behind impede those who are not behind. Eighty percent of those teachers think Michigan should make a significant investment in early childhood before children start formal school. The U.S. Chamber of Commerce wrote that there is a great need for children to enter kindergarten ready to go. The Chamber calls for far greater coordination in early childhood funding. That is exactly what the Early Childhood Investment Corporation and the Great Start Collaboratives do.

Lastly, in a major position paper called "Early Childhood Education: A Call to Action from the Business Community," the business round table—the bluest of blue-chip business associations—emphatically endorsed state and federal programs that provide quality early education. Again, it is beyond me that this body would stop that investment and take our state backward from the work that we've done over the past few years. I urge members to support this amendment.

Senator Hardiman's second statement is as follows:

I rise in opposition to this amendment not because the Senator from the 25th District didn't state how important the program is, but because we can't afford it. It's not being cut in total as the previous speaker said. ECIC, I mentioned that in my earlier comments under Amendment No. 1, but quite frankly, it's funded by \$14.6 million. If we had that extra money, we could consider funding this.

So I do rise in opposition to the amendment.

Senator Cherry's third statement is as follows:

I just wanted to make a couple of points. One is that the money which is in this department's budget for ECIC funds major activities which will not be funded any longer; programs that relate to the quality of service which is provided to our children in the state. I, for one, have read, as I said earlier, numerous accounts of problems. We've heard about them. I know there has been auditor reports about the problems which many of our daycare providers have had in terms of safety and quality education and care for our children. So it doesn't make any sense at this time to cut quality programming to make sure that our daycare programs and the people who are providing daycare in this state get the kind of training which they need so that their programs assure that children are in a safe, educational, and healthy environment for children. That program will be wiped out by this action today. I don't think that makes sense.

Lastly, I've heard any number of times over the past few weeks, "Well, you know, if you have ideas for money, you should bring them forward." Well, I think there are some bills that have come forward, but it is not up to me and the minority to determine what gets voted on.

So I think that it is important to recognize that there are priorities which we have to make; priorities, I believe, that education and health care—those are my two priorities. That's where I believe funding should go. That's why I'm arguing so hard to make sure that the future of our children is such a good one that it brings back tenfold to this state.

Senator Switalski's statement is as follows:

This reduction would eliminate \$14.6 million and zero out the early childhood line in the DHS budget, and some reference has been made to the K-12 budget. There are five different early childhood or school readiness lines in the K-12 budget. Those come to about \$110 million, of which all but \$6 million is eliminated. So, really, what you have is about \$124.6 million in early childhood resources being reduced down to \$6 million. That, by any measure, is a massive cut and at a time when we're trying to make everyone feel a little bit of pain—actually quite a bit of pain—with 8 percent reductions and 10 percent reductions. To completely wipe out, for all intents and purposes, down to \$6 million for early childhood is a drastic cut and is out of proportion to what we're doing elsewhere in the budget.

Senator Scott's first statement is as follows:

This would restore the clothing allowance that has been cut. My amendment would restore the \$3.9 million to continue the clothing allowance at \$75 per child per year. This is a relatively small amount of money that makes a big difference in the lives of families who get support from DHS. This is at a time when many families have to choose between paying for food or for rent. This small amount can have a big impact.

At the beginning of fiscal year '08, this was \$88 per child per year. In the current year, it went down to \$75. We all know that clothing allowances don't go down. They should go up, and this budget eliminates 50 percent of the funding, meaning it is only \$43 per year.

So I urge you to support my amendment to restore the clothing allowance to \$75.

Senator Hardiman's third statement is as follows:

I rise in opposition to the amendment. I certainly appreciate the Senator from the 2nd District and her compassion in caring for those who are in need of help—I share that. But her amendment would restore, I believe, the \$3.9 million, but I would point out that we left money in. The clothing allowance is back to 2008 levels, so we have not taken out all of the money. Yes, this may be difficult, but I think we still provide funding for clothing, and considering the other pressing needs, I think this is a good balance.

So I would oppose the amendment.

Senator Scott's second statement is as follows:

This is to restore the 100 FTEs cut. DHS caseloads have overwhelmingly gone from just over 300 per worker to almost 600 per worker in the current year. More than 20 percent of Michigan's population now gets some form of assistance from DHS.

The children's rights lawsuit settlement requires that DHS add staff. The Budget Office has just issued a request for funding 200 more staff in DHS with federal stimulus funds. We know that unemployment levels continue to rise, reaching over 14 percent. We know that the combined unemployed and underemployed rate is over 20 percent in Michigan. We know that thousands of people in Michigan will be losing their unemployment benefits this year, peaking at about 90,000 people losing unemployment benefits by the end of this year.

DHS staff is clearly already overloaded. Now is not the time to reduce their capability to help our citizens weather this economic storm. So please support my amendment, and restore the relatively small amount of \$4 million to avoid the laying off of 100 DHS workers.

Senator Hardiman's fourth statement is as follows:

The Senator from the 2nd District is correct. DHS staff is very important. I do want to clarify a couple of things. I believe she mentioned that 200 staffers are being requested. That was a request for temporary staff funded with stimulus money to deal with some of the increased caseloads relative to, I think, food assistance, but that's not what we're referring to here in the budget. The 100 FTE reductions in the budget are specifically for administrative clerical staff. While these positions are very important, the reduction is necessary because of the lack of funds, and this is about 2 percent of the total staff.

It's a necessary change, and I ask that this amendment be turned down.

Senator Scott's third statement is as follows:

My amendment would restore the FIP grant cut. Michigan's cash grant is paltry. We already supply the neediest of our people with a grant that is only a fraction of the poverty level. Could you live on an average of \$490 per month? How about if we cut that grant to just \$460? Could you even find a place to live?

Again, at a time when our population in Michigan is hurting and when they need help to get through this very difficult economic climate, we should not look to save money on the backs of those who have none. So I ask you to support my amendment, restore the \$24 million, and make this a priority for this Legislature that we will not stand by and watch our neediest citizens be cast aside because we cannot make other tough cuts or other tough choices to balance our budget.

So I ask you to vote "yes" and restore the FIP cash grant to the level that we currently provide.

Senator Hardiman's fifth statement is as follows:

I rise in opposition to this amendment. We wish that we had lots of money to give for lots of good causes, but we simply don't have that in this state. This was a tough decision, but it is part of the balance between immediate needs and looking to address longer-term prosperity. The \$10 reduction of the FIP grant is difficult, and it is painful, but it does not reduce that grant. I think that grant is still in the neighborhood of grants for surrounding communities. Housing assistance is separate, and I believe we need to make the cut.

Many people across the state are dealing with less money in their household budgets, and they have to cope with it. While this is difficult, I believe the FIP grantees will have to do the same. I ask that we turn down the amendment.

Senator Scott's fourth statement is as follows:

I just want clarification. The chair of the committee indicated it was just \$10. From the statistics that I have, the average is \$490 and they are cutting it to \$460. It seems like it is \$30 to me, and I just wanted to see if it was \$10 or \$30.

Senator Hardiman's sixth statement is as follows:

My figures say that it is \$10 per month.

Senator Scott's fifth statement is as follows:

See, that is what happens when we only get this budget a few hours before we are to debate it. I would hope that in the future that we would at least get these in a timely manner so that we would be able to research them ourselves.

Senator Hardiman's seventh statement is as follows:

Senator, I apologize that you did not get these budgets earlier. The budgets were being worked on, and I'd asked staff to get that to your side of the aisle last night. It was after five, but that is when we had our final numbers. Perhaps you didn't get it until today, and I would, certainly, want you to have enough time to review the budget so that you could make all the amendments and comments that she would like to.

Senator Scott's sixth statement is as follows:

This amendment would restore the cuts to the local office emergency funds. For all the reasons that were argued earlier to save DHS workers, we should also save this pool of emergency needs funding. Unemployment is high and unemployment benefits will be running out for thousands. Many will be in need of emergency funds to pay water bills or to keep a roof over their heads. This is a small amount of money that can keep children in their homes.

So please support this amendment. It will restore \$2.3 million for the local office emergency fund.

Senator Hardiman's eighth statement is as follows:

I rise in opposition to this amendment. While these dollars are important, I would point out that this is a continuation of the Governor's executive order. The fact is that we can't afford as much, and I believe there was some lapse in these dollars from a previous year. So I ask that this amendment be turned down as well.

Senator Scott's seventh statement is as follows:

This restores the employment and training services which have been cut. This funds JET to train those laid off for the new economy jobs. It also funds clothing, transportation, and miscellaneous items for people looking for jobs. So, again, if we want to truly help people off assistance and back into the workforce, this is the last place we should be cutting.

So I would certainly hope that you would support this amendment to restore \$13.4 million for this vital service. There are some things which we can't afford not to do. So I ask you all for your support on this.

Senator Hardiman's ninth statement is as follows:

Mr. Chair, as I said under the last amendment, I think I mentioned employment and training. I was in error; it was on a different item. But the issue was it was a continuation of the Governor's recommendation or the EO.

On this item, the Senator spoke to employment training funds. Certainly, I understand the use of those dollars for people who are looking for jobs. They might need some new clothes or some other help in obtaining those jobs. I think fewer jobs may be less need for the dollars, but also we need to find better ways to get the things that we need. This is a necessary reduction because of the lack of dollars.

I rise in opposition to the amendment.

Senator Clarke's statement is as follows:

This amendment requests that we maintain the current level of state Supplemental Security Income payments to the neediest citizens in our state who are still able to live independently. Now these payments equal an amount of \$14 per month. Mr. President, this is very important because these are people who are barely able to survive right now, and they have to pay their own bills. Fourteen dollars a month is a lot of money when you are earning a little over \$100 a week. This is money that people would need for their food, shelter, and medication.

Another reason why I ask you to maintain this funding is because the federal government requires us to do so unless they expressly give us the permission not to make these payments. The federal government has not yet allowed us to not make these payments. So I urge you to maintain these payments because we should under our arrangement with the federal government, but also it is the right thing to do to help people who are many times disabled, blind, or who are otherwise struggling just to barely make it at an income of \$600 a month. This additional \$14 will make a difference for them.

Senator Hardiman's tenth statement is as follows:

While I certainly appreciate the Senator from the 1st District and his sentiments on wanting to help those who are in need, as I have said before, these are painful cuts, but they are necessary to balance the budget. This particular reduction was proposed by the Governor in the executive order. I stand in opposition to the amendment and would ask the body to turn it down.

Senator Cropsey moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators George, Kahn, Van Woerkom, Jansen, Gilbert, Hardiman, McManus, Birkholz, Cassis, Stamas, Cropsey, Barcia, Olshove, Gleason, Kuipers, Basham and Richardville introduced

Senate Bill No. 647, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685, 2690, 2691, and 2692 (MCL 333.2685, 333.2690, 333.2691, and 333.2692) and by adding sections 2693 and 2696.

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

Senators Jansen, Gilbert, Van Woerkom, Kahn, George, Hardiman, McManus, Birkholz, Cassis, Stamas, Cropsey, Barcia, Olshove, Gleason, Kuipers, Basham and Richardville introduced

Senate Bill No. 648, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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

Senators Kahn, Van Woerkom, George, Jansen, Gilbert, Hardiman, McManus, Birkholz, Cassis, Stamas, Cropsey, Barcia, Olshove, Gleason, Kuipers, Basham and Richardville introduced

Senate Bill No. 649, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 2694 and 2695.

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

Senators Olshove, Van Woerkom, Jansen, Kahn, George, Gilbert, Hardiman, McManus, Birkholz, Cassis, Stamas, Cropsey, Barcia, Gleason, Kuipers and Richardville introduced

Senate Bill No. 650, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13k of chapter XVII (MCL 777.13k), as added by 2002 PA 30.

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

Senators Gilbert, Van Woerkom, Jansen, Kahn, George, Sanborn, Hardiman, McManus, Birkholz, Cassis, Stamas, Cropsey, Barcia, Olshove, Gleason, Kuipers, Basham and Richardville introduced

Senate Bill No. 651, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430a (MCL 750.430a), as added by 1998 PA 110.

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

Senators Barcia, Van Woerkom, Jansen, Kahn, George, Gilbert, Sanborn, Hardiman, McManus, Birkholz, Cassis, Stamas, Cropsey, Olshove, Gleason, Kuipers, Basham and Richardville introduced

Senate Bill No. 652, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2008 PA 412.

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

Senator Gilbert introduced

Senate Bill No. 653, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 433 (MCL 208.1433), as amended by 2007 PA 215.

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

House Bill No. 4161, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 17708, and 17763 (MCL 333.7405, 333.17708, and 333.17763), as amended by 2006 PA 672.

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 Health Policy.

House Bill No. 4828, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224 (MCL 750.224), as amended by 2006 PA 401, and by adding section 222b.

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 Judiciary.

Recess

Senator Cropsy moved that the Senate recess until 3:15 p.m.

The motion prevailed, the time being 1:40 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

Recess

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

The motion prevailed, the time being 3:16 p.m.

5:01 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Thomas moved that Senators Gleason, Clarke and Basham be temporarily excused from the balance of today's session.

The motion prevailed.

Senate Bill No. 151, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16335, 17801, 17820, and 17821 (MCL 333.16335, 333.17801, 333.17820, and 333.17821), section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, and sections 17820 and 17821 as amended by 2006 PA 387, and by adding sections 17823, 17824, 17825, 17826, and 17827.

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

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.

Senators Clarke and Basham entered the Senate Chamber.

By unanimous consent the Senate returned 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. 428

Senate Bill No. 493

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 428, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending sections 2, 3, 12, and 12a (MCL 125.2152, 125.2153, 125.2162, and 125.2162a), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 12a as amended by 2008 PA 105, and by adding section 12c.

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. 281

Yeas—35

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

Nays—0

Excused—2

Garcia Gleason

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senator Gleason entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 493, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 431c (MCL 208.1431c), as added by 2008 PA 88.

The question being on the passage of the bill,

Senator Jansen offered the following amendment:

1. Amend page 3, line 1, after “SECTION.” by inserting “**NOT LATER THAN JULY 1 OF EACH YEAR, THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL DISCLOSE TO THE SENATE MAJORITY**

LEADER OR HIS OR HER DESIGNEE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR HIS OR HER DESIGNEE, AND THE CHAIRPERSON OF EACH STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESSES AND HAS JURISDICTION OVER ISSUES PERTAINING TO TAXATION, FINANCE, AND ECONOMIC DEVELOPMENT THE NAME AND ADDRESS OF EACH QUALIFIED CUSTOMER WHOSE SALES ARE NOT CONSIDERED IN THE SALES FACTOR PURSUANT TO THIS SUBSECTION.”.

The amendment was 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. 282

Yeas—36

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Recess

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

The motion prevailed, the time being 5:11 p.m.

5:35 p.m.

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 253, entitled

A bill to make appropriations for the department of state police for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

Substitute (S-7).

The following are the amendments to the substitute recommended by the Committee of the Whole:

- 1. Amend page 3, line 15, by striking out "12,899,800" and inserting "9,633,100".
- 2. Amend page 4, line 14, by striking out "30,633,800" and inserting "27,367,100".
- 3. Amend page 5, line 26, by striking out "14,034,500" and inserting "15,034,500".
- 4. Amend page 6, following line 5, by inserting:
"IDG-MDOC 1,000,000".
- 5. Amend page 7, line 9, by striking out "29,745,100" and inserting "32,745,100".
- 6. Amend page 7, following line 12, by inserting:
"County prosecuting attorney 500,000".
- 7. Amend page 7, following line 16, by inserting:
"IDG-MDOC 3,500,000".
- 8. Amend page 9, following line 20, by inserting:
"At-post troopers restoration 8,000,000".
- 9. Amend page 9, following line 24, by inserting:
"Federal revenues:
Federal ARRA COPS funding..... 8,000,000"

and adjusting the subtotals, totals, and section 201 accordingly.

- 10. Amend page 27, following line 23, by inserting:
"Sec. 247. From the amount appropriated in part 1 for rent and building occupancy charges, no more than the amount necessary for 30 days of occupancy for the new state police headquarters shall be expended.

Sec. 248. No funds appropriated in part 1 shall be expended for the purchase of any equipment, supplies, or any costs associated with moving into a new state police headquarters building.

Sec. 250. The amount appropriated in part 1 for county prosecuting attorney shall be distributed to a county prosecuting attorney in a county which had the full closure of a municipal crime lab occur during 2008.

Sec. 251. The funding in part 1 for at-post trooper restoration from federal ARRA COPS funding shall be contingent upon the receipt of federal funds associated with the American recovery and reinvestment act of 2009 COPS program.

Sec. 252. The line-item appropriations in part 1 financed by federal funds designated as ARRA funding represent federal funds associated with the American recovery and reinvestment act of 2009, Public Law 111-5. These federal funds are temporary in nature. It is the intent of the legislature that when these temporary federal funds are fully expended, the program funding levels supported by these temporary federal funds will not be continued."

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

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

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 253

The motion prevailed.

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

Senate Bill No. 253

Senate Bill No. 334

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 253, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for certain reports and

the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The question being on the passage of the bill,

Senator Prusi offered the following amendments:

1. Amend page 7, line 12, by striking out “100” and inserting “360,000”.
2. Amend page 8, line 1, by striking out “17,589,100” and inserting “17,949,000” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

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. 283

Yeas—16

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Protests

Senators Cropsey and Switalski, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Prusi to Senate Bill No. 253.

Senator Cropsey moved that the statements he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cropsey’s first statement, in which Senator Switalski concurred, is as follows:

I understand the purpose of the amendment. We do have a problem with a crime lab that is up in Marquette. The problem is that the landlord of the crime lab is saying they can’t be there anymore. We are looking for a place. We would like to see the crime lab stay open in the Upper Peninsula, and that is why we have a \$100 placeholder there because the landlord was, evidently, saying that they want their property back. I would not say they are kicking the State Police out, but they are not going along with the lease or going along with the new lease.

I think what the good Senator from the Upper Peninsula is saying is absolutely correct. There should be a crime lab in the Upper Peninsula. I want to see a crime lab in the Upper Peninsula. I think the chairman of the subcommittee wants to see it because it doesn't make any sense to have the crime lab in Grayling when you have issues that are way over on the western side of the U.P. That's, what, a 300- or 400-mile drive or whatever. It is a very lengthy drive.

So the time spent by a lab technician having to go to a crime scene way over on the western end of the Upper Peninsula when the nearest crime lab is in the Lower Peninsula, it is a very good point that needs to be made. Our problem is and the State Police's problem is trying to find a location for that crime lab. If the gentleman from the Upper Peninsula would tell us where we could put the crime lab, I think we would be more than happy to have some of the funds shifted around to have it shifted from the crime lab in Grayling where that work is now being done to have it being done at a new crime lab in the Upper Peninsula.

I would be all for shifting the money around to do that, and that is why we do have a \$100 placeholder because, at this point, we have not been able to find a location for the crime lab.

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

I can assure the good Senator from the Upper Peninsula that having a crime lab up there is more cost-effective than having a crime lab in the Lower Peninsula trying to serve the Upper Peninsula. We did not zero this out, and we do have a \$100 placeholder there because we do know that it would be much more cost-effective. I do not know what the cost would be for the crime lab in the Upper Peninsula.

So that is why we have it as a \$100 placeholder, so as time goes on and this process works, I am hoping that they will be able to come up with a location and give us a budget so that we can put the actual number into the budget. But until then, I think we are being presumptive in saying it is going to be \$360,000 or whatever because it may be less than that; it may be more than that.

So, at this point, I would hope that we would turn down the Prusi amendment because I think we have taken care of his problem as far as the money goes. But the real question becomes, where do we locate it?

Senator Basham offered the following amendment:

1. Amend page 20, following line 21, by inserting:

"Sec. 220. (1) The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.

(2) Not later than May 1, 2010, the department shall deliver to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies a report on the additional costs incurred by the department in each locality for providing the services described in subsection (1) during the first 6 months of fiscal year 2009-2010."

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 284

Yeas—16

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Prusi offered the following amendments:

1. Amend page 3, line 15, by striking out “9,633,100” and inserting “12,899,800”.
 2. Amend page 4, line 14, by striking out “27,367,100” and inserting “30,633,800” and adjusting the subtotals, totals, and section 201 accordingly.
 3. Amend page 27, following line 23, by striking out all of sections 247 and 248.
- The question being on the adoption of the amendments,
 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. 285

Yeas—16

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

Nays—20

Allen	Cassis	Jelinek	Patterson
Anderson	George	Kahn	Richardville
Birkholz	Gilbert	Kuipers	Sanborn
Bishop	Hunter	McManus	Stamas
Brown	Jansen	Pappageorge	Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Protests

Senators Brown, Patterson, Sanborn, Hunter, Cassis, Richardville, Pappageorge, Kahn and George, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the second set of amendments offered by Senator Prusi to Senate Bill No. 253.

Senators Brown, Sanborn, Cassis and Pappageorge moved that the statements they made during the discussion of the amendments be printed as their reasons for voting “no.”

The motion prevailed.

Senator Brown’s statement, in which Senators Patterson, Sanborn, Hunter, Cassis, Richardville, Pappageorge, Kahn and George concurred, is as follows:

Mr. President, I have previously had the privilege to serve as the chairman of the State Police budget in both the House and Senate. I am proud of the close relationship—as many of you do—to have a good relationship with our men and women who wear the State Police uniform.

It is for this reason I offered an amendment earlier on General Orders that will forbid lease payments on the new State Police headquarters nearing completion here in Lansing. This amendment’s legality was confirmed by an Attorney General opinion issued just yesterday that indicates that the state has the right to cancel the lease without penalty should such an amendment be adopted.

By now, everyone in this chamber should be familiar with the new headquarters being built just down the street. It has become a symbol of state government’s mismanagement and misuse of taxpayers’ dollars—Michigan’s bridge to nowhere. At a time when our state is facing a budget crisis, we are poised to move the State Police from a facility leased for only \$1 per year to one that will cost over \$3 million next year and as much as \$5 million in future years. This is a new building, mind you, that by all accounts does not sufficiently meet the needs of the department. Most egregiously, this move to a lavish new headquarters comes at a time when 100 state troopers are poised to lose their jobs due to budget cuts.

What kind of message about priorities does this send to our troopers and to the people of Michigan? A new headquarters can’t respond to a severe accident on the highway. It can’t respond if a child is abducted. It can’t respond if there is a shooting, an airplane accident, or a terrorist threat. We need troopers on the road in order to respond to these kinds of emergencies, but there will be far fewer of them if we allow valuable resources to be wasted on the new palace being built just down the street.

I am proud, Mr. President, that this chamber stood up on General Orders and sent the message that we are putting public safety, our men and women in blue, and fiscal responsibility before a building that is not needed, not wanted, and one we simply cannot afford.

I ask that members not approve Amendment No. 4 before us.

Senator Sanborn’s statement is as follows:

I would like to supplement this to some degree. You know, I worked as a probation officer for 20 years, and often I would see where the county would build new buildings and then lay people off. The expression was in our contract talks that it was because they cared more about bricks and mortar than they did the people. I think that is what we are seeing here. I know that may make some people angry to hear, but it makes no sense to me to be building this Taj Majal building and laying off 100 troopers.

That is why I will be voting “no” on this amendment.

Senator Cassis’ statement is as follows:

I would like supplement that as well by saying that from time to time, we all talk about waste in government and wasteful spending, and today we have a chance to vote to remove wasteful spending. It was not by chance or by accident that in December 2007, I offered a resolution—Senate Resolution No. 129—that had bipartisan support in this body, and it was very clear at that time that the intent was to put the developers on notice. We, Senators, urged the developers in good faith to discontinue the project in light of Michigan’s struggling economy and limited revenues. It was true in December 2007 and it is even truer today on June 18, 2009: “and be it further, Resolved, That it is the intent of the Senate not to appropriate any money for the lease after the state of Michigan takes possession of the building.”

You might have said we had some foresight; at least, we did get the language right. We knew that the discontinuation of the lease would have to occur after possession of the building took place. Now we have that substantiated by our Assistant Attorney General.

So, again, before we vote on the Prusi amendment, I urge all of you, on behalf of the taxpayers and citizens whom you all represent, to vote “no” on the Prusi amendment, as I will also do.

Senator Pappageorge’s statement is as follows:

I wanted to add something to the history of this thing that may have been forgotten. Originally, Governor Engler proposed a building that would fit everybody into it. Subsequently, our Governor downsized the building, and the building was downsized by leaving a lot of people in the old building. Then the joint committee that heard this was not told that everybody could not fit in the building. So, naturally, the price was lower.

I was one of two people who voted “no” because they did not price the thing out correctly. So that is the story when you hear about the Governor downsizing the building. They forgot to tell that in doing so, they still left a lot of people in the MSU building and then claimed they were emptying it.

Senator Thomas moved that Senator Brater be excused from the balance of today’s session. The motion prevailed.

Senator Basham offered the following amendment:

1. Amend page 20, following line 21, by inserting:

“Sec. 220. The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.”.

The amendment was 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. 286

Yeas—26

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

Nays—9

Cherry	Jacobs	Prusi	Switalski
Clark-Coleman	Olshove	Scott	Whitmer
Gleason			

Excused—2

Brater	Garcia
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Whitmer, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 253.

Senator Whitmer’s statement is as follows:

I voted “no” because there were massive cuts in the State Police budget to troopers still. Despite a lot of our discussion about saving the troopers and ensuring that our trooper levels remained static, we are unable to ensure that. This bill did not ensure that, and that is the reason for my “no” vote.

I did want to take a moment to say that my colleague from mid-Michigan, the Majority Floor Leader, he and I do not agree on everything—far from it. I have a great amount of respect for him. He has integrity, and I just wanted to say that and have my remarks printed in the Journal.

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

The motion prevailed.

Senator Cropsey’s statement is as follows:

I would hope that we would adopt this amendment. When this came out of the full committee, it did not have the amendment that was adopted on General Orders. The real issue is, the State Police came to the Legislature and came to the Governor years ago when it was Governor Engler. Obviously, a new headquarters was planned at that time. A new Governor came into office and put those plans on hold while the new Governor took a look at that issue. The new Governor came to that same conclusion as the previous Governor—previous Republican Governor—that a new headquarters was needed.

It was downsized, so it is not the palace that was proposed under the previous administration, if indeed it is a palace. I would say no it is not a palace. Many of you can take a look at your county sheriff’s offices and you realize that the county sheriff’s offices in most counties are newer than the State Police headquarters.

State Police, once again, came into my office and they talked to me. The head of the State Police said that they needed the new headquarters. So, for that reason, I think, and for whatever reason, the Governor said that they needed a new headquarters. Other members of the Legislature said that they needed a new headquarters, so new headquarters were contracted for.

And, as the previous speaker just said, it is almost built. Well, it is almost built. Now how does this look to say that the state has contracted for a new State Police headquarters that is almost built, but we are going to—as soon as it’s built we are going to take possession of it, and a month later, we will turn it down because we have the right to do so and say we are not going to use it. Is there something that is fatally flawed in the new State Police headquarters that we did not know about before that we now know about? I think everybody who has taken a look at this issue has gone into it with their eyes wide open.

I just don’t think it is right to have a building built, and then at the end of that time period, tell the contractor saying, “We are sorry, but we are not going to use it now.” I just think that that is wrong, and I think the state ought to hold to what everybody knows is supposed to be a State Police headquarters.

The following bill was read a third time:

Senate Bill No. 334, entitled

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

The question being on the passage of the bill,

Senator Hardiman offered the following amendments:

1. Amend page 5, following line 4, by inserting:

“Sec. 104a. STATE TRANSPORTATION DEPARTMENT

(1) APPROPRIATION SUMMARY:

Full-time equated classified positions	0.0		
GROSS APPROPRIATION		\$	400,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			0
ADJUSTED GROSS APPROPRIATION		\$	400,000
Federal revenues:			
Total federal revenues.....			0
Special revenue funds:			
Total local revenues.....			0
Total private revenues.....			0
Total other state restricted revenues			400,000
State general fund/general purpose		\$	0

(2) INTERCITY PASSENGER AND FREIGHT

Rail passenger service		\$	400,000
GROSS APPROPRIATION		\$	400,000
Appropriated from:			
Special revenue funds:			
Comprehensive transportation fund.....			400,000

Appropriated from:

State general fund/general purpose \$ 0”
and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 7, following line 22, by inserting:

“STATE TRANSPORTATION DEPARTMENT

Sec. 501. (1) From the funds appropriated in part 1 from the comprehensive transportation fund for rail passenger service, the department shall negotiate with a rail carrier to provide rail service between Grand Rapids and Chicago and between Port Huron and Chicago on a 7-day basis, consistent with other provisions of this section.

(2) The rail carrier shall, as a condition to receiving a state operating subsidy, maintain a system to monitor, collect, and resolve customer complaints and shall make the information available to the department, the state budget director, the house and senate appropriations subcommittees on transportation, and the house and senate fiscal agencies.”.

3. Amend page 8, following line 25, by inserting:

“(11) Section 711 of 2008 PA 275 is repealed.”.

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. 287

Yeas—34

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

Nays—1

Cassis

Excused—2

Brater Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 334 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 Cassis' statement is as follows:

In speaking with the Senate Fiscal Agency, we learned that over \$13 million of this supplemental could be best characterized as discretionary money, meaning it could be used to fund other things. For that reason, I am voting "no" on the supplemental. I think there are other issues, other budgets that could use this money, and since it is discretionary, I feel that it should not be used in this manner—as a supplemental to plug holes.

Committee Reports

The Committee on Banking and Financial Institutions reported

House Bill No. 4743, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4205 (MCL 487.14205).

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Clarke and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 4749, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 512 (MCL 487.3512).

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Clarke and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, June 17, 2009, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Sanborn, Cassis, Stamas, Clarke and Olshove

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, June 17, 2009, at 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, June 18, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Birkholz, Kuipers, Richardville, Olshove, Clarke and Thomas

Excused: Senator Brown

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, June 18, 2009, at 2:05 p.m., Room 110, Farnum Building

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

Excused: Senator Cherry

Scheduled Meetings

Legislative Commission on Government Efficiency - Friday, June 19, 12:00 noon, Room 426, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Thursday, June 25 (CANCELED); Friday, June 26, 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, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

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

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 6:49 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, June 23, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate