

No. 51
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, June 11, 2009.

10:00 a.m.

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

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—excused
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—excused
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Michael A. Prusi of the 38th District offered the following invocation:

We gather together before our work begins here to offer thanks to the God each of us holds dear, for the day which has been given to us. We ask for guidance, for wisdom, and for strength as we wrestle with the problems confronting this state and the people who have sent us here.

Arrogance and greed have taken hold in high places. Troubled times have come to our country. Setting things right will require enormous effort and sacrifice. As is usual, it will be the ordinary, innocent people whom we represent who will shoulder the burden.

Sometimes it seems as though those issues that divide us are too large to solve, too complex to get through. After all, we are but human beings with all too familiar human failings and weaknesses. But God has blessed us with the human qualities of strength and compassion, intelligence, and perseverance.

Let us use these positive gifts we have been given, for we are still faced with many difficult issues. Let us put aside the rancor and ill will that can spill forth in times of stress. There is a common path, a shared vision that we can find if we realize what it is we are sent here to do. Inside each of us is a compass to guide us on that path, a light to illuminate that vision, and that is our faith. Amen.

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

Motions and Communications

Senator McManus entered the Senate Chamber.

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

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

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

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 624

House Bill No. 4930

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

Senator Cropsey moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee of the Whole:

Senate Bill No. 249, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The motion prevailed.

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

Commission of Natural Resources

Mr. Timothy L. Nichols, a Democrat, of 1260 Trotters Lane, Williamston, Michigan 48895, county of Ingham, succeeding Darnell Earley, whose term has expired, is appointed for a term commencing May 6, 2009 and expiring December 31, 2012.

Mr. Frank C. Wheatlake, an Independent, of 9264 East 7 Mile Road, Big Rapids, Michigan 49307, county of Newaygo, is reappointed for a term expiring December 31, 2012.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

12:20 p.m.

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

During the recess, Senators Kahn, Brown, Hunter and Bishop entered the Senate Chamber.

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

June 9, 2009

Pursuant to Public Act 296 of 2003, I am submitting the following names for the Michigan early stage venture investment corporation board of directors:

Dennis S. Bernard of Southfield
David H. Brenner of Grand Rapids
Neil Dueweke of Clarkston

If you have any questions, please contact Bill Sullivan in my office at 3-2417.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

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

June 9, 2009

Enclosed is a copy of the following audit report:
Performance audit of the Bureau of Correctional Industries, Department of Corrections.

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:
Office of the State Budget

June 1, 2009

This letter transmits the "Statement of the Proportion of Total State Spending From State Sources Paid to Units of Local Government - Legal Basis" for fiscal year 2008, which has been prepared in accordance with Sections 18.1115(5), 18.1303-18.1305, 18.1349, 18.1350, 18.1497, and 18.1498 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 30 of the Michigan Constitution.

The computed percentage of total state spending from state sources paid to local governments for fiscal year 2008 is 56.16%, which is \$2.0 billion more than the minimum required.

The statement has been reviewed by the Office of the Auditor General and a copy of their independent accountant's review letter is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
Robert L. Emerson
State Budget Director

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 10:
House Bill Nos. 4322 4793 4922

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 10, for her approval the following bills:

- Enrolled Senate Bill No. 383 at 3:54 p.m.**
- Enrolled Senate Bill No. 384 at 3:56 p.m.**
- Enrolled Senate Bill No. 385 at 3:58 p.m.**
- Enrolled Senate Bill No. 386 at 4:00 p.m.**
- Enrolled Senate Bill No. 387 at 4:02 p.m.**
- Enrolled Senate Bill No. 432 at 4:04 p.m.**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, June 10, and are available at the legislative website:

House Bill Nos.	5049	5050	5051	5052	5053	5054	5055	5056	5057	5058	5059	5060	5061	5062
	5063	5064	5065	5066	5067	5068	5069							
House Joint Resolution			U											

Messages from the Governor

Commission of Natural Resources

Mr. Timothy L. Nichols, a Democrat, of 1260 Trotters Lane, Williamston, Michigan 48895, county of Ingham, succeeding Darnell Earley, whose term has expired, is appointed for a term commencing May 6, 2009 and expiring December 31, 2012.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 226

Yeas—34

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

Nays—1

Kahn

Excused—2

George

Scott

Not Voting—0

In The Chair: Richardville

Senators Whitmer, Birkholz and Gleason asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer’s statement is as follows:

It is an honor to be able to stand up on behalf of Dr. Nichols. I am sure he would appreciate the honorary doctorate you have bestowed upon him, Mr. President. Tim is a good friend. I am proud to call him a constituent as well. He will be a wonderful addition to the Natural Resources Commission.

I just wanted to add my congratulations and my appreciation to the Senate for approving his appointment. I think that we are all benefiting from his addition to this commission. I just wanted to lend my words of support.

Senator Birkholz’s statement is as follows:

Yesterday, the Senate Natural Resources and Environmental Affairs Committee held a hearing on the appointment of Mr. Timothy Nichols to the Natural Resources Commission. He was a very impressive appointee. Mr. Nichols was accompanied to the committee by his family—wife, daughter, and grandchildren—and all are avid sportspeople who enjoy the Michigan great outdoors.

Mr. Nichols was well versed in his knowledge of key natural resource issues and was also extremely supportive of the Citizens Committee for State Parks’ recommendation for our state parks. He interacted with all the members of the committee. Everyone on the committee was very enthusiastic about his appointment, and we voted unanimously to approve his appointment.

I urge the Senate to approve his nomination to the Natural Resources Commission.

Senator Gleason’s statement is as follows:

It is a high honor to have the opportunity to stand on this floor today and speak on behalf of a long, long and highly-respected friend, Mr. Timothy Nichols.

I had the great honor and privilege of working with him and for him in this town 25 years ago. I think he brings a balanced approach to sporting ventures and environmental concerns. I know that the great balance that he has shown with his family and his career will be extended onto the Natural Resources Commission.

So it is with a great privilege and honor that I advocate on behalf of his friendship; more importantly, on behalf of his seating on the Natural Resources Commission.

Commission of Natural Resources

Mr. Frank C. Wheatlake, an Independent, of 9264 East 7 Mile Road, Big Rapids, Michigan 49307, county of Newaygo, is reappointed for a term expiring December 31, 2012.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 227

Yeas—34

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

Nays—1

Kahn

Excused—2

George

Scott

Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Birkholz's statement is as follows:

Yesterday, we also had a hearing on the appointment of Mr. Frank Wheatlake to the Natural Resources Commission. This is actually a reappointment. He now serves on the Natural Resources Commission. The committee was also very impressed with Mr. Wheatlake's knowledge and information base and his enthusiasm for hunting and fishing issues and also for his appreciation of various forms of alternative energy.

He has a considerable strength of knowledge on both the commission, the DNR, and actually all natural resource issues. He, too, was supportive of our state parks funding package.

I would urge that we concur in his appointment to the Natural Resources Commission.

The following message from the Governor was received on June 9, 2009, and read:

EXECUTIVE ORDER

No. 2009-31

**Abolishing the Advisory Subcommittee on Interior Design
Department of Energy, Labor, and Economic Growth**

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Advisory Subcommittee on Interior Design will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Energy, Labor, and Economic Growth" means the principal department of state government created by Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20.

B. "Advisory Subcommittee on Interior Design" means the subcommittee created under Section 601a of the Occupational Code, 1980 PA 299, MCL 339.601a.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The Advisory Subcommittee on Interior Design is transferred by Type III transfer to the Department of Energy, Labor, and Economic Growth.

B. The Advisory Subcommittee on Interior Design is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Energy, Labor, and Economic Growth in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Advisory Subcommittee on Interior Design for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective August 10, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on June 9, 2009, and read:

EXECUTIVE ORDER
No. 2009-32

**Abolishing the Michigan Housing and Community Development Fund Advisory Committee
Michigan State Housing Development Authority**

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Michigan Housing and Community Development Fund Advisory Committee will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Michigan State Housing Development Authority" means the public body corporate and politic created under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421.

B. "Michigan Housing and Community Development Fund Advisory Committee" means the committee created under Section 58e of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1458e.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. Any and all of the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds of the Michigan Housing and Community Development Fund Advisory Committee authorized under Section 58e of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1458e, are transferred by Type III transfer to the Michigan State Housing Development Authority.

B. The Michigan Housing and Community Development Fund Advisory Committee is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Executive Director of the Michigan State Housing Development Authority shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Executive Director of the Michigan State Housing Development Authority in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Michigan Housing and Community Development Fund Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Michigan State Housing Development Authority.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective August 10, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on June 9, 2009, and read:

EXECUTIVE ORDER
No. 2009-33

**Department of Education
Department of Energy, Labor, and Economic Growth**

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, under Section 1b of the Construction of School Buildings Act, 1937 PA 306, MCL 388.851b, the Department of Energy, Labor, and Economic Growth is responsible for the administration and enforcement of the Construction of School Buildings Act and the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, in each school building in this state, including, but not limited to, ensuring that the construction, remodeling, or reconstruction of a school building in this state is in conformance with the Stille-DeRossett-Hale Single State Construction Code Act;

WHEREAS, under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, the Superintendent of Public Instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and, in certain circumstances, of site plans for those school buildings;

WHEREAS, since 2004, the Bureau of Construction Codes within the Department of Energy, Labor, and Economic Growth has reviewed proposed school building site plans and provided its recommendations to the Superintendent of Public Instruction for approval of those plans;

WHEREAS, transferring the functions of the Superintendent of Public Instruction under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, to the Bureau of Construction Codes within the Department of Energy, Labor, and Economic Growth would contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. “Department of Energy, Labor, and Economic Growth” or “Department” means the principal department of state government created by Section 225 of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20, MCL 445.2025.

B. “State Budget Director” means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

C. “Superintendent of Public Instruction” means the individual appointed by the State Board of Education pursuant to Section 3 of Article VIII of the Michigan Constitution of 1963 and Section 305 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.405.

D. “Type II transfer” means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF SCHOOL BUILDING CONSTRUCTION, RECONSTRUCTION, REMODELING, AND SITE PLAN APPROVAL FUNCTIONS OF SUPERINTENDENT OF PUBLIC INSTRUCTION

A. The authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, are transferred by Type II transfer from the Superintendent of Public Instruction to the Department of Energy, Labor, and Economic Growth.

B. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of the transfers to the Department of Energy, Labor, and Economic Growth under this Order and shall make internal organization changes as necessary to effectuate the transfers.

C. The authority, powers, duties, functions, and responsibilities transferred to the Department of Energy, Labor, and Economic Growth under this Order shall be administered in such ways as to promote efficient administration.

D. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

III. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state’s financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective August 10, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on June 9, 2009, and read:

EXECUTIVE ORDER
No. 2009-34

**2010 United States Census Complete Count Committee
Department of Information Technology
Executive Reorganization**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Section 2 of Article I of the United States Constitution requires the federal government to count the number of people living in the United States and its territories every ten years;

WHEREAS, under Section 141 of Title 13 of the Census Act, Public Law 83-740, 13 USC 141, the next federal census will officially commence on April 1, 2010;

WHEREAS, census data are used by the federal government to allocate more than \$300 billion in federal funds to state, local, and tribal governments each year, as well as to determine the number of representatives each state will have in the United States House of Representatives;

WHEREAS, it is imperative that the census count in Michigan be complete and accurate to ensure that Michigan receives the correct amount of federal funding and the appropriate representation in the United States House of Representatives;

WHEREAS, the creation of a Complete Count Committee in Michigan will heighten awareness of the 2010 Census and encourage the full participation of the residents of this state in the counting process;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Information Technology" or "Department" means the principal department of state government created by Executive Order 2001-3, MCL 18.41.

B. "Complete Count Committee" or "Committee" means the committee created within the Department of Information Technology under this Order.

II. CREATION OF THE COMPLETE COUNT COMMITTEE

A. The Complete Count Committee is created as an advisory body within the Department of Information Technology.

B. The Committee shall consist of the Lieutenant Governor and the directors of each principal department of state government or their designated representatives from within their respective departments.

C. The Lieutenant Governor shall serve as the Chairperson of the Committee. The Governor may designate a member of the Committee to serve as its Vice-Chairperson at the pleasure of the Governor.

III. CHARGE TO THE COMMITTEE

A. The Committee shall act in an advisory capacity to the Governor and shall do all of the following:

1. Develop, recommend, and assist in the administration of an outreach action plan to identify areas or groups within this state that are isolated geographically, linguistically, racially, culturally, or otherwise and may be difficult to enumerate.

2. Develop, recommend, and assist in the coordinated distribution by state and local agencies, organizations, and entities of press releases, publications, displays, and other promotional material designed to heighten awareness of, and ensure the full participation of Michigan residents in, the 2010 Census.

3. Identify barriers and obstacles that interfere with the full participation of Michigan residents in the 2010 Census and develop strategies to overcome those barriers.

B. The Committee may, as appropriate, establish subcommittees to assist the Committee in fulfilling its responsibilities under this Order, including, but not limited to, subcommittees in the areas of government, education, media, business, and community and faith-based organizations.

C. The Committee shall meet at least quarterly until March 10, 2010, and as often thereafter as is required to complete its work.

D. The Committee may, as appropriate, coordinate its efforts with those of the United States Census Bureau and other complete count committees established at the local level.

E. The Committee shall complete its work and submit a final report to the Governor by August 1, 2010 summarizing its activities and suggesting improvements to the Complete Count Committee for Census 2020.

IV. OPERATIONS OF THE COMMITTEE

A. The Committee shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Committee shall be performed under the direction and supervision of the Director of the Department.

B. The Committee shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members serving on the Committee constitutes a quorum for the transaction of the Committee's business. The Committee shall act by a majority vote of its serving members.

D. The Committee shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Committee.

E. The Committee may establish advisory workgroups composed of state officers, state employees, or members of the public who are not members of the Committee. The Committee may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Committee may, as appropriate, make inquiries, conduct studies or investigations, hold hearings, and receive comments from the public. The

Committee may also consult with outside experts in order to perform its duties including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Committee shall serve without compensation. Members of the Committee may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

H. The Committee may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Committee and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Committee may accept donations of labor, services, or other things of value from any public or private agency or person.

J. All departments, boards, commissioners, or officers of this state, or of any political subdivision of this state, shall cooperate with the Committee and give to the Committee or to any representative of the Committee, any necessary assistance required by the Committee or their representative in the performance of their duties as Committee members. Committee members shall be given free access to any policy related or technical information held by any department, board, commissioner, or officer of this state including books, records, or documents in their possession relating to matters within the scope of inquiry, study or review of the Committee.

K. Members of the Committee shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on June 9, 2009, and read:

EXECUTIVE ORDER
No. 2009-35

**Michigan Economic Recovery Office
Michigan Economic Recovery Oversight Board
Executive Office of the Governor
Department of Management and Budget**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, it is the responsibility of the Governor to take care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, the federal American Recovery and Reinvestment Act of 2009 (“ARRA”), Public Law 111-5, was signed into law on February 17, 2009 and provides, among other things, tax benefits and federal assistance to states for critical investments in infrastructure, health and human services, education, energy efficiency, housing, transportation, science and technology, and unemployment benefits;

WHEREAS, the ARRA imposes strict accountability, transparency and oversight requirements on all state and local recipients of federal funds distributed under the Act in order to ensure that the recipients’ allocation and investment of the federal funds is an appropriate and responsible use of taxpayers’ dollars;

WHEREAS, under the ARRA, Michigan will receive billions of dollars in federal assistance, which will help protect millions of residents impacted by the national recession and allow the state to move forward with its plans to grow the economy and create jobs;

WHEREAS, the federal Government Accountability Office has selected Michigan as one of 16 states that the Government Accountability Office will track over the next 3 years to examine how Michigan is using the federal funds it receives under the ARRA and whether the state is, among other things: (i) preserving and creating jobs and promoting economic recovery; (ii) assisting those most impacted by the recession; (iii) investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and (iv) stabilizing state and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases;

WHEREAS, 2009 PA 7 authorizes the expenditure of funds for a Michigan economic recovery office and establishes requirements for the use of the funds by that office;

WHEREAS, it is therefore critical that the federal funds that Michigan receives under the ARRA are allocated and invested in an efficient, effective, and coordinated manner so as to fully maximize the impact of the funds, while at the same time ensuring that accountability, transparency, and oversight measures are in place so residents will know that Michigan is investing these funds wisely and responsibly;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

- A. “ARRA” means the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5.
- B. “Department of Management and Budget” or “Department” means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.
- C. “Michigan Economic Recovery Office” or “Office” means the office created within the Executive Office of the Governor under Section II.
- D. “Michigan Economic Recovery Oversight Board” or “Board” means the board created within the Department of Management and Budget under Section III.
- E. “State Budget Director” means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. THE MICHIGAN ECONOMIC RECOVERY OFFICE

A. The Michigan Economic Recovery Office is created within the Executive Office of the Governor. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Governor.

B. The Office shall include a Director who shall be selected by the Governor and who shall report to the Governor. The Office may employ personnel as necessary to perform the duties and responsibilities of the Office, including, but not limited to, those duties and responsibilities required for compliance with the ARRA.

C. The Office shall do all of the following:

1. Coordinate with the principal departments of state government the exchange of all reports, procedures, and other information necessary to assist the Office in performing its duties and responsibilities as required for compliance with the ARRA.

2. Assist in assuring that the federal funds received by this state under the ARRA are allocated and invested in a manner consistent with applicable state and federal law, including, but not limited to, each of the following:

- a. ARRA.
- b. Title VI and VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC 2000d to 2000e-17.
- c. Title IX of the Education Amendments of 1972, Public Law 92-318, 20 USC 1681 to 1688.
- d. Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, 29 USC 793 to 794e.
- e. Age Discrimination Act of 1975, Public Law 94-135, 42 USC 6101 to 6107.
- f. Fair Housing Act of 1968, Public Law 90-284, 42 USC 3601 to 3619.
- g. Fair Credit Reporting Act, Public Law 91-508, 15 USC 1681 to 1681x.

- h. Americans With Disabilities Act of 1990, Public Law 101-336, 42 USC 12101 to 12103.
- i. Equal Educational Opportunities Act, Public Law 93-380, 20 USC 1703 to 1705.
- j. Age Discrimination in Employment Act of 1967, Public Law 90-202, 29 USC 621 to 634.
- k. Davis-Bacon Act of 1931, Public Law 74-403, 40 USC 276 to 276a-7, as amended, Public Law 107-217, 40 USC 3141 to 3148.
 - l. Prevailing Wages On State Projects, 1965 PA 166, MCL 408.551 to 408.558.
 - m. Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804.
 - n. Persons With Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.
- 3. Review the specific selection criteria and requirements for competitive grant awards under the ARRA and identify what, if any, actions should be taken by this state to better position itself as a favorable applicant for assistance.
- 4. Develop procedures for the effective oversight of the expenditure of the federal funds received by this state under the ARRA so as to assure this state's compliance with applicable state and federal law, including, but not limited to, the ARRA, and to prevent waste, fraud, and abuse.
- 5. Develop procedures for the collection and timely report of information to the relevant federal agencies regarding the projects or activities for which the federal funds received by this state were obligated and expended, as prescribed by Section 1512 of the ARRA.
- 6. Consistent with the ARRA and Section 206 of 2009 PA 7, develop, post, and maintain a user-friendly and publicly accessible Internet site to clearly illustrate all state expenditures of federal funds under the ARRA and to serve as a single portal for all Michigan-specific information related to the ARRA, including, but not limited to, each of the following:
 - a. Funding opportunities available under the ARRA.
 - b. Projects funded with federal funds distributed under the ARRA.
 - c. Reports and other information detailing Michigan's expenditure of federal funds under the ARRA.
- 7. Consistent with Section 209 of 2009 PA 7, develop written statements for issuance to the recipients of the federal funds appropriated under the ARRA, and inclusion in the contracts entered into between the principal departments of state government and the recipients of these federal funds, indicating that the funds are temporary in nature, and that the programs supported by the funds will not be continued with state-financed appropriations upon the expenditure of the temporary funds.
- 8. Perform all other functions related to the implementation of the ARRA as determined by the Director of the Office or by the Governor.
 - D. The Office shall coordinate all of the activities of the executive branch of this state regarding the implementation of the ARRA and the expenditure of funds by this state. All state departments and agencies shall cooperate with the Office in the performance of its duties and responsibilities under this Order. The Office may request, and state departments and agencies shall provide, information and assistance as the Office requires in the performance of its duties and responsibilities under this Order.
 - E. The Office is abolished effective December 31, 2011.

III. CREATION OF THE MICHIGAN ECONOMIC RECOVERY OVERSIGHT BOARD

- A. The Michigan Economic Recovery Oversight Board is created as an advisory body within the Department of Management and Budget.
- B. The Board shall consist of 6 members appointed by the Governor. No member of the Board shall be an employee or officer of any local government or of this state.
- C. The Governor shall designate one of the members of the Board to serve as its Chairperson.
- D. Members of the Board shall serve until December 31, 2011.
- E. A vacancy on the Board shall be filled in the same manner as the original appointment.

IV. CHARGE TO THE BOARD

- A. The Board shall act in an advisory capacity to the Governor and the Director of the Office and shall do all of the following:
 - 1. Review and monitor the allocation and investment of the federal funds received by this state so as to ensure that the following objectives are achieved:
 - a. The funds are allocated in a prompt, fair, and reasonable manner.
 - b. The funds are leveraged in such a way as to fully maximize the impact of the funds.
 - c. The recipients and uses of the funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner.
 - d. The funds are used for authorized purposes and instances of fraud, waste, error, and abuse are mitigated.
 - e. The projects funded under the Act avoid unnecessary delays and cost overruns.
 - 2. Review the procedures developed by the Office for compliance with the transparency and accountability requirements under Section 1512 of the ARRA and, where appropriate, make recommendations for the improvement of those procedures.
 - 3. Review the reports submitted by the Office under Section 1512 of the ARRA and, where appropriate, make recommendations for the improvement of those reports.

4. Solicit public testimony on the manner in which this state has allocated and invested federal funds it has received under the ARRA.

B. The Board shall provide other information, recommendations, or advice relating to this state's compliance with the transparency, accountability, and oversight requirements of the ARRA as requested by the Governor or the Director of the Department.

V. OPERATIONS OF THE BOARD

A. The Board shall be staffed and assisted by personnel from the Department, subject to available funding. The authority, powers, duties, and functions of the Board, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the State Budget Director.

B. The Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Board shall select from among its members a Secretary. Board staff shall assist the Secretary with recordkeeping responsibilities.

D. A majority of the members serving on the Board constitutes a quorum for the transaction of the Board's business. The Board shall act by a majority vote of its serving members.

E. The Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Board.

F. The Board may, as appropriate, make inquiries, conduct studies, conduct investigations, hold hearings, and receive comments from the public. The Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Board shall serve without compensation. Members of the Board may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

H. Members of the Board shall discharge the duties of the Board in a nonpartisan manner, in good faith, and with the degree of diligence, care, and skill that an ordinarily prudent person would exercise under similar circumstances in a like position.

I. Members of the Board are public servants subject to 1968 PA 317, MCL 15.321 to 15.330, and are subject to any other applicable law with respect to conflicts of interest. The Board shall establish policies and procedures requiring periodic disclosure of relationships which may give rise to conflicts of interest.

J. The Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

K. The Board may accept donations of labor, services, or other things of value from any public or private agency or person.

L. Members of the Board shall refer all legal, legislative, and media contacts to the Office.

M. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Board or to any member or representative of the Board, any necessary assistance required by the Board or any member or representative of the Board, in the performance of the duties of the Board so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Board.

N. The Board is abolished effective December 31, 2011.

VI. MISCELLANEOUS

A. Any rules, orders, bylaws, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until amended, rescinded, or terminated.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following messages from the Governor were received and read:

June 10, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Executive Order 2009-21:

Asian Pacific American Affairs Commission

Ms. Marie-Ange Weng, Ph.D., R.N., of 3135 Hedgewood Lane, Rochester Hills, Michigan 48309, county of Oakland, is appointed for a term commencing June 14, 2009 and expiring November 30, 2009.

June 10, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 3 of the Boiler Act of 1965, 1965 PA 290, MCL 408.753:

Board of Boiler Rules

Mr. Steven Spurlock of 5973 Park Boulevard, South Rockwood, Michigan 48179, county of Monroe, succeeding Jeffrey Appel, whose term has expired, is appointed to represent the general public, for a term commencing June 10, 2009 and expiring June 30, 2011.

Mr. Eric Cameron of 408 North Fifth Street, St. Clair, Michigan 48079, county of St. Clair, is reappointed to represent water tube boiler manufacturers, for a term expiring June 30, 2013.

Mr. Daniel Sovinski of 291 Fremont Street, Newaygo, Michigan 49337, county of Newaygo, is reappointed to represent consulting engineers, for a term expiring June 30, 2013.

Mr. Roger Jenkins of 27514 Audrey Avenue, Warren, Michigan 48092, county of Macomb, is reappointed to represent owners and users of boilers, for a term expiring June 30, 2013.

June 10, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 18 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1018:

Construction Safety Standards Commission

Mr. Tapan K. Datta, Ph.D., P.E., of 1830 Lone Pine Road, Bloomfield Hills, Michigan 48302, county of Oakland, succeeding Larry Redfean, whose term has expired, is appointed to represent individuals actively engaged in construction operations on the employee level and public employees of this state, for a term commencing June 10, 2009 and expiring March 18, 2012.

Ms. Kathleen Dobson of 525 Sturdevant, Kimball, Michigan 48074, county of St. Clair, is reappointed to represent individuals actively engaged in construction operations on the management level of this state, for a term expiring March 18, 2012.

June 10, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of the Michigan Veterans' Facility, 1885 PA 152, MCL 36.2:

Michigan Veterans' Facilities Board of Managers

Mr. Gerald Cool of 1465 Ogden Street, Jasper, Michigan 49248, county of Lenawee, succeeding Harvey Slotman, whose term has expired, is appointed to represent disabled American veterans, for a term commencing June 10, 2009 and expiring February 28, 2015.

Mr. David Hall of 1724 West Maple Ridge Road, Rock, Michigan 49880, county of Delta, succeeding Timothy Bade, who has resigned, is appointed to represent veterans, for a term commencing June 10, 2009 and expiring February 28, 2011.

Ms. Mary Wilseck of 30389 Minton, Livonia, Michigan 48150, county of Wayne, succeeding Jasper McCain, whose term has expired, is appointed to represent AMVETS, for a term commencing June 10, 2009 and expiring February 28, 2015.

June 10, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 78102 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.78102:

Michigan State Waterways Commission

Mr. Gary F. Marowske of 64 Merriweather Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, succeeding the late Honorable Mr. Robert E. Weiss, representing the general public, for a term commencing June 10, 2009 and expiring September 18, 2011.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations and Reform.

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 pro tempore, Senator Richardville, designated Senator Stamas 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. 249, entitled

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

Substitute (S-2).

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

- 1. Amend page 3, following line 4, by inserting:

“Juvenile training pilot project..... 100”.

- 2. Amend page 3, line 20, by striking out “275,000” and inserting “275,100” and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 19, following line 8, by inserting:

“Sec. 319. (1) The funds appropriated in part 1 for the juvenile training pilot project shall be used for the purpose of training criminal defense attorneys who accept court-appointed cases concerning juvenile delinquency, abuse, neglect, and protective services. The judiciary shall contract with the state appellate defender office’s criminal defense resource center, which provides training to court-assigned criminal defense attorneys at trial and appellate levels.

(2) Training shall include, but not be limited to, identification of potential trainees, collection of information about the services they provide to court-assigned clients, collection of resources for web access, hosting of direct training events, creation of new resources including practice manuals, and creation of a training network.”.

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.

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

Senate Bill No. 237, entitled

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

Substitute (S-2).

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

- 1. Amend page 27, following line 20, by inserting:

“Sec. 610. From the appropriation in section 107 for environmental stewardship, the appropriation of \$130,000.00 from the general fund for water withdrawal assessment shall be contingent upon the department inputting the data received in compliance with water use reporting requirements as provided for under MCL 324.32708(3).”.

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.

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

Senate Bill No. 254, entitled

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

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. 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.

Substitute (S-1).

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

1. Amend page 5, following line 17, by inserting:

“Enacting section 1. This amendatory act shall be retroactively applied to transactions occurring after June 11, 2009.”.

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.

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

House Bill No. 4930, entitled

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

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

1. Amend page 4, following line 7, by inserting:

“Enacting section 1. This amendatory act shall be retroactively applied to transactions occurring after June 11, 2009.”.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 249

Senate Bill No. 237

Senate Bill No. 254

Senate Bill No. 624

House Bill No. 4930

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

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

Senate Bill No. 249

Senate Bill No. 250

Senate Bill No. 237

Senate Bill No. 254

Senate Bill No. 624

House Bill No. 4930

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 249, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 5, line 22, by striking out “\$4,900,500” and inserting “\$5,525,500” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 228**Yeas—15**

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

Nays—20

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

Excused—2

George	Scott
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Not Voting—0

In The Chair: Richardville

Senator Switalski offered the following amendment:

1. Amend page 19, following line 8, by inserting:

“Sec. 320. It is the intent of the legislature that at the request of the funding unit and the state court administrator, the state may elect to delay for 2 years the filling of non-incumbent circuit court judicial vacancies where the incumbent justice is ineligible to stand for election due to the requirements of state law.”.

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. 229**Yeas—14**

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

Nays—21

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

Excused—2

George

Scott

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. 230**Yeas—25**

Allen
Anderson
Barcia
Birkholz
Bishop
Brater
Brown

Cassis
Cropsey
Garcia
Gilbert
Hardiman
Hunter

Jansen
Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Thomas
Van Woerkom

Nays—10

Basham
Cherry
Clark-Coleman

Clarke
Gleason
Jacobs

Olshove
Prusi

Switalski
Whitmer

Excused—2

George

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Switalski's first statement is as follows:

I call on all my fiscally-responsible colleagues, all my colleagues who are advocates of reducing the size of government, to stand up and be counted on my amendment. This provision made sense yesterday, and it was in the budget. I would ask, what has changed in 24 hours?

Let me address what this amendment does. It gives the local funding unit, usually the county together with the State Court Administrative Office, the option to delay filling judicial vacancies created when judges turn 70 and are barred under Michigan law from seeking re-election. It does not affect vacancies subject to gubernatorial appointments in any way. The Governor would still retain all powers and opportunities to make judicial appointments that she currently has.

There are currently nine such vacancies across the state for the 2010 election. Shouldn't they have the right, during this economic crisis, to delay filling those vacancies until the election of 2012? After all, it costs locals \$1 million per judge because the county is responsible for finding the support staff of court officers, judicial secretary, court clerk, court recorder, and a prosecutor, along with the judicial retirement and operational costs. The state pays the salary at \$140,000 per judge. So we have nine of these across the state. They are in Oakland, Macomb, Ingham, Allegan, St. Clair, Bay, Ottawa, and Saginaw Counties. Two are in Macomb County, and let me describe what the effect is.

The county of Macomb is currently \$9 million in the hole, and that is after they raised taxes. Shouldn't they have this option, especially after we are cutting revenue sharing and their property tax revenue is plummeting? Macomb County is asking its circuit court for \$900,000 in cuts. Shouldn't the county have the option for meeting this target to have everything on the table? Or should they be forced to lay off Friend of the Court workers, referees, and support staff who make the whole system work, while delaying filling judicial vacancies they could muddle through without?

By approving this amendment, we would not be forcing them to spend money they don't have. We are stopping them from making the reductions that could balance their budgets. We are stopping them from downsizing government. This is antithetical to what we profess daily about fiscal responsibility. This is not a Republican or a Democratic issue. It is an issue of responsible budget cutters versus profligate spenders.

I have heard many speeches in these chambers about the need to downsize government; about how we are not the state we used to be when GM and Chrysler dominated the auto industry; about how we have to shrink government to match our rapidly contracting revenues. Here is a concrete chance to do that. If we will pass this amendment and co-sponsor the implementing legislation to accomplish this reform that I will introduce this month, we can make this government work.

The State Court Administrative Office supports this; the Macomb County Board of Commissioners supports this and will offer a resolution to us shortly. Oakland County is asking for this option. The Michigan Association of Counties and the Judges Association will be meeting this month and I predict will be supporting this policy.

Please join them and support this amendment. I have made two improvements from our earlier version. I have added the introductory phrase, "It is the intent of the legislature." It is our intent that locals and the State Court Administrative Office be able to do this, and I have specified that when they delay it, they can delay it for two years. So those are changes from the earlier version of this amendment. I hope all members will support it.

Senator Cropsey's statement is as follows:

The previous speaker asked what on earth has changed in the last 24 hours? Well, there are a couple of things that have changed. First of all, I read the amendment. I would like to read you the amendment. It says, "Sec. 320. It is the intent of the legislature that at the request of the funding unit and the state court administrator, the state may elect to delay for 2 years the filling of non-incumbent circuit court judicial vacancies where the incumbent justice is ineligible to stand for election due to the requirements of state law."

Then I heard, I didn't quite get all the counties down, but I think the previous speaker talked about Oakland, Macomb, Bay, Ottawa, and Saginaw Counties and maybe one or two others in there.

Now I am reading this amendment. I am taking a look at it: "non-incumbent circuit court judicial vacancies where the incumbent justice." Alright, if you have an incumbent, you don't have a vacancy, but somehow that seems to make sense in some eyes. Also a justice sits on the Supreme Court of the state of Michigan, not on the circuit court of Macomb County—at least the last time I checked. So are we talking about counties? Are we talking about the Supreme Court? We talked about nine judges and there are only seven justices. So we have some very serious problems with just the facial reading of this amendment.

Now the second thing I did was I read the Constitution dealing with Article 6, dealing with the judiciary, and it is very clear that we set up the judicial districts by law, not by budget. We set up the number of judges in those judicial districts by law, not by budget, and it is one of these things where there is a right way to do things and there is a wrong way to do things. I commend the previous speaker and the maker of this amendment for trying to find money, but we have to do it in a constitutional way.

The constitutional way is to introduce a proposed law. It is called a blueback in parlance around here to change the districts or change the number of judges. I think you are looking at judges on this and not justices, but to change the number of judges in certain areas. I would suggest that you read the Constitution where it talks about the Supreme Court can make recommendations, which the Supreme Court has done. They have done their constitutional duty. Then the Legislature should act upon those recommendations.

I remember a couple of years ago, I attempted to do that, to implement, at least, part of the Judicial Resources Recommendations and guess who opposed me? Well, I think it was the other side of the aisle and the Governor. The Supreme Court did what it was constitutionally required to do. Well, we didn't do what we were constitutionally—what we are supposed to do, and it was the Governor blocking our way with the other party.

So I would suggest, I would really suggest, that the maker of this amendment do as I suggested on General Orders to get the blueback around to at least do the cuts in the judiciary, where they say we are overjudged and to find money that way because I believe that is very appropriate. But we cannot do it in a budget bill because this is a one-year budget bill. We have to do it through the statutory changes that are required by our State Constitution.

So am I a fiscal conservative? I hope so; I try to be. But I am also sworn to uphold the Constitution. I would hope that the good sponsor of this amendment would come forth with the Judicial Resources Recommendation in a blueback form and that we would take it up in that way. That is the proper way to do it.

Senator Sanborn's statement is as follows:

Again, I respectfully point out to my colleague from Roseville, Michigan, whose opinion I respect very much when it comes to issues of appropriations, I hope that he would work with me on matters of judiciary such as this since I have spent my entire career here in the Legislature being on the Judiciary Committee, as well as working for the court system 20 years prior to coming here.

With that being said, I would hope that you would tap into my experience in that regard. I would have advised him that he could have reviewed the State Court Administrator's report that says Macomb County is 3.8 judges short. So we should not decimate the circuit court by continuing to further the backlog of cases. We should not jeopardize the public safety in Macomb County.

There is a better way of doing it. I have already shared with my colleague from Roseville, and he has indicated he is going to support me in this effort. You cut the judges pay 10 percent, cut their pay 10 percent. You know that is a real cost savings. Wayne County has 68 circuit judges. Certainly, it is not five times bigger than Macomb County. Macomb County only has 13, and Oakland County has 19. Boy, we could save millions of dollars if we would only cut their pay 10 percent. We could save millions of dollars without jeopardizing public safety and without backlogging the courts further.

I urge my colleague to work with me and also to review the State Court Administrator's report, so he would be better informed, so as not to decimate the judiciary in Macomb or other counties. I look forward to working with my colleague from Roseville, Michigan, to make these necessary pay cuts for judges.

Senator Switalski's second statement is as follows:

In terms of cutting justices 10 percent, you know, I thought they should have been included in our resolution when we cut our own pay 10 percent. But let me just point out that that wouldn't save the funding unit, the county, a single dime. The salaries of the justices—I am sorry I will address the justices in a moment. The salaries of the judges are paid for by the state, so it would save the state money, but it would not save the funding unit, the county, a dime. Let's review who is putting out what money here again.

For a judge in the circuit court, the county is putting out \$1 million; the state is putting \$140,000. So the real fix for the budget is for the local funding unit.

Now I do want to address the remarks of my learned friend, the Floor Leader, and he is quite right to point out the distinction between judge and justice. I appreciate that, and if he were willing to offer a friendly amendment to fix my wordsmith amendment, I would only be too happy to join him in that and perhaps my inelegant expression of the vacancy created when a judge ages out of this system. Maybe I could have said where the incumbent is ineligible to stand for the election due to the requirements of state law. Those are mirror phrases, inelegant choices of words where the policy that we are trying to reach is clear. We are trying to get the opportunity for the people who are paying the bill the chance to delay filling spots that are becoming open.

I have learned from the experience of my learned friend from the Majority Floor Leader's position that, you know, it is very hard to eliminate judicial positions when you have an incumbent. It is almost impossible, and as soon as you propose such a thing, you will have the Judges Association and the various interest groups totally opposed to you on that, and you will end up with the result that his well-meaning legislation met, which was no result at all.

So I offer this as a practical way to get results because I've intentionally kept away from many judicial appointments so we would not incur the wrath of the Governor who would maybe lose the ability to appoint, a very valuable thing to hang onto. And I have also avoided openings where you had an incumbent who could run again, who had, who was in mid-career, and now you are going to take their job away. Those are very difficult to eliminate. So I have tried to pick the ones—there are nine of them around the state, and there is more next time that is actually capable of being accomplished.

Remember, this is coming from the locals and the State Court Administrative Office. They have to ask not to fill it. This is what they're paying for. If they don't want to pay for it, then they should have that right to delay filling it for two years.

The following bill was read a third time:

Senate Bill No. 250, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of

military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The question being on the passage of the bill,
Senator Olshove offered the following amendments:

1. Amend page 4, following line 18, by inserting:

“Sec. 105. VETERANS SERVICE ORGANIZATIONS

American legion	\$	912,600
Disabled American veterans		754,400
Marine corps league		346,400
American veterans of World War II and Korea.....		478,700
Veterans of foreign wars.....		912,600
Michigan paralyzed veterans of America.....		170,700
Purple heart		162,600
Veterans of World War I.....		100
Polish legion of American veterans.....		42,400
Jewish veterans of America.....		42,400
State of Michigan council - Vietnam veterans of America.....		164,300
Catholic war veterans		42,400
GROSS APPROPRIATION	\$	<u>4,029,600</u>

Appropriated from:

State general fund/general purpose	\$	4,029,600”.
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2. Amend page 6, line 2, by striking out all of line 2.

3. Amend page 6, line 9, by striking out “4,306,300” and inserting “276,700” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 15, following line 23, by inserting:

“VETERANS SERVICE ORGANIZATIONS

Sec. 501. (1) Money appropriated in part 1 for grants to veterans service organizations shall be used only for salaries, wages, related personnel costs, training, and equipment for accredited veteran service advocacy officers and necessary support and managerial staff. Training shall be provided for service advocacy officers and shall be conducted by accredited advocacy officers.

(2) To receive a grant from the money appropriated in part 1, a veterans service organization shall meet the following eligibility requirements:

(a) Be congressionally chartered by the United States congress.

(b) Be an active participating member of the Michigan veterans organizations’ rehabilitation and veterans service committee and abide by its rules, guidelines, and programs.

(c) Demonstrate the receipt of monetary or service support from its own organization.

(d) Comply with the department’s and the legislature’s requirements of accounting audits, service work activity, accounting of recoveries, listing of volunteer hours, budget requests, and other requirements specified in subsection (3).

(e) For a veterans service organization founded after September 30, 1989, be in operation and providing service to Michigan veterans for not less than 2 years before receiving an initial state grant. During this 2-year period of time, the organization shall file a listing of service work activity and an accounting of recoveries with the department, the senate and house fiscal agencies, the senate and house of representatives appropriations subcommittees on military affairs, and the state budget office on forms as prescribed by the department.

(3) A veterans service organization receiving a grant from the money appropriated in part 1 shall file with the department an accounting of its expenditures, audited and certified by a certified public accountant, within 120 days after the organization’s fiscal year end. Each organization shall provide a detailed budget request for the fiscal year ending September 30, 2011 to the department by November 15, 2009. Each veterans service organization shall provide 5 copies of a listing of all service activity, an accounting of recoveries, and a listing of volunteer hours for the fiscal year ending September 30, 2009 to the department by January 31, 2010. Each organization shall include a listing of expenditures by spending category, including a listing of individual salaries of each officer and administrative staff. The listing of volunteer hours shall include the hours, services, and donations provided to residents of the Grand Rapids veterans’ home and the D.J. Jacobetti veterans’ home. Each veterans service organization shall provide a copy of the most recent and completed internal revenue service form 990 to the department at the end of the fiscal year ending September 30, 2009. A veterans service organization receiving a grant from the money appropriated in part 1 shall use the forms recommended by the Michigan veterans organizations rehabilitation and veterans service committee for filing reports required by this act. The department shall forward information required under this section to the senate and house fiscal agencies, the senate and house of representatives appropriations subcommittees on military affairs, and the state budget office.

(4) The veterans service directors committee and the department shall take steps to improve the coordination of veterans benefits counseling in the state to maximize the effective and efficient use of taxpayer dollars in this goal and to ensure that every veteran is served.

(5) To accomplish the goal of subsection (4), the veterans service directors committee and the department shall take steps to increase their responsibility in the administration, management, oversight, and outreach of the delivery of services to veterans. The veterans service directors committee and the department shall involve county veterans counselors and representatives from the Michigan veterans trust fund to work in concert to identify, implement, and evaluate steps to do all of the following:

(a) Increase the veterans service directors committee and the department’s role in working directly with the United States department of veterans’ affairs to enhance the delivery of services to Michigan veterans.

(b) Increase the number of initial claims filed with the United States department of veterans’ affairs on behalf of veterans for service-connected disability or pension benefits. The veterans service directors committee and the department may work toward either an absolute increase of approved claims or an increase in the percentage of Michigan veterans with approved claims.

(c) Develop methods to increase rates of recovery paid by the United States department of veterans’ affairs to Michigan veterans either by an increase in compensation paid per approved claim or increase in compensation paid on a per capita basis.

(d) Expand training opportunities for veterans service organization service officers.

(e) Increase either the number or percentage of Michigan veterans enrolled in the VA health care system.

(f) Publicize the availability, benefit, and value of burial in the Fort Custer and Great Lakes national cemeteries.

(g) Review each grant recipient’s performance under the program and require that performance be a major consideration in the future funding of each grant recipient.

(h) Identify areas of redundancy which may exist among services provided by veterans service organizations grantees, Michigan veterans trust fund county committees, and county veterans counselors and provide a proposal on how any redundancies may be minimized and identify specific cost savings which could result.

(6) The veterans service directors committee, the Michigan association of county veterans counselors, and the department shall create a report of the efforts to complete the goals outlined in this section and shall provide suggestions on how a more effective and efficient veterans’ benefits counseling program may best be designed for implementation for fiscal year 2010-2011. This report shall be delivered to the house and senate appropriations subcommittees no later than March 1, 2010.”.

5. Amend page 18, line 2, by striking out all of section 707.

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. 231

Yeas—17

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

Nays—18

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

Excused—2

George	Scott
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Not Voting—0

In The Chair: Richardville

Senator Garcia offered the following amendment:

1. Amend page 6, line 2, after “advocacy,” by striking out “assistance, and counseling” and inserting “and assistance”. The amendment was adopted, a majority of the members serving voting therefor.

Senator Garcia offered the following amendment:

1. Amend page 2, line 23, by striking out all of line 23 and inserting:

“Director	182,000
Deputy director, army	156,000
Deputy director, homeland security	157,000
Deputy director, veterans affairs	160,000
Unclassified salaries—state active duty	10,000”.

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. 232

Yeas—20

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

Nays—15

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

Excused—2

George	Scott
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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. 250.

Senator Cassis’ statement is as follows:

I’d like to express why I voted “no” on Senate Bill 250. I do want to share my appreciation for the hard work of the committee and also the chair of that committee. This has been a very difficult budget, but I have committed to the constituents

of my district that I will vote only for those budgets that stay within general funding from the previous year. The Military and Veterans Affairs budget is a General Fund increase of 4.3 percent, and therefore, I was unable to vote in the affirmative. There's still a process that we'll go through as this bill goes to the House and, perhaps, even a conference committee. I would like to record this as my rationale for a "no" vote.

Senators Cherry, Gleason, Garcia 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 Cherry's statement is as follows:

I rise to speak in support of this amendment. This amendment does exactly, I believe, what the previous speaker said. It makes sure that the money gets to the veterans in the most effective way possible.

I served as a county commissioner and chair of the Genesee County Board of Commissioners. At that time, we had a veterans' office, which we still have, but that veterans' office would not be able to serve the amount of people who are currently being served without the current way of administration so that those monies actually are administered locally, which, to me, makes the best sense.

It seems to me that we would want those dollars handled on a local level versus at the state level. I thought that we wanted to have smaller government, smaller state government. This amendment centralizes services versus giving it back to the authority of the local government.

So I ask members to support this amendment. It's very good. There are hundreds of veterans in Genesee County who would not get the services that they are getting now if this program changes its administration. So I ask members to support it.

Senator Gleason's statement is as follows:

Fellow Senators, I rise in support of this amendment. We are one family who utilized the services provided and being offered at this time to stay available for Michigan families. On April 8, 2003, our nephew was killed in Iraq, and many of the agencies now that were involved in that process are going to be under duress because of Senate Bill No. 250; not only in offering condolences, but offering professional services to our family. Now it is easy to cut budgets. Many times it is easier to take the human aspects than to take the dollar side of an issue. But when you have experience, the services that these veterans—and that is what they are—are offering veterans and veterans' families.

You know, they are irreplaceable at probably the most important time that they are needed—when they try to offer and educate the families who have lost a loved one about some of the compensatory offerings from our government. So with this movement today and the opportunity we have to relieve this with this amendment, we are putting an extremely important burden on families.

My dad is a Korean War-era veteran, and we know very well also not only with the loss of our nephew, but the involvement with my father in the military about what these groups provide. So I say it is the right thing to do. Only a few weeks ago, we stood in this chamber and provided memorial services to those who have died in our districts across this state. So let's do the right thing today and offer the services that these organizations provide. Let's not go through such a purposeful event as a memorial service and then only a few weeks later say—those who were even walking down the middle aisle, those who represented different groups and the organizations themselves and the families, in particular—we are going to say they are no longer needed; that someone else can do that job; that we are going to rearrange the way services are provided.

So let's get behind our veterans—the past, the present, and those who will serve in the future—with passing this very, very important amendment. Most people have no idea. That was mentioned earlier by the Majority Floor Leader that we don't read these amendments nor fully understand the consequences of these votes. So let's pass this Olshove amendment and say we are standing behind our veterans, particularly the families who have lost loved ones in this era and the ones in the past as well.

Senator Garcia's statement is as follows:

Let me remind the body, for those of you who are listening, that I continue to serve in the military. I have a son who in two weeks will graduate from the Officer Candidate School at Fort Benning, and after he finishes his training, will probably be deployed with some unit overseas. So I have a heart for veterans; I have a heart for soldiers and anyone who serves in the military.

Having said that, I understand where all of you are coming from, but I think there are a number of different myths out there which I would like to straighten out. First of all, I want to remind the body again that inflation is taking a toll on the budget. The loss of revenue is taking a toll on the budget. Several years from now, a year from now, two years from now, or three years from now, these same veterans will be coming back to the next Legislature asking for more money, and we're not going to be able to give it to them because we don't have it. So what we need to do now is revamp the way we do business. This is not about growing government because we're not going to grow government. The department will manage this with the resources that it has already. We're not going to add any staff. We're not going to take out administrative services. But if we continue with this amendment, it's going to be business as usual.

In February, I had a four-hour briefing here in the Capitol while everyone was off. We had the veterans come in and talk to us about how they deliver services. What struck me was that there was a definite redundancy in services, a duplication of effort, in training, in going across the state and reaching veterans—an inefficient use of our tax dollars to help the veterans. The bottom line is this is what it is all about; it's helping the veterans.

If you take a look at the amendment which my good colleague presented, one of them calls for giving \$42,000 to one organization. That's one person helping one group of people in his area. There's no way that he can effectively do more than what he can around his circle. It's not an efficient use of money. What we are trying to do is to consolidate the efforts to force the organizations to become efficient, to work together. We would not dare think of going to war and having the Army do their own thing, the Air Force doing their own thing, and the Navy doing their own thing. You work together and that's what I'm trying to do is get the different organizations to work together.

There are over 750,000 veterans in this state. There are only 60 veteran service officers to serve the entire state. More than half of them are stationed in Detroit to help with appeals. We actually need more veteran service officers, and what we are trying to do is put more boots on the ground.

Second, there's a myth out there that says we are going to have bureaucrats helping veterans, people who don't know how to do it. That is flat out wrong. We are going to continue to use the expertise of the people who are delivering services now. Why? Because they know how to do it. We're just going to drive it to be more efficient.

No one doubts the commitment of the veterans service organizations. What we're questioning is the efficiency. We're not going to hire attorneys. That's not the intent. We are going to hire people who have the experience, are qualified, and are certified to help veterans because, again, this is what it's all about.

Now I understand that many of you have personal relationships with veterans in your district who are urging you to oppose this. I'm asking you to think about the impact on the entire state. What we're trying to do here with these dollars is help the maximum number of veterans possible. We're not doing it right now because the efforts are disjointed, they're disorganized, and they're inefficient.

So I'm asking the members to defeat this amendment. I know it's made with the best of intentions. My colleague and I have worked together. I know he has the heart for veterans, but this is the wrong approach to go back to business as usual. We can't afford it.

Senator Hardiman's statement is as follows:

Mr. President, my office has received many phone calls and e-mails from veterans in my district opposing changes to the veterans service organization grants proposed in Senate Bill No. 250. As a veteran of the Vietnam War, I understand the meaning of the service and the sacrifices that our brothers and sisters in uniform have paid for our freedom. We owe it to our veterans to help them get the services that they need. I believe that the chairman has worked to do that.

But I want to speak to something else here. He is not just cutting the budget. We've been doing that, and we need to make sure that our expenses match our revenues. But it is not just about cutting budgets. It is about reconstructing state government. It's about reforming, and the chairman has worked to do that. He has not only worked inside state government, but he has worked with the veterans service organizations. Now we have received fewer calls since he has sat down more recently and worked with them. So I want to commend the chairman on what he has done on this budget. I intend to support it.

Again, he is not cutting the budget; he is reforming it so that it will be more efficient and effective. He sets a model for the rest of us.

The following bill was read a third time:

Senate Bill No. 237, entitled

A bill to make appropriations for the department of agriculture 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 require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 7, line 18, by striking out "150,100" and inserting "630,600".
2. Amend page 8, line 3, by striking out "177,400" and inserting "657,900" and adjusting the subtotals, totals, and section 201 accordingly.

Senator Thomas moved that Senator Prusi be excused from the balance of today's session.

The motion prevailed.

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. 233**Yeas—14**

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

Nays—19

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

Excused—3

George	Prusi	Scott
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Not Voting—1

Gilbert

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 5, line 23, by striking out “2,172,500” and inserting “2,322,500”.
2. Amend page 6, line 18, by striking out “1,874,100” and inserting “2,024,000” 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. 234**Yeas—15**

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

Nays—19

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

Excused—3

George	Prusi	Scott
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Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 2, line 27, by striking out “79,700” and inserting “146,000”.
2. Amend page 3, line 14, by striking out “2,994,300” and inserting “3,060,600” 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. 235**Yeas—13**

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

Nays—21

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

Excused—3

George	Prusi	Scott
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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. 236**Yeas—28**

Allen	Cassis	Jansen	Patterson
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Sanborn
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Hardiman	McManus	Switalski
Brater	Hunter	Olshove	Thomas
Brown	Jacobs	Pappageorge	Van Woerkom

Nays—5

Basham	Clark-Coleman	Gleason	Whitmer
Cherry			

Excused—3

George	Prusi	Scott
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Not Voting—1

Clarke

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators Cherry and Brown 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 is the one that we talked about earlier which restores the Michigan Agricultural Surplus System. Again, this program provides surplus food for food banks at a time when our state and the people of our state need all the help they can get. Since 1990, this program has distributed unmarketable yet nutritious agricultural surplus of Michigan-grown products to Michigan food banks. It has salvaged close to 5 million pounds of fresh produce.

As I said earlier, I do understand that we have a tough time with tough choices, but this budget is the expression of our priorities. I cannot think of a better time when our priorities should be for the people of our state and the food that they need. It is not OK to have people go hungry. This program helps make sure that this does not happen.

Now I have heard people say that we have to find money from another source if we are going to fund this. Well, I have other sources, but I don't believe that you would support anything, like I don't think you would be supporting closing tax expenditures for this program. So I believe that as we go through this budget, understand that it was developed on cutting even further than the Governor recommended in the budget, and I know that we might have to do that. But we haven't had any agreement with the House or the Governor about what that amount should be. To me, this program should be a priority. We should make sure that the people of this state do not go hungry, and this will make sure that doesn't happen.

So, Mr. President, I ask that members support this amendment.

Senator Brown's first statement is as follows:

I wanted to respond to the Senator from the 25th District. We did, indeed, talk about this just previously, and in the ensuing hour, nothing has changed, and certainly, not the securing of funding to support this. It is a most worthy program, and we should aggressively look for an appropriate funding source. There is money out there; in fact, federal money. We retain about \$150,000 in restricted funds eliminating \$480,000 of General Fund dollars. We have a \$100 placeholder as we continue to pursue a funding source, and as a consequence, as a result of that, I would ask that members oppose the amendment.

Senator Cherry's second statement is as follows:

This amendment, again, is one that would restore the cut to the migrant housing inspection program. Again, this is a very important program not only for the people who live in the housing, but also for the farmers producing food. Both need this program. It makes sure that the housing is safe and healthy. This program already is short-staffed, so it is difficult to get the housing inspected, which is what the farmers need if they want to get their crops picked and harvested. So this program, again, is very important. We cannot have people living in unsafe housing, and farmers, again, need it if they want to get their harvesting done for the season.

So I ask members, again, to support this amendment. These are not frivolous programs. These are important for the health and safety of the people in our state.

Senator Brown's second statement is as follows:

I rise to oppose this amendment. Please know that we are continuing the cuts that the Governor made in her executive order and honoring that adjustment in the budget in order to balance this department's budget and provide for, again, food safety, animal health, and consumer protection.

In doing so, we are continuing the inspections. There will be delays, admittedly, but the department is putting together a plan to accommodate delays and make sure that the inspections are done.

Senator Cherry's third statement is as follows:

I know that the time is getting late. It is not usual that we are here more than 45 minutes. I will try to be as quick as possible, but it is important business that we are talking about. This restores funding for the Agricultural Statistics Program, which is very important. It is a partnership with the federal government, and I know that the agriculture community supports it because it provides important information on the commodities that are grown in Michigan. It helps farmers with their marketing and planning. It provides accurate data, allowing them to position their products in the marketplace better and improve their bottom line. It also allows them to plan plantings to maximize return on each acre they farm.

It is crucial both in the short-term for farmers growing rural crops like corn and soybeans, as well as farmers making longer-term investments in plantings of wine grapes, fruit trees, and Christmas trees. Good agricultural statistics also help our farmers and the rest of our agricultural sector market our products in other markets growing already in the agriculture market.

In these tough times, we need to make sure that we are helping the agricultural economy by allowing them to have the information so that they are actually growing the products that are selling in our marketplace. I ask that members support this amendment.

Senator Brown's third statement is as follows:

I do rise to oppose the amendment. While the Agricultural Statistics Program is worthwhile, given the available resources that we have to fund core priorities such as food safety, animal health, and consumer protection, unfortunately, we are not able to find the resources within the budget to fund the Agricultural Statistics Program. I would ask members to oppose the amendment.

The following bill was read a third time:

Senate Bill No. 254, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2010; 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 Cherry offered the following amendments:

1. Amend page 9, line 10, by striking out "16,482,900" and inserting "16,698,200".
2. Amend page 9, line 17, by striking out "745,000" and inserting "960,300".
3. Amend page 13, line 7, by striking out "2,858,200" and inserting "3,166,500".
4. Amend page 13, line 15, by striking out "1,233,100" and inserting "1,541,400".
5. Amend page 13, line 22, by striking out "3,931,480" and inserting "4,829,480".
6. Amend page 14, line 4, by striking out "3,592,300" and inserting "4,490,300".
7. Amend page 14, line 8, by striking out "162,340,600" and inserting "166,624,000".
8. Amend page 14, line 16, by striking out "162,340,600" and inserting "166,624,000".
9. Amend page 14, line 20, by striking out "368,200" and inserting "468,200".
10. Amend page 14, line 22, by striking out "6,667,000" and inserting "8,667,000".
11. Amend page 15, line 7, by striking out "7,549,400" and inserting "9,649,400".
12. Amend page 15, line 13, by striking out "1,373,000" and inserting "1,873,000".
13. Amend page 15, line 14, by striking out "35,178,200" and inserting "38,178,200".
14. Amend page 15, following line 14, by inserting:
"Van pooling..... 195,000".
15. Amend page 15, line 23, by striking out "11,985,700" and inserting "15,680,700" and adjusting the subtotals, totals, and section 201 accordingly.
16. Amend page 45, line 6, after "exceed" by striking out "\$3,667,000.00" and inserting "\$5,667,000.00".

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. 237

Yeas—14

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Kahn	Whitmer
Brater	Gleason		

Nays—19

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

Excused—3

George	Prusi	Scott
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Not Voting—1

Olshove

In The Chair: Richardville

Senator Gleason offered the following amendments:

1. Amend page 14, line 22, by striking out “6,667,000” and inserting “8,667,000”.
2. Amend page 15, line 7, by striking out “7,549,400” and inserting “9,549,400” and adjusting the subtotals, totals, and section 201 accordingly
3. Amend page 45, line 3, after “Chicago” by inserting “on a 7-day basis”.
4. Amend page 45, line 6, after “exceed” by striking out “\$3,667,000.00” and inserting “\$5,667,000.00”.

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. 238

Yeas—14

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

Nays—20

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

Excused—3

George	Prusi	Scott
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Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 14, line 8, by striking out “162,340,600” and inserting “166,624,000”.
2. Amend page 14, line 16, by striking out “162,340,600” and inserting “166,624,000” 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. 239

Yeas—15

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

Nays—19

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

Excused—3

George	Prusi	Scott
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Not Voting—0

In The Chair: Richardville

Senator Pappageorge offered the following amendment:

1. Amend page 35, following line 9, by inserting:

“Sec. 399. From the funds appropriated in part 1, the department shall conduct a statewide study of vehicle miles traveled. The study shall include a comparison of vehicle miles traveled to lane miles for the sampled geographical areas as well as comparisons to other states and an evaluation of best practices.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Gleason offered the following amendments:

1. Amend page 15, following line 14, by inserting:

“Van pooling..... 195,000”.

2. Amend page 15, line 23, by striking out “11,985,700” and inserting “12,180,000” 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. 240

Yeas—14

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

Nays—20

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

Excused—3

George Prusi Scott

Not Voting—0

In The Chair: Richardville

Senator Clarke offered the following amendments:

1. Amend page 14, line 20, by striking out “368,200” and inserting “468,200”.
2. Amend page 15, line 7, by striking out “7,549,400” and inserting “7,649,400” 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. 241**Yeas—12**

Barcia	Clark-Coleman	Hunter	Switalski
Brater	Clarke	Jacobs	Thomas
Cherry	Gleason	Olshove	Whitmer

Nays—22

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

Excused—3

George Prusi Scott

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. 242**Yeas—22**

Allen	Cropsey	Kahn	Richardville
Barcia	Garcia	Kuipers	Sanborn

Birkholz	Gilbert	McManus	Stamas
Bishop	Hardiman	Pappageorge	Switalski
Brown	Jansen	Patterson	Van Woerkom
Cassis	Jelinek		

Nays—12

Anderson	Cherry	Gleason	Olshove
Basham	Clark-Coleman	Hunter	Thomas
Brater	Clarke	Jacobs	Whitmer

Excused—3

George	Prusi	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators Cherry, Gleason, Cropsey and Basham 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 is a pretty big amendment in this budget. I do have to say before I get started that there probably wouldn't be all of these amendments if we would have taken these bills up more comprehensively in committee. But when they're brought on the floor with very little notice, it would be irresponsible on our part not to review them and understand all of the impacts of the budget cuts and to also make changes if we believe it's necessary.

So this is an amendment which restores the \$11.5 million cut to the public transportation portion of the Comprehensive Transportation Fund, taking some of that money to the General Fund budget. That means we are taking money for the bus programs, mass transit programs, Amtrak service; van pooling is in this cut; public transportation where we are at a time, as I said earlier in the other budget amendments, that we are dealing with a time when people need more of public service. So we must establish our priorities, and, to me, our priorities should not be cutting public transportation. Again, they're services that are so important to our citizens when they are at higher needs for those services. This budget is a budget of establishing priorities, and it seems to me that this should be a priority for our state.

So, again, I ask members to adopt this amendment to look at the budget again as an issue of recognizing not just the fact that we have to make budget cuts—because we do—but to recognize that the people of this state are suffering and they need special services from our state. This is a time when we should be providing that. We cannot let our safety net dissolve. These kinds of cuts make sure that that happens. So I ask members to restore this cut to the budget, and I ask for your support.

Senator Gleason's statement is as follows:

Fellow Senators, I speak in regard to two rather important issues. One, to reiterate the previous speaker's remarks about the process. It was earlier stated by the Majority Floor Leader that an amendment hadn't been read and a decision had been changed. It was further stated that there is a right way and a wrong way to perform our duties. Now I have heard that one many times in the last two and a half years. I agree that there is a right way and a wrong way to do things when we are seeing our transportation dollars being shrunk with a solution or a remedy involving mass transportation. And, once again, Michigan decides that we are going to fall behind other states. We see the increased deterioration of our roads, but also in recent times, we've seen an increase in ridership with the Amtrak services.

Michigan used to be considered a futuristic, a very progressive state. We used to think it was important that we led the nation in innovations and opportunities. We were the car, the automotive-making capital of the world. We transitioned from the horse and buggy to the combustion engine. Today all indicators are showing that it is time we dedicate more resources and a stronger purpose toward mass transportation. And, yet, the budget before us today, the amendment dictates that on page 14, line 22, that we will reduce Amtrak funding by \$2 million; that we will strike from line 7 on page 15, we strike another \$2 million out of that line item. A further difficulty is when we see we are reducing the number of days provided by Amtrak from seven to five.

In recent times, we've neglected the opportunity to put more people in the seats of Amtrak because we've never marketed that service. When you came to Flint, Michigan, you couldn't even find where the depot was. So only a few years ago, we dedicated about \$100,000 to market where you actually get on the train and how you utilize the services. We didn't market prior to that. We've seen an immense increase in ridership and a greater increase in receipts for those who are riding Amtrak.

Yet, today, because we didn't use a purposeful method to come to a conclusion on what money we were going to dedicate to mass transit, we just say, well, we are going to cut this money because we don't have it; to revert back again to a prior budget when it was said that we actually increased the budget involving the military services and one vote was dedicated against that budget because there was an increase to that particular budget.

I think it is high time that we take serious our consideration toward mass transportation. Let's do the right thing by putting more people in the seats of the mass transit opportunities. We are having intense conversations today in Washington, D.C., to find funding for light rail. At the same time, the conversations are being undertaken at our national level with our federal delegates. We are slashing the money which we are dedicating to mass transit right here today.

Now we are making this decision to cut this budget, and here is one of the most supreme difficulties and probably the most troubling experiences I've had with the budget process in the Senate over the last couple of years. We keep saying that we don't have money for the military services; we don't have the money agriculture; we don't have the money for transportation. I believe that the process is wrong because whatever budget comes out last, we've already spent that portion. Every single day we address a budget, proportionately we are losing state revenues. So whatever budget we address last, that money is restricted because of the previous decision this chamber has made.

So I think we have to have a more responsible way of handling this budget. Let's give every department a fair opportunity at the money. You know, we spent money on the last few budgets which we voted on today with the total expenditures which we were willing to vote for. The money which we vote for on this budget cannot be spent on the next budget which is before us. So let's have a comprehensive approach to the budget. We know there's difficulty. We have a shortage of money, but let's not curtail the funding streams of future budgets by saying, okay, we're going to give the Transportation Department or their budget \$5.6 billion. Then we can't give this \$5.6 billion, in proportion of it, to future budgets.

So I ask for affirmative votes on increasing the opportunity for mass transit, in particular, the Amtrak line which is running along both coasts of Michigan. I appreciate the opportunity to speak.

Senator Cherry's second statement is as follows:

This amendment restores the bus operation portion of the cut in the Comprehensive Transportation Fund. It is very important at a time, again, when people are needing transportation. This is the one way that many people get to their work, their employment. Without this, they may not even be able to work. It seems to me that we would be wanting that as a priority for those who need public transportation. It's also very important for the elderly to be able to have some kind of transportation available.

Further cuts in this program, again, don't say very much about the priorities that we're establishing within this Senate. While I understand that you have targets that you've decided that you have to meet, those targets still are up in negotiations with the administration and with the House. I think at this time, it's important to establish what our real priorities are, and this is a priority that I think we should be funding. I hope members agree with that, and I ask for your support.

Senator Cropsey's statement is as follows:

I'm going to reluctantly vote for this bill. One of the key things I've spoken to this body at length about before has been the Detroit River International Crossing. I think it's very important to note that we have set a date certain by which they need to give their report to the Legislature, which they keep trying to move back. I had thought by the end of this fiscal year, at the very latest, that they would have a report to us of what they have done with the 30 million in taxpayer dollars for the study that we had tried to stop two or three years ago. But the department did it anyway, of which then we had to shell out 2 million more dollars. Otherwise, we'd have to give \$17 million in federal funds back. But all that is just taxpayer dollars, evidently, as far as the Department of Transportation is concerned.

One of the key things that has to be done is to find out if we really need another international crossing there that the taxpayers or the government of Canada or whomever needs to put up. In order to determine that, one of the key things is to have an investment grade traffic study done. I'm surprised one hasn't been done already. Then I found out not too long ago that a couple of years ago, Canada, evidently, commissioned an investment grade traffic study to be done. That

was supposed to have been done a year ago. I've asked the department or one of the representatives from the department that if Canada is such a good neighbor and a good partner, where is the investment grade traffic study? I think the department told me that, well, they aren't done with it yet or some other type of thing, after a year, supposedly, from what I understand, when the study should have been done.

However, this is something the department is very well aware of. I have in my hand a letter in which it talks about the DRIC EPE/EIS Project. It was a letter dated July 9. It goes back to the invoice that was submitted by one of the contractors, I believe, on the study on the progress report for The Corradino Group from June 1 through June 30 of 2008. On June 2, The Corradino Group prepared for and participated in the following meetings: June 2 with Transport Canada on the investment grade traffic analysis, and on June 25, they also had a meeting with Transport Canada on the investment grade traffic analysis. It would seem like we should have an investment grade traffic analysis that the government of Canada has done, and I call upon the government of Canada, if they're going to be a good partner, to give us a copy of the investment grade traffic analysis.

Why haven't they released it at this point? Is it because the investment grade traffic analysis will show the American taxpayers, the Michigan taxpayers, that perhaps it does not justify the building of a new DRIC bridge? I don't know, but I have that question. I call upon the Michigan Department of Transportation to get us the investment grade traffic analysis as soon as possible. It would seem like a year after it was due that we would know where it is, what it is, and what it says.

Senator Basham's statement is as follows:

I'd like to answer, relative to Senate Bill No. 254, a couple of comments from the previous speaker. One is, "Do we need another crossing?" And I would say according to federal highway, our Canadian partners, and MDOT, the answer is "yes."

And I would also like to respond with, obviously, there is a disagreement between the DIVC and the DRIC folks, but I guess if they were here to ask questions, they would say, "Where are the permits for Ontario, for Windsor, for Detroit, for MDOT, for federal highway, for the Coast Guard, from the DIVC folks, who say they've had all the permits?" But the articles I'm reading in the *Free Press* and other papers are saying they are going ahead building a second span themselves without local, state, or federal approvals to do that.

So, again, we are talking about the budget here; that's just a small part of it, but I would be glad to have those conversations with the Majority Floor Leader, off the floor—if he'd like.

The following bill was read a third time:

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 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. 243

Yeas—34

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

Nays—0

Excused—3

George

Prusi

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4930, entitled

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

The 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. 244**Yeas—34**

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

Nays—0**Excused—3**

George	Prusi	Scott
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Not Voting—0

In The Chair: Richardville

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

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

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

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

Senate Bill No. 596

Senate Bill No. 371

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 596, entitled

A bill to authorize the state administrative board to convey certain state owned property in Delta county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for disposition of the revenue from the conveyance.

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. 245

Yeas—33

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

Nays—0

Excused—3

George	Prusi	Scott
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Not Voting—1

Cassis

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 371, entitled

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

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. 246

Yeas—34

Allen	Cherry	Jacobs	Patterson
Anderson	Clark-Coleman	Jansen	Richardville

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

Nays—0

Excused—3

George	Prusi	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

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. 61

The resolution consent calendar was adopted.

Senator Richardville offered the following resolution:

Senate Resolution No. 61.

A resolution honoring McDonald's Corporation and the Michigan McDonald's owner/operators on the occasion of their Legislative Day at the State Capitol.

Whereas, There are 533 McDonald's restaurants operating in Michigan, 77 percent of which are independently owned and operated and which employ over 32,000 Michigan citizens; and

Whereas, Michigan McDonald's restaurants annually purchase over \$443 million worth of agricultural products and food supplies from Michigan suppliers, including 69 million dozen eggs, 78 million pounds of corn, 20 million pounds of apples, 37 million pounds of pickles, 17 million pounds of beef, 7 million gallons of milk, and 4.5 million pounds of blueberries; and

Whereas, Owner/operators of Michigan McDonald's give generously of their time and dollars to support Ronald McDonald House Charities programs, including Ronald McDonald Houses in Ann Arbor, Detroit, Grand Rapids, and Lansing; and

Whereas, McDonald's owner/operators are recognized for their support of their customers and the communities in which they do business. They provide opportunities, nurture talent, develop leaders, and reward achievement through their approach of well-trained individuals with diverse backgrounds and experiences, working together in an environment that fosters respect and drives high levels of continuing success; now, therefore, be it

Resolved by the Senate, That we hereby recognize McDonald's Corporation, along with their 112 Michigan owner/operators, on their Legislative Day at the Capitol; and be it further

Resolved, That a copy of this resolution be transmitted to McDonald's Corporation headquarters with our highest esteem.

Senators Anderson, Birkholz, Cassis, Cherry, Clark-Coleman, Clarke, Garcia, Gleason, Hunter, Jacobs, Kuipers, Pappageorge and Van Woerkom were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Thomas and Hunter introduced

Senate Bill No. 630, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2008 PA 560.

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

Senators Kahn, Gleason, George, Gilbert, Van Woerkom, Basham and Jansen introduced

Senate Bill No. 631, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 2008 PA 570.

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

Senator Cassis introduced

Senate Bill No. 632, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2007 PA 154.

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

Senators Garcia, Jansen, Cassis and Richardville introduced

Senate Bill No. 633, entitled

A bill to amend 2006 PA 317, entitled "An act to create certain centers in the Michigan strategic fund; to impose certain duties and responsibilities on those centers and on certain state employees and public employees; and to repeal acts and parts of acts," by amending section 2 (MCL 125.1972).

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

Senators Cassis and Kuipers introduced

Senate Bill No. 634, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280c.

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

Senators Allen, Pappageorge, Hardiman, Kuipers and Birkholz introduced

Senate Bill No. 635, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16277 (MCL 333.16277), as added by 2001 PA 172.

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

Senator Kuipers introduced

Senate Bill No. 636, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 1204a, 1230, 1230a, 1230b, 1230c, 1230d, 1230e, 1233, 1233b, 1246, 1277, 1278, 1280, and 1311 (MCL 380.5, 380.1204a, 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d, 380.1230e, 380.1233, 380.1233b, 380.1246, 380.1277, 380.1278, 380.1280, and 380.1311), section 5 as amended by 2005 PA 61, section 1204a as amended by 1996 PA 159, sections 1230 and 1230a as

amended by 2008 PA 583, section 1230b as added by 1996 PA 189, sections 1230c and 1230d as amended and section 1230e as added by 2006 PA 680, section 1233 as amended by 2000 PA 288, section 1233b as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1277 as amended by 1997 PA 179, section 1278 as amended by 2004 PA 596, section 1280 as amended by 2006 PA 123, and section 1311 as amended 2008 PA 1, and by adding part 6D and section 1701b.

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

Senator Cassis introduced

Senate Bill No. 637, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 18, 18b, 18c, 20, 31a, 51a, 101, 169, and 169b (MCL 388.1603, 388.1606, 388.1608b, 388.1618, 388.1618b, 388.1618c, 388.1620, 388.1631a, 388.1651a, 388.1701, 388.1769, and 388.1769b), sections 3, 6, 18, 18b, 31a, and 51a as amended by 2008 PA 268, section 8b as amended by 2007 PA 92, section 18c as added by 2000 PA 297, section 20 as amended by 2008 PA 561, section 101 as amended by 2006 PA 342, and sections 169 and 169b as added by 1996 PA 300, and by adding section 9.

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

Senator Birkholz introduced

Senate Bill No. 638, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article I and section 1 of article III (MCL 38.71 and 38.91), as amended by 1996 PA 282.

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

Senator Hardiman introduced

Senate Bill No. 639, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 15 (MCL 423.201 and 423.215), section 1 as amended by 1999 PA 204 and section 15 as amended by 1994 PA 112.

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

House Bill No. 4322, entitled

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

House Bill No. 4520, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 5k.

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.

House Bill No. 4793, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2004 and 2005 (MCL 339.2004 and 339.2005), section 2004 as amended by 1988 PA 463 and section 2005 as amended by 1998 PA 90.

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 Economic Development and Regulatory Reform.

House Bill No. 4887, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 36101 and 36104a (MCL 324.36101 and 324.36104a), section 36101 as amended by 2008 PA 336 and section 36104a as added by 1996 PA 233.

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 Agriculture and Bioeconomy.

House Bill No. 5033, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 5838a and 5851 (MCL 600.5838a and 600.5851), section 5838a as amended by 1993 PA 78 and section 5851 as amended by 1993 PA 283.

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 Economic Development and Regulatory Reform.

Statements

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

The motion prevailed.

Senator Jelinek ‘s statement is as follows:

Today we started a difficult budget process. We have a long way to go. If you happen to read the *Detroit News* editorial page today, it was entitled “State lawmakers wimp out on budget cuts.” It says, “Despite agreement on spending cuts, state lawmakers wilt in the face of pressure from interest groups.”

I want to make a statement today that this chamber did not wilt today—not yet, anyway. We talk tough about budgets. Now we have to do some tough votes. The votes are going to continue next week. They will continue into the not too distant future. We have no choice but to make those tough cuts. I encourage everybody to understand that though we have dear programs, programs that are well worth it, programs that are good, we do not have the resources to continue some of them. It does cause us to make some difficult and tough votes. Every person in this body is responsible for making those tough votes, not trying to make the other person look bad, not trying to look at politics, but looking at what is required of us by the Constitution to produce a balanced budget, one that even our Governor understands. Our Governor understands that we need to make these cuts. It is behooving of all us not to wimp out, as this *Detroit News* editorial says, not to turn limp, not to wilt, but to do our duty.

I am proud of everybody who voted for these budgets today, and I hope that in the future we will get even more votes on budgets, doing the difficult votes and doing the difficult thing, but the right thing, for the state of Michigan.

Senator Clark-Coleman ‘s statement is as follows:

In the absence of Senator Martha G. Scott, who was not here today because of a very important event that is going on in her family’s life, I stand here to remind you that it is very important that we have some sort of auto insurance reform. I encourage each and every one of you to move her bills.

Senator Van Woerkom’s statement is as follows:

I would like to make a statement about the Agriculture budget today. I found it particularly painful. I voted against a number of programs that I think are very important to our second-most-important industry, an industry that is growing and doing well. I have some concerns about what kind of setback it’s going to be for that industry. In the end, I believe we took about an 18 percent cut off the current year’s budget, on a budget that is not very large to begin with.

I do want to commend the chairperson for establishing priorities of food safety, animal health, and consumer protection. Those are areas that generate trust in our food system. I think that if we lose that trust in our food system, we’ve got a huge problem in the state of Michigan. I would agree with those priorities. I am hopeful that those areas that we defunded—we eliminated the funding for about six or eight areas—that somehow we are able to find other ways to keep those programs going. Agriculture, of course, is very important to us here in the state of Michigan. We would like that industry to continue to thrive within our state, and this is probably just a foreboding of some of the very serious cuts we’ve got coming along the way.

These times are abnormal times here in the state of Michigan. They are difficult times in which we have to make some very difficult decisions, establish priorities, and it is going to be a rough ride for the rest of this month, I think.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 3:31 p.m.

4:21 p.m.

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

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 428, entitled

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

House Bill No. 4674, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431a (MCL 208.1431a), as added by 2008 PA 92.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas and Clarke

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, June 9, 2009, at 2:30 p.m., Room 110, Farnum Building

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

Excused: Senator Hunter

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 215, entitled

A bill to amend 1975 PA 164, entitled "An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking;" by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 18.301, 18.302, 18.303, 18.304, 18.305, and 18.306), sections 2 and 4 as amended by 2004 PA 94.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

Nays: None

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

The Committee on Local, Urban and State Affairs reported

House Bill No. 4184, entitled

A bill to amend 1919 PA 71, entitled "An act to provide for the formulation and establishment of a uniform system of accounting and reporting in the several departments, offices, and institutions of the state government, and in all county offices; to provide for the examination of the books and accounts of each state department, office, and institution, and of each county office; to provide for financial reports from all those departments, institutions, and offices, and for the tabulation and publication of comparative financial statistics relating to the departments, institutions, and offices; to provide for the administration of this act; to provide for the powers and duties of the department of treasury, the state treasurer, the library of Michigan and depository libraries, and other officers and entities; to provide penalties; and to provide for meeting the expense authorized by this act," by amending sections 4 and 5 (MCL 21.44 and 21.45), as amended by 2002 PA 370.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Tuesday, June 9, 2009, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Birkholz, Allen, Gleason and Basham

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 438, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1505.

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, Allen and Gilbert

Nays: Senators Thomas and Jacobs

The bill was referred to the Committee of the Whole.

The Committee on Economic Development and Regulatory Reform reported

Senate Bill No. 439, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

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, Allen and Gilbert

Nays: Senators Thomas and Jacobs

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 10, 2009, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Hunter

The Committee on Finance reported

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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs and Cherry

Nays: None

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

The Committee on Finance reported

House Bill No. 4930, entitled

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

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, June 10, 2009, at 12:15 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 9, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, June 9, 2009, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C), Kahn and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, June 10, 2009, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Wednesday, June 10, 2009, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Thursday, June 11, 2009, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hardiman (C), Garcia and Clark-Coleman

Scheduled Meetings

Appropriations -

Subcommittees -

Community Health Department - Tuesday, June 16, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Higher Education - Tuesday, June 16, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary and Corrections - Tuesday, June 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Tuesday, June 16, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Tuesday, June 16, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Commerce and Tourism - Monday, June 15, 10:00 a.m., Wayne State University, Engineering Development Center Auditorium, 5050 Wayne Anthony Drive, Detroit; and Tuesday, June 16, 2:30 p.m., Room 100, Farnum Building (373-2413)

Health Policy - Monday, June 15, 9:00 a.m., Margherio Conference Center, Mazurek Medical Education Commons, Wayne State University School of Medicine, 320 East Canfield Street, Detroit (373-0793)

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 4:22 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, June 16, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate