

No. 57
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, June 10, 2008.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Pastor Eric Tritten of Good Shepherd Lutheran Church and School of Lake Orion offered the following invocation:

Lord God, Heavenly Father, You created government in order to bring peace and harmony to your people in order that we may live in safety and in happiness. We pray, Lord, that as the Senate opens that You would bless the Senators as they do their work; that You would give them wisdom. There will be many ideas that are bandied around here—many good ideas—and we pray, Lord, that You may help them to sift through all those good ideas to come up with the right ideas in order to run our state the best way possible.

Heavenly Father, I want to lift before You the families of these public servants. These people often are criticized and have different types of pressures put on them, and we know that trickles down to their families. We pray that You would protect them; that You would give them peace and strength.

Heavenly Father, we pray for the great state of Michigan. You have blessed us richly in the past. You have given us wonderful gifts for the present. We pray, Lord, that You would lead us into the future so that we would be able to do the good work that You have given us to do.

Father, we ask that You would be with the power workers who are working to restore power throughout the southern part of this state that these great storms have gone through. We ask that You would keep them safe so that we can go about the work that You have blessed us to do.

We ask all these things in the strong and precious name of Jesus. Amen

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

11:22 a.m.

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

During the recess, Senators Barcia, Basham, Garcia, Hunter, Cassis, Brown, McManus, Gilbert, Kuipers, Hardiman, Allen, Birkholz, Kahn, Van Woerkom, George, Stamas, Jansen, Pappageorge, Richardville and Jelinek entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

June 4, 2008

Pursuant to MCL 125.2029c I am nominating the following three people for the Michigan film office advisory council:
Andy Appleby, 4778 Lahser Road, Bloomfield Hills, Michigan 48302, county of Oakland
Karen Cuthbertson, 1131 Sycamore Drive, Rochester, Michigan 48307, county of Oakland
Danialle Karmanos, Compuware, 1 Campus Martius, Detroit, Michigan 48226, county of Wayne
If you have any questions, please feel free to 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:
Office of the State Budget

June 3, 2008

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 2007, 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 2007 is 58.20%, which is \$2.5 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 following communications were received:
Department of State

Administrative Rules
Notices of Filing

June 4, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 3:52 p.m. this date, administrative rule (08-06-01) for the Department of Labor and Economic Growth "Manufactured Housing."

These rules take effect 90 days after filing with the Secretary of State.

June 4, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 3:54 p.m. this date, administrative rule (08-06-02) for the Department of Labor and Economic Growth "Part 58. Vehicle-Mounted Elevating and Rotating Work Platforms."

These rules take effect 14 days after filing with the Secretary of State.

June 4, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 3:56 p.m. this date, administrative rule (08-06-03) for the Department of Labor and Economic Growth "Part 5. Scaffolding."

These rules take effect 14 days after filing with the Secretary of State.

June 4, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 3:58 p.m. this date, administrative rule (08-06-04) for the Department of Human Services "Licensing Rules for Child Care Centers."

These rules take effect immediately after filing with the Secretary of State.

June 6, 2008

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 2:17 p.m. this date, administrative rule (08-06-05) for the Department of Environmental Quality "Great Lakes Bottomland Preserve Grand Traverse Bay."

These rules take effect immediately after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Friday, June 6:
House Bill Nos. 5068 5069 5071

The Secretary announced that the following official bills were printed on Thursday, June 5, and are available at the legislative website:

House Bill Nos. 6199 6200 6201 6202 6203

The Secretary announced that the following official bills were printed on Friday, June 6, and are available at the legislative website:

**House Bill Nos. 6204 6205 6206 6207 6208 6209 6210 6211 6212 6213 6214 6215 6216 6217
 6218 6219 6220 6221 6222 6223 6224 6225 6226 6227 6228**

By unanimous consent the Senate proceeded to the order of
Messages from the Governor

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

Senate Bill No. 436
Senate Bill No. 222
Senate Bill No. 229
Senate Bill No. 232
Senate Bill No. 238
Senate Bill No. 240

The motion prevailed.

The following messages from the Governor were received:

Date: June 5, 2008

Time: 1:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 515 (Public Act No. 151), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 438 (MCL 206.438), as added by 2004 PA 364.

(Filed with the Secretary of State on June 5, 2008, at 3:12 p.m.)

Date: June 5, 2008

Time: 1:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1234 (Public Act No. 152), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 80108a.

(Filed with the Secretary of State on June 5, 2008, at 3:14 p.m.)

Date: June 5, 2008

Time: 1:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1308 (Public Act No. 153), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8. (Filed with the Secretary of State on June 5, 2008, at 3:16 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor was received and read:

June 5, 2008

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 301 of the Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1301:

Blue Cross Blue Shield of Michigan Board of Directors

Mr. Emery I. Klein of 29260 Franklin Road, Apt. 618, Southfield, Michigan 48034, county of Oakland, succeeding Gary H. Torgow, whose term has expired, representing the general public, for a term commencing June 5, 2008 and expiring February 18, 2010.

Mr. James G. Agee of 9416 Lookout Pointe, Laingsburg, Michigan 48848, county of Shiawassee, reappointed to represent the public and retired individuals 62 years of age or older, for a term expiring February 18, 2010.

Mr. John M. Hamilton of 45 Scenic Oaks Drive, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent the public, for a term expiring February 18, 2010.

Ms. Teola P. Hunter of 8120 East Jefferson, Condo 2M, Detroit, Michigan 48214, county of Wayne, reappointed to represent the public and retired individuals 62 years of age or older, for a term expiring February 18, 2010.

June 6, 2008

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 20 of the Michigan Boxing Regulatory Act, 2004 PA 403, MCL 338.3620:

Unarmed Combat Commission

Mr. Albert J. Low of 9742 Tioga Trail, Pinckney, Michigan 48169, county of Livingston, appointed to represent boxing licensees, for a term commencing June 6, 2008 and expiring June 5, 2010.

Mr. Douglas J. Maskin of 87 Boulder Lane, Bloomfield Hills, Michigan 48304, county of Oakland, appointed to represent boxing licensees, for a term commencing June 6, 2008 and expiring June 5, 2009.

Mr. Kevin D. Moore of 26250 Tennant Street, Dearborn Heights, Michigan 48127, county of Wayne, appointed to represent the general public, for a term commencing June 6, 2008 and expiring June 5, 2011.

Mr. Earle L. Robinson of 1308 Glenmeadow Lane, East Lansing, Michigan 48823, county of Ingham, appointed to represent boxing licensees, for a term commencing June 6, 2008 and expiring June 5, 2009.

Mr. James K. Sype of 1845 Pine Knoll Drive, Okemos, Michigan 48864, county of Ingham, appointed to represent the general public, for a term commencing June 6, 2008 and expiring June 5, 2012.

Mr. Charles K. Zurawski of 116 Green Valley Drive, Milan, Michigan 48160, county of Washtenaw, appointed to represent the general public, for a term commencing June 6, 2008 and expiring June 6, 2009.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

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

Senate Bill No. 296, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81129 (MCL 324.81129), as amended by 2003 PA 111.

Substitute (H-1).

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

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

Roll Call No. 386**Yeas—37**

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

Nays—1

Brater

Excused—0**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1093, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 387**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: President

Senate Bill No. 1094, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 388**Yeas—16**

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1095, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 389**Yeas—16**

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

Nays—22

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

Excused—0**Not Voting—0**

In The Chair: President

Protests

Senator Cropsey, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute for Senate Bill No. 1095 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cropsey’s first statement is as follows:

This budget that came back from the House is assuming 1,600 fewer prisoners in our prisons. At this point, I have not received from the Department of Corrections or from the House of Representatives the 1,600 prisoners who would be released. It assumes \$40 million in savings that is nonexistent. It also is opposed by all of the major local stakeholders, so I would hope that we would turn down this budget.

Senator Cropsey’s second statement is as follows:

I mentioned that the local stakeholders were opposed to the House version of this bill. The county jail reimbursement budget was significantly cut, significantly changed. This was a program that was put into place about ten years ago when the sentencing guidelines reforms went through, which, if those reforms had not been made, the Department of Corrections believes that our current prison population would be about 70,000 prisoners and we currently have about 50,000 prisoners.

This is about \$10 million that we put into this program, and that is \$10 million that is very well spent. It was part of an agreement that was made at that time. For us to be keeping 20,000 people out of prisons for \$10 million is a very good deal indeed, and I am appalled, frankly, that the House of Representatives has reneged on the commitment that the state made to keep these people out of prison.

So for this reason and the previous reasons I stated, I voted against the bill as it came back from the House of Representatives.

Senate Bill No. 1096, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 390

Yeas—0

Nays—38

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

Excused—0

Not Voting—0

Senate Bill No. 1106, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 391**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: President

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

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

Senate Bill No. 1123

Senate Bill No. 1127

Senate Bill No. 1196

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1123, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 3 (MCL 290.643), as amended by 2006 PA 271.

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. 392**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1127, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36110, 36112, and 36113 (MCL 324.36110, 324.36112, and 324.36113), section 36110 as amended by 1996 PA 233 and sections 36112 and 36113 as added by 1995 PA 59.

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. 393**Yeas—30**

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

Nays—8

Anderson	Brater	Jacobs	Thomas
Basham	Clark-Coleman	Scott	Whitmer

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1196, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 430.

The question being on the passage of the bill,

Senator Jansen offered the following amendments:

1. Amend page 1, line 3, after "TO" by inserting "THE FOLLOWING:

(A) FOR THE 2008 TAX YEAR ONLY, 30% OF THE COST INCURRED DURING THE TAX YEAR AND THE IMMEDIATELY PRECEDING 2 TAX YEARS TO CONVERT EXISTING FUEL DELIVERY SYSTEMS TO PROVIDE E85 FUEL AND TO CREATE NEW FUEL DELIVERY SYSTEMS DESIGNED TO PROVIDE E85 FUEL.

(B) FOR THE 2009 TAX YEAR AND EACH TAX YEAR AFTER 2009,".

2. Amend page 1, line 4, after "COST" by inserting "INCURRED DURING THE TAX YEAR".

3. Amend page 2, line 3, after "MCL 125.2078." by inserting "FOR THE 2008 TAX YEAR ONLY, A TAXPAYER THAT RECEIVED A GRANT UNDER THE SERVICE STATION MATCHING GRANT PROGRAM CREATED UNDER SECTION 78 OF THE MICHIGAN STRATEGIC FUND ACT, 1984 PA 270, MCL 125.2078, DURING THE 2006 OR 2007 TAX YEAR SHALL NOT INCLUDE ANY COSTS INCURRED DURING THOSE TAX YEARS TO CONVERT OR CREATE FUEL DELIVERY SYSTEMS TO PROVIDE E85 FUEL.".

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

Senator Cassis offered the following amendment:

1. Amend page 2, line 5, after "YEAR," by striking out the balance of the subsection and inserting "THAT PORTION OF THE CREDIT THAT EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED.".

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. 394**Yeas—37**

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

Nays—1

Switalski

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

Senate Bill No. 842, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280b (MCL 380.1280b), as added by 2000 PA 230, and by adding section 1283.

Substitute (S-4).

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.

Resolutions

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

Senate Concurrent Resolution No. 22**Senate Resolution No. 181**

The motion prevailed.

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

Senate Resolution No. 205

The resolution consent calendar was adopted.

Senator Scott offered the following resolution:

Senate Resolution No. 205.

A resolution commemorating the 4th Annual State Holiday Juneteenth Celebration.

Whereas, June 19, 1865, became the historic day that recognizes the true emancipation of slaves in the United States, becoming the oldest-known celebration of the end of slavery; and

Whereas, Slavery was officially abolished by the Emancipation Proclamation in 1863. However, many Western states were either unaware of the executive order or lacked the Union troops to enforce it. It wasn't until two and a half years after the Emancipation Proclamation was issued by President Abraham Lincoln that the slaves in the state of Texas were finally made aware that the atrocity of slavery was over. They filled the streets and a spontaneous celebration erupted. This symbolic day of jubilation continued in the years that followed; and

Whereas, The first Juneteenth celebrations were more political gatherings and rallies held to teach African Americans about their new rights as American citizens. But as former slaves and their descendents continued to return to the South to commemorate Juneteenth, the gatherings turned into huge celebrations of freedom; and

Whereas, Juneteenth celebrations established many traditions, including formal thanksgiving prayers and religious ceremonies. Participants sang "Lift Every Voice and Sing" and listened to readings of the Emancipation Proclamation; and

Whereas, Juneteenth participation began to decrease in the early 1920s. During the Civil Rights movement, Juneteenth celebrations slowly re-emerged with the celebrations also focusing on education and appreciation of African-American history and culture; and

Whereas, In 1980, a bill sponsored by State Representative Al Edwards passed in Texas making Juneteenth "Emancipation Day in Texas" and a legal state holiday. The bill renewed interest in Juneteenth that spread further across the country; and

Whereas, While Texas was the first state to legalize the holiday, on May 31, 2005, the Michigan Senate passed Senate Bill No. 384 – now PA 48 – calling for the third Saturday in June to be named Juneteenth National Freedom Day. The

legislation recognizes the inhumanity and cruelty associated with the act of slavery and celebrates the freedom of all people living in the United States; and

Whereas, Michigan is one of 29 states across the country that now recognizes Juneteenth as an official holiday; and

Whereas, Juneteenth celebrations will be taking place this year in cities across Michigan, including Lansing, Grand Rapids, Flint, Saginaw, Detroit, Battle Creek, Jackson, and Albion, among others; and

Whereas, The Lansing Juneteenth Committee and honorary co-hosts, including Speaker of the House Andy Dillon, Senate Minority Leader Mark Schauer, Senator Martha G. Scott, Senator Gretchen Whitmer, Representative Joan Bauer, Representative Barb Byrum, Representative Rick Jones, Representative Mark Meadows, Representative Brenda Clack, and the Michigan Legislative Black Caucus, invite all citizens of Michigan to join them at the 4th Annual State Holiday Juneteenth Celebration. The State Capitol Kick-off and Opening Ceremony will take place on Thursday, June 19, 2008, at 5:30 p.m. on the steps of the State Capitol; and

Whereas, Juneteenth is only one day out of the year. Let us look at this day as a chance to reflect upon our past and to inspire us for the challenges that still lie ahead; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the 4th Annual State Holiday Juneteenth Celebration, with a State Capitol Kick-off and Opening Ceremony to be held on June 19, 2008; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event, the Lansing Juneteenth Committee, as evidence of our esteem for their dedication and commitment to the Juneteenth celebration.

Senators Anderson, Barcia, Brater, Cherry, Clark-Coleman, Clarke, Cropsey, Gleason, Hardiman, Hunter, Jacobs, Pappageorge, Schauer and Switalski were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communications were received and read:
Office of the Senate Majority Leader

June 10, 2008

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 1093 appoints the following members to sit on the conference committee:

Senator Bill Hardiman, Chair

Senator Valde Garcia

Senator Irma Clark-Coleman

Thank you for your prompt consideration of this matter.

June 10, 2008

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 1094 appoints the following members to sit on the conference committee:

Senator Roger Kahn, Chair

Senator John Pappageorge

Senator Deborah Cherry

Thank you for your prompt consideration of this matter.

June 10, 2008

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 1095 appoints the following members to sit on the conference committee:

Senator Alan Cropsey, Chair

Senator Roger Kahn

Senator Liz Brater

Thank you for your prompt consideration of this matter.

June 10, 2008

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-2) to Senate Bill 1096 appoints the following members to sit on the conference committee:

Senator Ron Jelinek, Chair

Senator Cameron Brown

Senator Michael Switalski

Thank you for your prompt consideration of this matter.

June 10, 2008

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 1097 appoints the following members to sit on the conference committee:

Senator Valde Garcia, Chair

Senator Alan Cropsey

Senator Liz Brater

Thank you for your prompt consideration of this matter.

June 10, 2008

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 1106 appoints the following members to sit on the conference committee:

Senator Michelle McManus, Chair

Senator Ron Jelinek

Senator Liz Brater

Thank you for your prompt consideration of this matter.

Sincerely,
Senator Michael D. Bishop
Majority Leader
State Senate, 12th District

The communications were referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Allen introduced

Senate Bill No. 1367, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2008 PA 108 and section 8 as amended by 2008 PA 110.

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

House Bill No. 5068, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32721, 32722, and 32723 (MCL 324.32721, 324.32722, and 324.32723), as added by 2006 PA 33.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 5069, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32705 and 32706 (MCL 324.32705 and 324.32706), section 32705 as amended by 2006 PA 35 and section 32706 as amended by 1996 PA 434, and by adding sections 32706a, 32706b, 32706c, 32706d, and 32706e.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 5071, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 4 (MCL 325.1004), as amended by 2006 PA 601.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Statements

Senators Cassis, Scott, Jelinek 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 Cassis' statement is as follows:

I know I've spoken on a number of occasions about being cautious regarding refundable tax credits, so I'm glad we are starting to recognize the costs to an already-strained budget due to selected refund subsidies. I appreciate my colleagues' bipartisan support, and all of us—all of us together—want our small businesses to not merely survive, but to thrive.

Now the next step—let's be proactive and reduce the MBT burdens and grow the Michigan economy.

Senator Scott's statement is as follows:

Today I bring to you another African proverb. It says, "A dog who will bring a bone will carry one." Now you're probably scratching your head over that one. But in case you did not make the connection, this is a proverb about communication—two-way communication—giving and taking, negotiating, dialogue, and discussion.

I bring my heartfelt and sincere statement to this chamber every day. I tell you how important it is to bring affordability and fairness to the insurance system in Michigan. I describe how unjust the current system is. I inform you of the inequity that exists among hardworking Michigan residents.

I have brought that message to you every day of session for more than four years, but I have yet to have anyone carry back to me a satisfactory solution. Talk to me, speak to me, communicate with me, and, above all, move my bills.

Senator Jelinek's statement is as follows:

Today we voted on nonconcurrency of several budget bills. I wanted to point out the danger that we faced had we concurred in any of these bills. We are all very well aware that the state revenues are estimated to be well below the estimates of January, on which the executive based her suggested budget.

All of the budgets we did not concur in today were well above the bills we sent to the House, except two, and all were well above the May 15 revenue estimates, for a total of almost \$30 million General Fund over the Governor's recommendation. It was not responsible to vote to spend at a level above this state's revenue.

I congratulate those who voted to not concur in today's budget votes and admonish those who voted to concur to please consider the financial conditions of this state and vote more responsibly on budgets in the future.

Senator Gleason's statement is as follows:

Today I rise to speak on behalf of thousands of unemployed Michigan residents—highly-skilled, unemployed Michigan residents. Today I beseech on behalf of the construction industry, both the contractors and the workers themselves, that we move our capital outlay budget. It has been said numerous times, in many venues, that when you spend that much money in a local community, it can turn over as many as seven times.

Today we voted on budgets to set our priorities. I think one of our greatest priorities ought to be putting Michigan back to work. As I watch the time wile away in the last few weeks after we turned down the capital outlay budget, we see Michigan workers falling further behind—further behind in maintaining and keeping their homes; falling behind on health care; falling behind on the day-to-day obligations that they must make as a family. We know that we have an obligation on behalf of the tens of thousands of unemployed here in the state of Michigan to move this capital outlay budget.

Before us we have about \$800 million in jobs. If the several economists say that this local dollar would turn over seven times, why are we sitting idly by and not putting these workers to work? Every single day the major contractors have big expensive equipment sitting, rusting that they must make payments on. And yet we sit idly by. Seventy years ago, we had a President who had difficulty understanding what was occurring around him. We remember when the recession hit and President Hoover sat with his hands in his pocket, confused, and disabled about putting American workers to work.

We are joining the workers in Michigan. They have their hands in their pockets ready to go to work, and we sit down here in Lansing with our hands in our pockets not taking the necessary action to put Michigan workers to work. Let's turn over our money, and let's put these local workers to work on local and state jobs.

One example I'd like to point out in having this capital outlay budget sit idle, we have responsibility for the Michigan School for the Deaf. That is our school that is Michigan's School for the Deaf. We have \$2.5 million targeted for that school. We have the leader dogs down here today. Can't we help those who have been troubled the most with physical issues by at least moving forward the Michigan School for the Deaf budget? We shouldn't be singling out airport projects. Certainly, when the schools and colleges and universities across this state are clamoring for expansion to make their schools more readily available for education, why do we sit on this money?

Let's put Michigan workers to work so that we can turn over this money in our local communities. Let's save Michigan workers, highly-skilled Michigan workers, their homes, and their health care. I have talked before and these construction workers are not guaranteed their health insurance just because they are union workers. Our friends, the carpenters, the

operating engineers, the electrical workers, and all the skilled trades must work several hundred hours a year to qualify for their insurance. Let's put these people to work so that they can have health care for their families. Let's move the capital outlay budget. Let's be responsible. These folks want to work, and the contractors want their equipment moving. Let's get Michigan working again. Let's pass this capital outlay budget.

Committee Reports

The Committee on Finance reported

Senate Bill No. 886, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2006 PA 114.

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, Jansen, Prusi, Jacobs and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 957, entitled

A bill to establish the autism research fund in the department of community health; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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, Jansen, Prusi, Jacobs and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 958, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as added by 2007 PA 133.

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, Jansen, Prusi, Jacobs and Whitmer

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 Finance submitted the following:

Meeting held on Thursday, June 5, 2008, at 11:12 a.m., Room 110, Farnum Building

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

Excused: Senator McManus

Scheduled Meetings

Agriculture - Thursday, June 12, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, June 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Higher Education - Wednesday, June 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, June 11, 9:00 a.m., Room 210, Farnum Building (373-3543)

Campaign and Election Oversight - Wednesday, June 11, 12:30 p.m., Room 405, Capitol Building (373-1725)

Commerce and Tourism - Wednesday, June 11, 2:30 p.m., Room 100, Farnum Building (373-2413)

Economic Development and Regulatory Reform - Wednesday, June 11, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Wednesday, June 11, 2:30 p.m., Room 100, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, June 12, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance -

Subcommittee -

Michigan Business Tax Impact Assessment - Wednesday, June 11, 9:30 a.m., Room 110, Farnum Building (373-0797)

Health Policy - Wednesday, June 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Friday, June 27, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Wednesday, June 25, 2:00 p.m., Room 327, South Tower, House Office Building (373-0212)

Michigan Capitol Committee - Thursday, June 19, 8:00 a.m., Room 426, Capitol Building (373-5527)

Natural Resources and Environmental Affairs - Wednesday, June 11, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, June 11, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:20 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, June 11, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate