

No. 58
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Thursday, June 17, 2010.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—excused
Stamas—excused
Switalski—present
Thomas—excused
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 give You thanks, as through Your grace and mercy, You have allowed us to assemble today to do the business of the people for the state of Michigan. We thank You, Lord, for these Senators who must debate and prioritize. We recognize that we are still coming out of a crisis from which we have been hit so hard. Lord, we ask Your blessings on our state and on our families as we meet the crisis and try to move beyond this particular time, knowing that Your grace and mercy will guide and direct us. We ask for Your blessing on those who are so diligently seeking employment so they may lift their families.

Lord, we ask for Your blessings on our sons and daughters in uniform who are in harm's way today in the Middle East. We ask that a hedge of protection would be around them, and we look forward to the day when we hear the word that the leaders have decided that enough fighting has been done, enough lives have been lost, and now it is time to give peace a chance.

We are also keenly aware of those who are suffering in the Gulf Region of our country, as we see what pollution has done to the precious landscape that You have charged us with as Your people in this country. Lord, we ask that You would be with us as we look forward to stopping the cause as well as the recovery.

Lord, we ask Your blessings on us that among us as Michiganders that peace and prosperity would return to our state; that we would be so challenged to remember the precious gift of all that You have given us—freedom; that we would not take it for granted; and that we would ever be watchful. These are the blessings we ask 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

Senators Brater, Bishop, Garcia and Pappageorge entered the Senate Chamber.

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

Senator Anderson moved that Senator Clarke be temporarily excused from today's session.
The motion prevailed.

Senator Anderson moved that Senators Thomas and Scott be excused from today's session.
The motion prevailed.

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

The motion prevailed.

Senator Cassis' statement is as follows:

As all of you know, due to an unavoidable traffic backup caused by a tanker releasing liquid asphalt on I-96 yesterday, it caused vehicles to be rerouted. An hour trip from Novi actually took three hours—accounting for why I missed session yesterday. Had I been present, my intention on Roll Call No. 302, which is House Concurrent Resolution No. 58, I would have voted “yea.” On Roll Call No. 303, which is Senate Resolution No. 158, I would have voted “yea.”

The following communication was received:
Public Service Commission

June 16, 2010

The enclosed annual report, *Status of Telecommunication Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission (Commission) in accordance with Section 103 of the Michigan Telecommunications Act (MTA). This report, as well as reports from previous years, is available on the Commission website at www.michigan.gov/mpsc. The purpose of this report is to describe the status of competition in telecommunications services in Michigan, including, but not limited to, the toll and local exchange markets in the state. The report includes information on the traditional wireline industry as well as services provided via diverse telecommunications technologies, such as wireless and Voice over Internet Protocol (VoIP). The report also contains information regarding high speed Internet lines in

Michigan and the latest developments pertaining to broadband from the American Recovery and Reinvestment Act of 2009 (ARRA) programs including our recently launched Michigan broadband map.

In a trend that began in 2002, the total number of wirelines in Michigan has again decreased. For 2009, the total number of wirelines in Michigan decreased by over 400,000 lines from the previous year. In 2005, 2006 and 2008 as noted in earlier reports, there was a decrease in the percentage of lines served by competitive providers, however in 2009 the competitive providers' market share increased. For 2009, the competitive providers' share was 24.2 percent.

While competitive providers can offer service to customers through a variety of methods that use the incumbent providers' networks, in 2009 we again saw a significant increase, from 32.5 percent to 34.5 percent, in the percentage of competitive lines served via the competitive providers' own facilities. This growth suggests that the competitive network infrastructure continues to shift toward facilities-based competition versus competition reliant solely on the incumbents' networks. As in 2008, this trend is more evident in residential lines, as almost three fourths of the lines provided via competitive providers' facilities are residential customers. For the first time since the year 2000, competitive providers serve more business lines than residential lines. The increase in business lines trend began in 2003 and it is more evident in the lines provisioned via the incumbents' network where two thirds of the lines are business lines. Though the competitive market share is still below the 2004 high of 27.5 percent, the continued network investment by competitive providers, along with the recent increased market share for competitive providers, is a very positive trend.

While the Commission does not have jurisdiction over most types of advanced and non-wireline telecommunications, additional data available to the Commission allows for the monitoring of developments in these markets. The number of wireless subscriptions in Michigan continues to increase; the FCC reports that there are over 7.8 million wireless subscriptions in Michigan as of June 30, 2008. The high speed Internet connections reported to the FCC for the 12 month period between December 31, 2007 and December 31, 2008 was 2,881,000. This ranks Michigan 12th in the country. Along with monitoring FCC data regarding high speed lines in Michigan, the Commission has taken an active role in the proceedings surrounding the broadband provisions of the ARRA. The Commission, along with other state departments, has been involved in the analysis, planning and review of the federal broadband applications that pertain to Michigan. Over \$50 million in federal grants and grant/loan combinations were awarded to entities in Michigan. The Commission was instrumental in Michigan's efforts to receive a \$1.8 million grant from the federal government on December 22, 2009 to launch a comprehensive broadband mapping initiative, Connect Michigan, which will help enable the state to collect data and develop a detailed map of existing broadband availability.

The *Status of Telecommunications Competition in Michigan* report for 2009 shows that, while the total number of wirelines continues to decrease, competitive providers market share increased to 24.2 percent. Additionally, competitive providers are serving more lines via their own facilities. This represents continued investment in Michigan's competitive telecommunications infrastructure and serves as an indication that the provider has the intent of remaining in the marketplace in the long term. The Commission will continue to strive to meet its obligations under the MTA to ensure a just and reasonable primary basic local exchange service rate; enforce basic consumer protections, including prohibitions against slamming and cramming; and resolve disputes that arise under the MTA. At the same time, the Commission is committed to monitoring developments in the wireless and broadband realms and any resulting impacts on the competitive landscape in Michigan. The Commission will also apprise the Governor and the Legislature of any future developments that may warrant action.

Very truly yours,
Orjiakor N. Isogu, Chairman
Monica Martinez, Commissioner
Greg R. White, Commissioner

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 16:
House Bill Nos. 5830 5831 5832 5833 5834 5835 6124

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 16, for her approval the following bills:

Enrolled Senate Bill No. 763 at 12:04 p.m.
Enrolled Senate Bill No. 764 at 12:06 p.m.
Enrolled Senate Bill No. 765 at 12:08 p.m.
Enrolled Senate Bill No. 766 at 12:10 p.m.
Enrolled Senate Bill No. 767 at 12:12 p.m.

The Secretary announced that the following official bills were printed on Wednesday, June 16, and are available at the legislative website:

House Bill Nos. 6258 6259 6260 6261 6262 6263 6264 6265

Messages from the House

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

Senator Jelinek entered the Senate Chamber.

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 325, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539I. The House of Representatives has substituted (H-11) the bill.

The House of Representatives has passed the bill as substituted (H-11), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by amending the title, as amended by 2005 PA 105, and by adding section 539I.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 304

Yeas—34

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

Nays—0

Excused—4

Clarke	Scott	Stamas	Thomas
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Not Voting—0

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

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5889, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2011; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

By unanimous consent the Senate 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 at the head of the Third Reading of Bills calendar:

House Bill No. 5889

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

The following bill was read a third time:

House Bill No. 5889, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2011; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Anderson offered the following amendments:

1. Amend page 29, line 10, after "Sec. 324." by inserting "(1)".
2. Amend page 29, following line 17, by inserting:

"(2) Whenever practical, signs designed in compliance with the uniform manual of traffic control devices shall be appropriately placed at the work zone by the state transportation department or road authority having jurisdiction over the work zone notifying operators of vehicles of the increased fines and penalties provided by this section for the protection and safety of construction workers and the public."

The question being on the adoption of the amendments,

Senator Cropsey moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

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, Lieutenant Governor Cherry, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5882, 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, 2011; 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-1).

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

By unanimous consent the Senate 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:

House Bill No. 5882

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

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

House Bill No. 5889, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2011; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 999.)

The question being on the adoption of the amendments offered by Senator Anderson,

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

Senator Anderson 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. 305

Yeas—13

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

Nays—21

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

Excused—4

Clarke	Scott	Stamas	Thomas
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Not Voting—0

In The Chair: President

Senator Basham offered the following amendment:

1. Amend page 31, line 24, after “Crossing.” by striking out the balance of the section.

The question being on the adoption of the amendment,

Senator Cropsey 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. 306**Yeas—10**

Anderson	Cherry	Jacobs	Switalski
Basham	Clark-Coleman	Prusi	Whitmer
Brater	Hunter		

Nays—24

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

Excused—4

Clarke	Scott	Stamas	Thomas
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Not Voting—0

In The Chair: President

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. 307**Yeas—21**

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

Nays—13

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

Excused—4

Clarke	Scott	Stamas	Thomas
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Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Senators Basham, Cropsey, Pappageorge and Hardiman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's first statement is as follows:

This amendment would remove the provision that prohibits MDOT from expending any funds on DRIC unless the Legislature passes legislation allowing the construction of DRIC. As you all know, we are currently deliberating on this legislation, and under current MDOT boilerplate language, that vote has to have occurred by June 1 of this year. While I understand that this body is elected to delay the vote in order to fully study and evaluate the legislation, there is no certainty as to when or even if that vote will occur. I believe it is inappropriate to the MDOT expenditures to vote on the bill when we have already failed to meet our own imposed deadline. I would encourage members to support my amendment.

Senator Cropsey's first statement is as follows:

I find it ironic that a year ago the department was saying they wanted to have a vote, and they would give us the information by May 1 that we would need called an investment grade traffic study. May 1 comes and goes, and they say, "We have an investment grade traffic study, but we can't let you see it. We can't let you see the financial part of it." We didn't get that until yesterday. We are being blamed for not having a vote by June 1 when it was the department that dragged its feet on getting us information that was due six weeks ago.

I would hope that we would turn down the Basham amendment. It is very clear that the department keeps blowing smoke at us when it comes to DRIC. The department said they wanted to have an up-or-down vote, and then they refused to give us the information. I find this appalling that the sponsor of this amendment would try and say that we will continue to fund the DRIC. That is just nuts.

Senator Basham's second statement is as follows:

Sometimes we agree to disagree. In fact, relative to the previous speaker's comments, MDOT did present a traffic study. What the controversy was about was the revenue projections. Each member has a copy of the revenue projections now. MDOT did not think it was helpful to produce that privileged information, but it was the majority party in this chamber that insisted on getting the revenue projections, in addition to the traffic study.

Again, we agree to disagree. We think he has a different understanding of what this amendment is about and what MDOT's obligations were to this chamber.

Senator Pappageorge's statement is as follows:

Just to correct the record on the June 1 deadline that was mentioned earlier by the Senator from the 8th District, the June 1 deadline was premised on getting a report from MDOT on May 1. We may have gotten just a piece of that report yesterday, which, to me, says that we have 30 more days to study it and understand how we ought to proceed.

Senator Cropsey's second statement is as follows:

This Legislature was very clear in its boilerplate that we adopted a year ago. It says that the department shall submit an investment grade traffic study to the Legislature by May 1, 2010, from a reputable traffic company with appropriate experience intended to provide a detailed traffic projection for the ensuing ten years, taking into account projected infrastructure modifications, expansions, etc.

The report we received in our offices yesterday was a preliminary traffic and revenue study. They dragged their feet for six weeks before they gave us the final parts of that. Is that what the Legislature asked for? Has the department done what we requested and said they must do by May 1?

Interestingly enough, from North Carolina, I have the toll traffic and revenue forecasts on Turnpike 101, their Powerpoint presentation from David R. Danforth, vice president of Wilbur Smith Associates that did the study here. There are three levels that Wilbur Smith Associates says that we have. What we have is a first level, which is a sketch-level traffic and revenue study; takes one to two months; existing data sources—traffic counts, socioeconomic parameters; limited travel demand modeling using existing models; and used for screening.

Level two, preliminary traffic and revenue study, which is what we had titled yesterday given to our offices; takes three to six months; existing travel demand models—limited refinements; new traffic counts; speed and delay studies; model calibration in the corridor; socioeconomic review with limited adjustments; value of time from census statistics; toll sensitivity; total corridor demand; diversion to toll facility—toll revenue; and input to preliminary financial analysis. So that is the second level.

The third level is the investment grade traffic and revenue study; takes eight to twelve months; study cost around \$1 million; existing travel demand models with adjustments; new counts and speed/delay studies; origin-destination surveys; stated preference surveys; independent economic review and adjustments; operational analysis and toll technology; new travel demand forecasts including transit; toll sensitivity; external sensitivity tests; and certified revenue forecasts to bond rating agencies and investors.

Folks, they haven't given us what we demanded, and then they want us to vote on it in the dark. I can't believe that this department is getting away with this on the biggest investment that Michigan has ever made. We are looking for revenue forecasts. We are looking for an investment grade traffic study. Kirk Steudle, why don't you give us what the Legislature requested? This is absolutely abysmal. We are expected to vote on and the House already voted on P3 legislation. That is toll booths, toll roads, toll everything, and we were asking for the DRIC study. Have we gotten it? No, we haven't gotten it. Are we supposed to vote in the dark on this, too, just like the House did?

Senator Hardiman's statement is as follows:

I rise in opposition to this amendment. The Senate version is a good balance on this unresolved issue. It says that there will be funding for DRIC only if approved by the Legislature. That legislation is in a standing committee in the Senate. It is still being discussed. I would say that there is still information that we have asked for from the department that is necessary to make an appropriate decision. Whatever our positions are on the DRIC issue, it makes sense to underscore that legislative deliberation, and the debate that is still going on should continue. We should not fund it without a legislative decision. I would ask for the defeat of this amendment.

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

House Bill No. 5882

The motion prevailed.

The following bill was read a third time:

House Bill No. 5882, 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, 2011; 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,

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

Roll Call No. 308

Yeas—20

Allen
Birkholz

Garcia
George

Jansen
Jelinek

Nofs
Pappageorge

Bishop
Brown
Cropsey

Gilbert
Hardiman
Jacobs

Kahn
Kuipers
McManus

Richardville
Sanborn
Van Woerkom

Nays—14

Anderson
Barcia
Basham
Brater

Cassis
Cherry
Clark-Coleman
Gleason

Hunter
Olshove
Patterson

Prusi
Switalski
Whitmer

Excused—4

Clarke

Scott

Stamas

Thomas

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Cropsey moved that the bill be given immediate effect,

On which motion Senator Cropsey requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 309**Yeas—20**

Allen
Birkholz
Bishop
Brown
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Nofs

Pappageorge
Richardville
Sanborn
Switalski
Van Woerkom

Nays—12

Anderson
Barcia
Brater

Cassis
Cherry
Gleason

Hunter
Jacobs
Olshove

Patterson
Prusi
Whitmer

Excused—4

Clarke

Scott

Stamas

Thomas

Not Voting—2

Basham

Clark-Coleman

In The Chair: President

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 House Bill No. 5882.

Senator Cassis' statement is as follows:

I wanted to state my rationale for voting "no" on the Human Services Department budget. In actuality, this budget represents a gross increase in overall spending of 14.1 percent, and most importantly, a 7.5 percent increase in the General Fund. I believe we can still find savings in budgets and take a look at earmarks that may not be the appropriate role of government, especially in these very difficult, turbulent economic times, and ensure that we can continue to support essential functions of government at this time.

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, Lieutenant Governor Cherry, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 1311, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 282a.

Senate Bill No. 1312, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 160 of chapter XVII (MCL 777.160), as amended by 2004 PA 457.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1310, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9d.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1313, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81e. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1314, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2005 PA 336.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1320, entitled

A bill to authorize the state administrative board to convey certain state owned property in Mason county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

Substitute (S-1).

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

By unanimous consent the Senate 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. 1126

Senate Bill No. 1257

Senate Bill No. 1258

Senate Bill No. 1259

Senate Bill No. 1260

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1126, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 305 (MCL 168.305), as amended by 2004 PA 287.

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. 310

Yeas—34

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

Nays—0

Excused—4

Clarke

Scott

Stamas

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1257, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 4 (MCL 168.4), as amended by 2003 PA 302.

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. 311

Yeas—34

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove

Pappageorge
Patterson
Prusi
Richardville
Sanborn
Switalski
Van Woerkom
Whitmer

Nays—0

Excused—4

Clarke

Scott

Stamas

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1258, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 322 (MCL 168.322), as amended by 2003 PA 302.

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. 312**Yeas—34**

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

Nays—0**Excused—4**

Clarke	Scott	Stamas	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1259, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 381 (MCL 168.381), as amended by 2006 PA 122.

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. 313**Yeas—34**

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

Nays—0**Excused—4**

Clarke	Scott	Stamas	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1260, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 642a (MCL 168.642a), as amended by 2005 PA 71.

The question being on the passage of the bill,

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

Roll Call No. 314**Yeas—34**

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

Nays—0**Excused—4**

Clarke	Scott	Stamas	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills**House Bill No. 5830, entitled**

A bill to amend 1980 PA 497, entitled “Construction lien act,” by amending the title and sections 104, 106, and 118 (MCL 570.1104, 570.1106, and 570.1118), the title and sections 104 and 106 as amended by 2006 PA 497 and section 118 as amended by 1982 PA 17, and by adding section 118a; and to repeal acts and parts of acts.

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 Appropriations.

House Bill No. 5831, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending sections 3b, 8b, and 8e (MCL 338.883b, 338.888b, and 338.888e), sections 3b and 8e as added by 1990 PA 246 and section 8b as amended by 1992 PA 130.

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 Appropriations.

House Bill No. 5832, entitled

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending sections 6, 11, and 16 (MCL 338.976, 338.981, and 338.986), section 6 as amended by 2004 PA 271 and section 11 as amended by 1990 PA 5.

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 Appropriations.

House Bill No. 5833, entitled

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending sections 21, 43, and 47 (MCL 338.3531, 338.3553, and 338.3557).

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 Appropriations.

House Bill No. 5834, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2404, 2409, and 2411 (MCL 339.2404, 339.2409, and 339.2411), sections 2404 and 2411 as amended by 2007 PA 157 and section 2409 as amended by 1988 PA 463.

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 Appropriations.

House Bill No. 5835, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter XVII (MCL 777.15b), as added by 2002 PA 206.

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 Appropriations.

House Bill No. 6124, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 9 (MCL 46.9), as amended by 1982 PA 344.

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 Local, Urban and State Affairs.

Statements

Senator Clarke entered the Senate Chamber.

Senators Jacobs and Garcia asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' statement is as follows:

I just wanted to put on the record that I inadvertently voted "yes" on House Bill No. 5882. When I went to go correct my vote, the board had already been closed, although there was another 15 seconds that would have been available for me to correct that vote. I needed to make my intentions clear.

Senator Garcia's statement is as follows:

I just wish to honor the memory of a great gentleman who passed away this past Sunday. His name was George Hoddy. He was known as Mr. George. He was an icon of the community. He was a very successful entrepreneur, industrialist, and philanthropist. He was a great supporter of the arts. He had a number of patents, and he was the co-owner, CEO, and president of Universal Electric Corporation in Owosso for many, many decades. He was an Army veteran, and he knew many of our former colleagues. He knew former State Senator Bill Schuette, former State Senator Fred Dillingham, and Governor John Engler when he was a State Senator.

He passed away at the age of 105 years old. He was just a tremendous gentleman who was still working the day before he passed away. He was very lucid up until the final moments. I want to go on record as remembering this great gentleman for all the work he has done in the community and to remember him in the Senate for all his good work for our community.

Committee Reports

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 5855, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3525 (MCL 500.3525), as added by 2000 PA 252.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 5921, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Gilbert, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

House Bill No. 6203, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending sections 6 and 16 (MCL 125.2786 and 125.2796).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Richardville, Gilbert, Hunter and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development and Regulatory Reform submitted the following:

Meeting held on Wednesday, June 16, 2010, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Richardville, Gilbert, Hunter and Jacobs

Excused: Senators Allen and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Federal Stimulus Oversight submitted the following:

Meeting held on Wednesday, June 16, 2010, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Gilbert, Pappageorge, Kahn, Switalski, Cherry and Clark-Coleman

Excused: Senator Jansen

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, June 16, 2010, at 3:10 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Sanborn, Gleason and Jacobs

Excused: Senators Allen, Patterson and Clarke

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, June 24, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, June 24, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

State Police and Military Affairs - Tuesday, June 22, 1:00 p.m.; Wednesday, June 23, 3:00 p.m.; Thursday, June 24, 1:00 p.m.; and Tuesday, June 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, June 23, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Banking and Financial Institutions and House Banking and Financial Services - Wednesday, June 23, 8:45 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Local, Urban and State Affairs - Tuesday, June 22, 3:00 p.m., Room 110, Farnum Building (373-1635)

State Drug Treatment Court Advisory Committee - Friday, July 23, 9:00 a.m., Conference Room 1S69, 1st Floor, Michigan Hall of Justice Conference Center, 925 West Ottawa Street, Lansing (373-0212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:19 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, June 22, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate