

No. 52
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, June 16, 2009.

10:00 a.m.

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

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

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

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

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

Chaplain Harvy Canard of Francis Family YMCA of Temperance, clergy at Lucas County Prison in Toledo and World War II Iwo Jima Marine, offered the following invocation:

I thank God for the privilege and honor to come before such a dignified body of servants and lawmakers who work to keep our state and nation safe and free. We know you deal with and wrestle with difficult things most of us know little or nothing about. We know there are times you grow tired and weary and you see no solution. The clergy holds you up, interceding for you to take courage, hope, and strength, with knowledge and wisdom to meet the challenges you face. We look to you and trust your authority. Thank you for your service. I pray in Jesus' name. Amen.

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

Motions and Communications

Senators Jacobs and Thomas entered the Senate Chamber.

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

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

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

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

June 11, 2009

Pursuant to Public Act 224 of 2004 (MCL 600.1082), we are making the following reappointments to the State Drug Treatment Court Advisory Committee:

Ms. Pamela Davis, 6th Judicial Circuit Court - Family Division, 1200 N. Telegraph Road, Pontiac, Michigan 48341 (a court administrator who has worked for at least two years with a drug or alcohol treatment court).

Judge William T. Ervin, Isabella County Probate Court, 300 N. Main Street, Mt. Pleasant, Michigan 48858 (a judge of a family division of circuit court who has presided for at least two years over a juvenile drug court program).

Judge Brian Mackenzie, 52nd District Court, 48150 Grand River Avenue, Novi, Michigan 48374 (a circuit or district court judge who has presided at least two years over an alcohol treatment court).

Judge William Rush, 76th District Court, 300 N. Main Street, Mt. Pleasant, Michigan 48858 (a district court judge who has presided for at least two years over a drug treatment court).

Judge William Schma, 4725 Carver, Kalamazoo, Michigan 49009 (a circuit court judge who has presided for at least two years over a drug treatment court).

Sincerely,
Michael D. Bishop
Senate Majority Leader

Andy Dillon
Speaker of the House

June 11, 2009

Pursuant to PA 549 of 2008, I am making the following appointment to the Baldwin Community Schools Promise Zone Authority Board:

Mr. Rick Simonson, 3645 Sawgrass, Lansing, Michigan 48911.

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

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 11:
House Bill Nos. 4282 4536 4721 4940 4941

The Secretary announced the enrollment printing and presentation to the Governor on Friday, June 12, for her approval the following bill:

Enrolled Senate Bill No. 416 at 11:46 a.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, June 11, and are available at the legislative website:

Senate Bill Nos. 636 637 638 639
House Bill Nos. 5070 5071 5072 5073 5074 5075 5076 5077
House Joint Resolution V

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

Senate Bill Nos. 630 631 632 633 634 635
House Bill Nos. 5078 5079 5080 5081 5082 5083 5084 5085 5086 5087 5088 5089

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.

10:35 a.m.

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

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

Messages from the House

Senate Bill No. 349, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43521 (MCL 324.43521), as amended by 1996 PA 585.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 264, entitled

A bill to prohibit the sale of certain uncertified cigarettes; to provide standards for testing and fire safety certification of cigarettes; to provide remedies and civil sanctions; to provide for the powers and duties of certain state governmental officers and entities; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 41301, 41305, 41306, 41309, 41311, 41313, and 41323 (MCL 324.41301, 324.41305, 324.41306, 324.41309, 324.41311, 324.41313, and 324.41323), section 41301 as amended by 2005 PA 77, section 41305 as amended and section 41306 as added by 2005 PA 79, section 41309 as amended by 2005 PA 76, sections 41311 and 41313 as added by 2005 PA 80, and section 41323 as added by 2005 PA 75; and to repeal acts and parts of acts.

Substitute (H-2).

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. 247**Yeas—35**

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

Nays—0**Excused—2**

Garcia Jansen

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41

The motion prevailed.

Senator Bishop offered the following resolution:

Senate Resolution No. 62.

A resolution to memorialize Congress to provide for waivers from requirements attached to stimulus funding that would hamper the state's efforts to meet its constitutional obligation to balance future budgets.

Whereas, The massive federal spending program to stimulate the national economy is, in many instances, accompanied by requirements for the states to implement certain provisions in their state statutes as a condition to receiving the money from Washington. The modifications of state laws will remain in place long after the federal money is spent; and

Whereas, Even as Michigan, a state long battered by transformational economic challenges, faces budgetary problems that make every federal dollar enticing, there are many observers who have expressed grave concerns over the conditions attached to the stimulus money. This concern has been articulated in conjunction with expanded government programs and requirements for permanent changes to Michigan law that will imperil our state's economic strength in the future; and

Whereas, Many people have also expressed strong reservations over the impact similar conditions will have on other key programs. The American Recovery and Reinvestment Act's prohibitions on making cuts to Medicaid, higher education operations, community college operations, and debt service mean that 47 percent of Michigan's General Fund/General Purpose budget is effectively off the table, even as we have a \$1.7 billion deficit to reconcile. As a consequence, the

cuts that must be made can only come from other priority areas, such as health care, public emergency services, local government services, road infrastructure, and other core government functions; and

Whereas, The impact of the “strings” attached to the stimulus money is that the state is implicitly abdicating its authority and discretion related to meeting our essential responsibilities and establishing budget priorities to meet our constitutional obligations to provide core services such as health, public safety, welfare, and educating our children; and

Whereas, The strings attached to stimulus money cannot be glossed over in the state’s efforts to deal with our present budget crisis. The federal mandates connected with accepting this money may hamstring future legislatures and generations and prevent the very reforms and new approaches this state so desperately needs to craft solutions; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to provide for waivers from requirements attached to stimulus funding that would hamper the state’s efforts to meet its constitutional obligation to balance future budgets; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey requested the yeas and nays.

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

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 248

Yeas—25

Allen	George	Kuipers	Sanborn
Anderson	Gilbert	McManus	Stamas
Birkholz	Hardiman	Pappageorge	Switalski
Bishop	Jacobs	Patterson	Thomas
Brown	Jelinek	Prusi	Van Woerkom
Cassis	Kahn	Richardville	Whitmer
Cropsey			

Nays—10

Barcia	Cherry	Gleason	Olshove
Basham	Clark-Coleman	Hunter	Scott
Brater	Clarke		

Excused—2

Garcia	Jansen
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Not Voting—0

In The Chair: President

Senators Allen, Birkholz, Brown, Cassis, Cropsey, Gilbert, Jelinek, Kahn, Kuipers, McManus, Pappageorge, Patterson, Richardville, Sanborn and Van Woerkom were named co-sponsors of the resolution.

Senators Switalski, Cherry, Pappageorge and Bishop 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 statement is as follows:

I rise in support of the resolution. I think when somebody gives me money, I say, great, thank you very much. Can I spend it on whatever I want? The answer I want is, yeah, go ahead, spend it on whatever you want. I'm glad that the Majority Leader has come to the same conclusion. When somebody gives you money, you would like to spend it on what you really need to spend it on. I'm not sure that has always been the position, but now that we agree, that's good; let's go forward with this resolution. I remember giving my son some money for his first communion and I said, "Liam, you can put this money toward your college education. This will be great." He said, "Well, no, I want to spend it on a new PlayStation. Play video games."

I understand the feds are giving us money for a certain purpose, and we have other purposes that we would like to devote it to. I hope ours are much more responsible than a PlayStation, and I believe they are, but the principle involved is that the feds are giving us some stimulus money. They want to stimulate the economy. They want us to spend it to get our economy moving again. I think we should share in those goals. I think there is probably a set of principles we could agree on with the feds when we request strings be removed; that we be given a chance for a waiver in terms of some of these things where we might be spending money on things that aren't really that helpful to us in comparison to other things that we could spend it on.

For instance, if we were going to pay off debts with our stimulus money, well, that doesn't really put anybody to work. It doesn't get our economy moving. I would think that if we requested a waiver from the feds to let us pay down our debt, that would really not be in keeping with the spirit of the idea of stimulus because it is not stimulative. Whereas, if we are spending money on energy efficiency to reduce our fixed costs long into the future to develop new renewable energy industries in the state that will put people back to work, that is the kind of waiver that I think the feds would be willing to grant.

I have just seen the resolution. I have skimmed it, and the basic idea is being able to spend on what we would like and what we need to spend on rather than what we are told to spend on. Everyone would always agree on that. Your kid would agree on that when you give him his birthday money. We, the Legislature, would agree on that when we get money from the feds. The schools—when we give them money—they always tell us, yes, please put that in the foundation where we can spend it wherever we want and need to. Don't put it into certain categorical things that we might not be able to afford.

I think that is a very wise approach to give us latitude. I think the waiver idea—and I am not sure it is incorporated into the resolution—would be an improvement to where you can ask the feds for a waiver. They should be quite liberal in granting those waivers as long as the spending is in keeping with the idea of stimulus, of creating jobs, of creating new industries, and of creating efficiencies in government.

In conclusion, I would like to reiterate all the points that I have made until my time expires: stimulus, good; jobs, good; new industries, good; proper way to achieve that through a waiver from the federal government that allows us to spend in agreement with our priorities here in the state. I think we have full agreement with the Majority Leader on those principles. It should be things that generate additional jobs and additional industries to replace some of the industries in this state that are suffering and to reduce the high unemployment levels.

Senator Cherry's statement is as follows:

While I appreciate the comments of my colleagues—and I do understand the desire to have waivers for various requirements of the stimulus funding—I rise in opposition to this resolution. It seems to me that the stimulus money was not given as free money. It was given with a specific purpose in mind. When Congress allocates dollars, just as when we allocate dollars, they set their priorities within those dollars. The stimulus money has been provided with those kinds of strings attached.

If the resolution was saying, well, we think in this time of crisis Michigan should not have to have matching funds for road dollars, I would be in full agreement of something like that. I am not in agreement, however, when in this resolution it cites things that I believe are very important in a time of economic crisis; like the prohibition to making cuts on Medicaid; like the prohibition on higher education funding; like the prohibition on community college funding; and the prohibition to use stimulus dollars for debt service. Those, to me, are very appropriate prohibitions, and we should not be wanting to change those prohibitions.

We should be using those dollars, as was said previously, to stimulate the economy and the bill was passed out of Congress to protect certain basic public safety and welfare nets from collapsing. That's what those dollars should be used for. That is what they are being used for in our budget. I oppose changing federal requirements that would allow us to spend it on things like debt requirements.

Mr. President, I am opposed to this resolution, and I hope that members will also stand opposed to it.

Senator Pappageorge's statement is as follows:

Let me just give you two examples as to why flexibility at our level will improve things. First, with regard to strings from the feds, we need to upgrade our unemployment insurance IT process. We have \$24 million standing by right now

to do that. The feds have sent us another \$84 million for a total of \$108 million, yet the gold standard for upgrade here is somewhere between \$65 million and \$70 million. What can we do with that extra money? Not a thing because the feds have said that you can only use it for upgrading unemployment insurance.

With regard to the statement from the Senator from the 10th District, that reducing debt does not create jobs. I give you the example of road funding. Twenty-two percent of road funding goes to debt service. If we reduce that debt, we could build more roads not only this year, but forever.

So we need to have flexibility of the kind that we have in this resolution. I urge support.

Senator Bishop's first statement is as follows:

I rise today to speak to the resolution and to discuss the federal stimulus package. Despite the substantial budget problems facing state governments, the federal government crafted the American Recovery and Reinvestment Act in such a way to prohibit states from cuts to a substantial percentage of each state's budget. Moreover, states are prevented from doing the right thing, such as paying down debt service with that stimulus money.

The practical result of the federal restrictions is that 47 percent of Michigan's General Fund/General Purpose budget is effectively off the table from consideration, even in the face of a \$1.7 billion deficit that we are forced to reconcile. As a consequence, the cuts that must be made can only come from other priority areas, such as health care, police and emergency services, local government services, road infrastructure, and other core government functions.

I think we can all agree that if there is a silver lining in these very challenging times, it's the fact that state governments and governments as a whole are forced to focus on priorities of government. What is the core function of government? They are forced to right size their operations, pass long overdue reforms to broken, unproductive systems, and learn to deliver essential services more efficiently and effectively with less money.

The irony of the stimulus bill is that it actually restricts states from making the necessary cuts and reforms to their own state budgets and to properly manage their own budget crisis, thereby enhancing the probability that the dysfunction that caused the current crisis will continue. In fact, the stimulus bill goes a step further. In many cases, it requires states who accept their own taxpayer money to build and sustain a bigger government, a permanent government, which is exactly the opposite, the worst thing that any state should be doing right now that faces the same budget crisis. After all, I think we can all agree that the first order of business when you first find yourself in a hole is to quit digging.

States cannot print money like our federal counterparts. We simply cannot sustain the present rate of growth. The federal government has to recognize that fact, and take its claws out of state government so that we can properly manage our state resources. So, in the spirit of stimulating the economy, this resolution is a request to the federal government to give the state of Michigan the opportunity to do the right thing and reform our state budget to give us a fighting chance of stabilizing a state budget that is long overdue for right sizing and reform.

Accordingly, by this resolution, we are asking the federal government to waive federal mandates against states who genuinely want to resolve budget crises without growing government at the expense of our children and future generations. The state of Michigan—we can all agree on this—desperately wants to begin its recovery, but as long as our state government continues with the status quo and business as usual, we will continue to repel business and chase families from our great state.

The impact of the strings attached to the stimulus money is that states are implicitly abdicating their authority and discretion related to meeting our essential responsibilities and establishing budget priorities to meet our constitutional obligations to provide core services, such as health, public safety, and educating our children. We, therefore, by this resolution, memorialize Congress and the President of the United States to provide for waivers from requirements attached to the stimulus funding that would hamper the state's effort to meet its constitutional obligation to balance future budgets. I urge your support.

Senator Bishop's second statement is as follows:

I thank the Minority Leader for his question. I think it is a good one, and I am glad that he asked the question. A couple of months ago, I did send that letter to Harry Reid and the good Speaker of the House Nancy Pelosi with a number of concerns that I had with the direction of the federal government. In that letter, I asked the federal government to ask the states to provide a plan on how they were going to reduce their budgets and how they were going to balance their own budgets before they send a dime to the states. To me, that sounded reasonable, especially in light of the fact that the federal government was in the process of excoriating, very publicly, our automakers for the way they had conducted their business and the way they continue to have troubles in the industry.

I thought it was fair that since we decided to ask the automakers to provide a plan, we ought to be asking the state governments to provide the same kind of plan, instead of just cutting a blank check and saying go ahead and spend it. That was the purpose of that letter, and I stand by that letter. I think had the federal government taken the opportunity and made that a requirement in this process, we wouldn't be in the position we are in right now and we couldn't be. States would be forced to balance their budgets before they even thought about the stimulus money.

Now we are in a position where we are trying to balance our budget, and at the same time, we are told that we can't address budget concerns because 47 percent of our state budget is off limits. That is the point of this resolution. It asks the

federal government to relax the restrictions, so that a state like Michigan can do what it has to do, which is to resolve a very serious budget crisis. This request has been made by different states. The good Governor from Florida has made the request and received a waiver to do what I am asking to do. I would think in a state like Michigan, we would probably have some standing to ask for this request. We are a state that has been devastated by an economic crisis, and the federal government should take notice of that fact. Instead of putting restrictions on how we can save our own situation, they ought to be providing us help, services, and resources on ways that we can resolve our own budget shortfall. I'm not asking for extra money. I am just saying get out of our business, and let us do what we need to do.

States are sovereign, and we have a right and an obligation pursuant to our Constitution to balance our budget. This resolution is important to this state and the future of our budget negotiations. I ask for your support.

Senator Bishop offered the following concurrent resolution:

Senate Concurrent Resolution No. 13.

A concurrent resolution to memorialize Congress to provide for waivers from requirements attached to stimulus funding that would hamper the state's efforts to meet its constitutional obligation to balance future budgets.

Whereas, The massive federal spending program to stimulate the national economy is, in many instances, accompanied by requirements for the states to implement certain provisions in their state statutes as a condition to receiving the money from Washington. The modifications of state laws will remain in place long after the federal money is spent; and

Whereas, Even as Michigan, a state long battered by transformational economic challenges, faces budgetary problems that make every federal dollar enticing, there are many observers who have expressed grave concerns over the conditions attached to the stimulus money. This concern has been articulated in conjunction with expanded government programs and requirements for permanent changes to Michigan law that will imperil our state's economic strength in the future; and

Whereas, Many people have also expressed strong reservations over the impact similar conditions will have on other key programs. The American Recovery and Reinvestment Act's prohibitions on making cuts to Medicaid, higher education operations, community college operations, and debt service mean that 47 percent of Michigan's General Fund/General Purpose budget is effectively off the table, even as we have a \$1.7 billion deficit to reconcile. As a consequence, the cuts that must be made can only come from other priority areas, such as health care, public emergency services, local government services, road infrastructure, and other core government functions; and

Whereas, The impact of the "strings" attached to the stimulus money is that the state is implicitly abdicating its authority and discretion related to meeting our essential responsibilities and establishing budget priorities to meet our constitutional obligations to provide core services such as health, public safety, welfare, and educating our children; and

Whereas, The strings attached to stimulus money cannot be glossed over in the state's efforts to deal with our present budget crisis. The federal mandates connected with accepting this money may hamstring future legislatures and generations and prevent the very reforms and new approaches this state so desperately needs to craft solutions; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to provide for waivers from requirements attached to stimulus funding that would hamper the state's efforts to meet its constitutional obligation to balance future budgets; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Barcia, Birkholz, Brown, Cassis, Cropsey, Gilbert, Hardiman, Jelinek, Kahn, Kuipers, McManus, Pappageorge, Patterson, Richardville and Van Woerkom were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

Senate Bill No. 431, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 39 (MCL 24.239), as amended by 2004 PA 23.

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.

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.

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

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

Senate Bill No. 13, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45 (MCL 24.245), as amended by 2004 PA 491, and by adding section 45b.

Substitute (S-1).

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

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

Senate Bill No. 435, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

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

1. Amend page 2, line 13, after "**ON**" by striking out "**SMALL BUSINESSES**" and inserting "**BUSINESSES, INCLUDING SMALL BUSINESSES,**".

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.

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

Senate Bill No. 436, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 245, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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.

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 640, 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 Economic Development and Regulatory Reform.

Senator Jansen introduced

Senate Bill No. 641, entitled

A bill to amend 2008 PA 456, entitled "An act to amend 1966 PA 346, entitled "An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act," (MCL 125.1401 to 125.1499c) by adding chapter 3B," by repealing enacting section 1.

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

House Bill No. 4282, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 264 (MCL 18.1264), as added by 1988 PA 504.

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 Commerce and Tourism.

House Bill No. 4536, entitled

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending sections 1, 1a, 2, 2a, 2b, and 3 (MCL 395.101, 395.101a, 395.102, 395.102a, 395.102b, and 395.103), sections 1, 2, 2a, 2b, and 3 as amended and section 1a as added by 1983 PA 60, and by adding section 2c.

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. 4721, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 11j, 11n, 20, 22a, 22b, 26a, 51a, 51c, 53a, and 94a (MCL 388.1606, 388.1611, 388.1611j, 388.1611n, 388.1620, 388.1622a, 388.1622b, 388.1626a, 388.1651a, 388.1651c, 388.1653a, and 388.1694a), sections 6, 11, 11j, 22a, 22b, 26a, 51a, 51c, 53a, and 94a as amended and section 11n as added by 2008 PA 268 and section 20 as amended by 2008 PA 561, and by adding section 98a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4922, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2008 PA 257.

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 Finance.

House Bill No. 4940, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20153.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4941, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2008 PA 37.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

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

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

Senate Bill No. 245

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

The following bill was read a third time:

Senate Bill No. 245, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,

Senator Anderson offered the following amendments:

1. Amend page 34, line 7, by striking out “32,420,300” and inserting “49,950,000”.
2. Amend page 34, line 19, by striking out “35,420,300” and inserting “52,950,000” and adjusting the subtotals, totals, and section 201 accordingly.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 11:33 a.m.

11:51 a.m.

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

During the recess, Senator Jansen entered the Senate Chamber.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 249

Yeas—16

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

Nays—20

Allen	Cropsey	Jelinek	Patterson
Birkholz	George	Kahn	Richardville

Bishop
Brown
Cassis

Gilbert
Hardiman
Jansen

Kuipers
McManus
Pappageorge

Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Jacobs offered the following amendments:

1. Amend page 34, line 23, by striking out “309,675,100” and inserting “353,646,300”.
2. Amend page 34, line 24, by striking out “54,571,300” and inserting “58,633,000”.
3. Amend page 34, line 27, by striking out “986,384,300” and inserting “986,017,200”.
4. Amend page 35, line 1, by striking out “0” and inserting “48,400,000” and adjusting the subtotals, totals, and section 201 accordingly.
5. Amend page 121, line 5, after “of” by striking out “88%” and inserting “93.3%”.
6. Amend page 121, line 15, by striking out “\$309,675,100.00” and inserting “\$353,646,300.00”.
7. Amend page 121, line 15, after “by” by striking out “\$931,813,000.00” and inserting “\$975,784,200.00”.
8. Amend page 121, line 15, after “subtracting” by striking out “0.12” and inserting “0.067”.
9. Amend page 121, line 24, after “county” by striking out “88%” and inserting “93.3%”.

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. 250

Yeas—17

Anderson
Barcia
Basham
Brater
Cassis

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—19

Allen
Birkholz
Bishop
Brown
Cropsey

George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Pappageorge
Patterson

Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Thomas offered the following amendment:

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

“(5) STATE FAIR

Full-time equated unclassified positions.....	1.0		
Full-time equated classified positions	9.0		
Unclassified positions—1.0 FTE position		\$	0
Michigan state fair operations—9.0 FTE positions.....			100
Michigan state fair information technology			0
GROSS APPROPRIATION		\$	<u>100</u>
Appropriated from:			
State general fund/general purpose		\$	100”

and adjusting the subtotals, totals, and section 201 accordingly and renumbering the remaining subsections.

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 adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 251

Yeas—36

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Anderson offered the following amendment:

1. Amend page 49, following line 12, by inserting:

“Sec. 307a. (1) All money or other proceeds received by the department of attorney general for debts due or penalties forfeited to the people of this state, or deriving from the settlement of any lawsuit entered into by the attorney general on behalf of a state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government or an individual acting on behalf of the executive branch of state government against

a private individual or business or any other private organization, shall be immediately deposited in conformity with MCL 14.33 and shall not be available for expenditure or disbursement until appropriated.

(2) Except as may otherwise be provided by law, the department of attorney general shall not agree as part of the settlement of a lawsuit or administrative enforcement action on behalf of this state, the people of this state, a state entity, or an individual or officer acting on behalf of this state against a private individual, business, or other organization, to accept the payment of money, goods, services, or other benefits to a third party or parties in lieu of a debt or obligation otherwise due to this state or the people of this state. Any money paid to settle a debt or obligation owed this state or the people of this state, or paid in lieu of a debt or obligation otherwise due to this state or the people of this state, or goods or services offered to settle claims on behalf of the state or people of the state of Michigan, shall be deposited with the state treasury immediately after receipt and shall not be available for expenditure or disbursement until appropriated. This section does not apply to settlement money or goods disbursed by a court-approved claims administrator directly to consumer members of a class action lawsuit brought by the attorney general in his or her parens patriae capacity, provided the disbursement is judicially authorized and is made following a notice period and fairness hearing or to supplemental environmental projects secured on behalf of the Michigan department of environmental quality.

(3) On a quarterly basis, the attorney general shall report to the budget office and the appropriations committees for both the house and senate the case names and corresponding attorney general case file numbers, court docket numbers, and presiding courts for every matter that the attorney general settled during the preceding quarter. The attorney general shall report the total settlement value for each case reported. The attorney general shall itemize each settlement to additionally reflect:

(a) The aggregate Michigan consumer recovery.

(b) The value of restitution paid on behalf of the state or any state or federal department or agency whose interest was resolved in the case.

(c) Amounts recovered for civil penalties.

(d) Amounts recovered for attorney fees.

(e) Amounts recovered as reimbursement for the costs of investigation. If the attorney general settled a case in the prior quarter for nonmonetary proceeds, he or she shall indicate the identity and value of proceeds so received for each case as provided in this section.

(4) Funds appropriated to the department of attorney general under part 1 are appropriated contingent upon compliance with this section.”.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 252

Yeas—16

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Whitmer offered the following amendment:

1. Amend page 51, following line 2, by inserting:

“Sec. 312b. The attorney general shall annually report to the legislature the names and addresses of the special attorneys general utilized by the attorney general in the immediately preceding fiscal year.”.

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. 253**Yeas—16**

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Whitmer offered the following amendment:

1. Amend page 51, following line 2, by inserting:

“Sec. 312a. The attorney general shall annually report to the legislature, and make available on his or her website, the number of complaints received, the number of complaints investigated, and the number of violations prosecuted by the attorney general involving the Michigan occupational safety and health act, 1954 PA 174, MCL 408.1001 to 408.1094.”.

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. 254**Yeas—16**

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Whitmer offered the following amendment:

1. Amend page 51, following line 2, by inserting:

“Sec. 312. The attorney general shall provide to the legislature, and make available on his or her website, a report that details the attorney general’s activities in the preceding calendar year in enforcing 1976 PA 449, MCL 445.351 to 445.364. The report shall include the number of violation complaints received, the number of complaints investigated, and the number of court actions filed by the attorney general for injunctive relief or recovery under that act.”.

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. 255**Yeas—16**

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Pappageorge offered the following amendments:

1. Amend page 11, line 21, by striking out “26,533,300” and inserting “26,698,100”.
2. Amend page 11, line 22, by striking out “2,322,600” and inserting “2,294,600”.
3. Amend page 11, line 23, by striking out “2,932,600” and inserting “2,897,300”.
4. Amend page 11, line 24, by striking out “41,463,600” and inserting “42,309,700”.
5. Amend page 11, line 25, by striking out “1,844,600” and inserting “1,822,400”.
6. Amend page 11, line 26, by striking out “2,932,600” and inserting “2,897,300”.
7. Amend page 12, line 5, by striking out “9,245,700” and inserting “8,739,200”.
8. Amend page 12, line 6, by striking out “1,252,400” and inserting “1,237,300”.
9. Amend page 12, line 24, by striking out “7,045,700” and inserting “6,960,800”.
10. Amend page 12, line 25, by striking out “1,723,000” and inserting “1,702,300” and adjusting the subtotals, totals, and section 201 accordingly.

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

The question being on the passage of the bill,

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

Roll Call No. 256**Yeas—20**

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

Nays—16

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Cherry, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 245.

Senator Cherry's statement is as follows:

I rise to explain to my colleagues that I voted "no" for many reasons. The worst being, of course, is the cut in revenue sharing in which the revenue sharing cut was magnified—if you look at it in certain ways—almost twice as much as what was made in the current executive order and extended throughout the year. We heard a lot of debate about how important revenue sharing is, of course, especially in terms of local law enforcement which is the person that, when something happens to me or my neighbor or my family, it is the phone call that I make. That's the local police officer who comes to my door, my neighbor's door, or my community's door. Those people are in jeopardy because of the cut in revenue sharing. That cut was made even though sources of revenue were proposed so that that cut would not have to be made. So that, of course, to me, is the most important reason why I voted "no."

I also voted "no" because there were cuts in this budget that, to me, didn't seem consistent. For example, the Secretary of State got a 10 percent administrative cut, but the Department of Treasury, the department which we need to collect revenue, got a 13 percent cut in the budget. So it seemed to me that there was some unfairness about how those budget cuts were made—the additional cuts.

In addition in the Department of State, we continue to argue about how much money is really being used, is really appropriately used for the services that are provided by the Secretary of State through the Comprehensive Transportation Fund; whether there is any money that should be actually going to the Comprehensive Transportation Fund which is being now ciphoned off by the Secretary of State.

We continue to argue about those issues year by year. So, because of all of those things and because we got this budget, once again, five minutes before we were supposed to vote on it, I am voting "no." I know that there are lots of changes that will occur as we go through this process, but right now, this is my explanation for the "no" vote that I took earlier.

Senators Anderson, Jacobs, Pappageorge, Cassis, Whitmer asked and were granted unanimous consent to make a statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Anderson's first statement is as follows:

I would like to preface my remarks with just a comment that it's been, I think, out of a sense of frustration that members on this side of the aisle have with this whole process of how these budgets have been handled and the fact that this budget, I got a copy of the actual budget at five minutes after 11, which is less than an hour ago. We did get some information, and I do thank the good chair for that information this morning. But it's a very extensive budget to absorb and to try to understand all of the implications of the cuts that are being made within such a short period of time.

My amendment would restore 21st Century Jobs Trust Fund dollars. As a member of the Appropriations Committee, I am certainly aware of the difficult budget situation which we face in Michigan, and I realize that cuts must be made. We have to balance the budget. There is no doubt about that, but this amendment does not seek to restore funding to the Governor's recommendation of \$75 million or even the \$65 million provided in the bill which came out of committee. This amendment simply restores the funding \$52.95 million in the amount of funding after the Governor's EO cuts from the prior year's budget.

Now the bill before us provides just \$32.4 million. To me, it is unconscionable that we would make such a draconian cut to a program whose purpose is to create jobs. Cannibalizing this program is like eating our seed corn. Are we just going to roll up in a cocoon and die, or are we going to invest in our future? I would ask members to consider this. Are we just going to close up shop and say it's time, it's over, we're done?

Just last week, the Majority Leader commented that taxpayers are facing declining incomes and high unemployment rates. It seems the best way to address both of those concerns is to support the program which provides funding to companies that are creating the jobs we need to help spur a recovery in our state. We should be doing everything possible to ensure this program's success, and by extension, the success of Michigan businesses.

I ask for your support on my amendment today.

Senator Jacobs' first statement is as follows:

Well, we all know that the current budget crisis has proven to be a difficult one, as we all share a growing worry of how we are going to fix the state's budget. While cuts have to be made, we need to be both fiscally responsible and make sure we aren't cutting necessary services which affect the safety and well-being of the constituents whom we all serve.

The extreme 12 percent revenue sharing cut which has been proposed by my colleagues from across the aisle would truly be devastating to all of the communities we represent. Our cities, townships, and counties rely on this funding of revenue sharing for local police, firefighters, water systems, road maintenance, and other vital services and infrastructure. Over the past several years, we've already cut out \$3 billion for these local services.

Now we all know Michigan citizens are waiting longer than ever for police assistance due to understaffing that is caused by these cuts. If we thought we had heartburn, try and deal with the state troopers budget. Think about our neighborhoods that are now having even less police officers and less firefighters to come to our rescue and less improvement projects for our roads and communities. Many of our communities are already feeling the effects of this difficult economy through jobs lost and homes foreclosed on. While all cuts cannot be avoided entirely, I really so desperately believe that our citizens' safety simply cannot afford this draconian 12 percent cut.

So what my amendment does is to restore about half back to revenue sharing so that we will not have to suffer the negative consequences of such an extreme cut that we have in this budget. So I would ask my colleagues to please support this. Support our local communities.

Senator Pappageorge's first statement is as follows:

I don't know of anyone who has worked as hard over the years to protect revenue sharing. The sad fact is that we don't have \$48 million. The idea of saying, well, we are only short \$24 million, but putting some back in doesn't make a lot of sense. Unless, in these amendments, somebody stands up and says we are short \$66 million, which is what all of the amendments before us today will total, unless somebody stands up and says, look, here is where we are going to get the \$66 million, the idea of standing up and just saying it's terrible that we don't have money, that just doesn't cut it, folks. The world is full of critics, and what we need are playwrights.

If you have a suggestion on how to shift money, move money, or actually stand up and say I am for a tax increase, I am going to say no to all of these amendments that say put the money back in. We just don't have it, folks.

Senator Jacobs' second statement is as follows:

To my good friend from Troy, the world is full of critics, and in Michigan, we are full of credits. There are pots of money out there that we can access because we do have credits, loopholes, and lots of exemptions for all over the board. If we all have to feel a little pain to do some tweaking later on, we can do that. I think I have said it from the heart—I don't need to use my notes—there is money out there, and we need to have the will to look at a lot of the pots of money out there. If we remember, Representative Meisner had a whole package of things, and I know that my friend from Troy is familiar with those things. We can do this without a lot of hurt, and we can do this today if we want to. There is the money to do this and to save our cities and protect our communities.

Senator Cassis' statement is as follows:

It is indeed a very gratifying thing today to hear my good friend, colleague, and neighbor from the 14th Senate District say there is money, and we should be able to tap that money to save essential, necessary services. I would point to a place where that money is, and I would certainly sign on to any such bills that would allow for these monies. Instead of going out and being a source of giving money away above and beyond just eliminating tax liability for companies, if that money instead were utilized to restore at least 100 State Police officers and revenue sharing, I can tell you I will sign on the dotted line immediately.

The money is in a place that is a good place to start on the refundable credits to the Michigan business tax. I raise this issue to all my colleagues because it is money that can be utilized right now. These would not require any cut in spending, but just to take new spending and put it where it is most needed. I applaud my colleague and neighbor from the 14th District for raising this all-important issue today before the State Senate.

Senator Anderson's second statement is as follows:

My amendment would require that any settlement negotiated by the Attorney General be put directly into the General Fund. The Attorney General currently has the right and responsibility to reach settlements on behalf of the people of Michigan. Yet, there is no oversight on how this money is spent. We go through the appropriations process each year, but the Attorney General is able to spend money wherever he feels is most beneficial and for whatever reason.

This money should be going to the General Fund so that it can go through the legislative process and the appropriations process, as every other dollar is supposed to in our state. The recent example of a half million dollars in a Countrywide foreclosure settlement and that it almost went to one particular park in Grand Rapids based on a recommendation of a large donor for the other side indicates why we need checks and balances on the people's money. It was only after media reports detailing that settlement and how that money was being spent that the Attorney General reconsidered his decision.

I urge support for my amendment.

Senator Pappageorge's second statement is as follows:

Here we are with the next installment on the discussion between the Senator from the 6th District and myself. The fact is the settlement dollars go back to the department involved in the settlement. Settlement dollars often are not dollars. They're in-kind. Every which way, every year, the Senator from the 6th District wants to move the entire Legislature, or at least the Appropriations Committee, into the judge's chamber when settlements are done. That's never going to happen.

The current Attorney General has no powers greater than the previous Attorneys General. So we ought to stop trying to insinuate the Legislature into the judge's chamber. This should be a "no."

Senator Anderson's third statement is as follows:

This is not about putting the Legislature in court, and the good chair realizes that. It is a good sound bite, but it's not the truth. The fact is that these settlements are reached and the Attorney General is given the opportunity—because this Legislature decides to look the other way—to decide where he wants this money to go around the state.

This example that I pointed out was a half-million dollars. This is not that we want to be in the courtroom; this is about that it should go through the appropriations process just like every other settlement. Everything should go through the state appropriations process. There is no doubt in anyone's mind that's what should happen, but some folks choose to look the other way. Unfortunately, we cannot afford to do that any longer. We need to appropriate every dollar and appropriate it properly.

Senator Pappageorge's third statement is as follows:

My good colleague from the 6th District and I have been going back and forth on this issue for a number of times. I would caution accusations about the motivation of any of our members and should not be allowed on the Senate floor. If you have a problem with integrity, come see me.

Senator Whitmer's first statement is as follows:

I have three amendments, all to the General Government budget and all to the office of the Attorney General. All three amendments are substantive policy amendments. They do not cost a dime. You say, why are you offering these substantive policy amendments to budget bills? I know that you have worked on the budget when you were in the House, so you know what these budget bills are all about. I have substantive bills on all of these issues and have been told that perhaps I would have a better shot at getting you to pay better attention to some of my arguments than on my substantive bills. So here it goes.

This first amendment—and let me tell you that all three of these amendments affect the Attorney General's office in an area that he has talked a lot about, and that is transparency. It is something that we all think is good government, and I think we all believe that to our core—at least I hope so—that the more information that we give the public, the better they can make decisions about whether or not we are doing a good job and whether or not something is worth paying for here in state government. That is what all of this is about—transparency in state government. I like to think that the Attorney General would support and embrace all three of these amendments because he likes transparency, at least he talks about it a lot.

This first amendment gives us pertinent information regarding the use of special attorneys general. The Attorney General has about 270 assistant attorneys general, but often the Attorney General hires special assistant attorneys general outside of the people who are civil servants here in the state of Michigan. One of the worries we have is conflicts of interest, particularly when our Attorney General, who regularly appears before the Supreme Court, has someone who is perhaps married to someone who serves on the Supreme Court here in the state of Michigan.

This has been a recent issue that was decided before the United States Supreme Court in *Caperton v. Massey*, where the United States Supreme Court looked at a West Virginia case and said state Supreme Court justices may not be the best ones who can solely decide whether or not they have a conflict of interest. This is a monetary case, but in this case, I am proposing that we, the Legislature, should have a right to know whether or not a special assistant attorney general, someone we taxpayers are paying for but is hired outside the traditional system, is related to someone on the Supreme Court. We should know who those people are. What I propose in this amendment is that the Attorney General tell us who those special assistant attorneys general are. That's it. Simple, right?

Now I want to give you another instance in which this really is of critical importance. Our Attorney General recently closed the U.P. office and the Petoskey office. Thus, all the people in the Upper Peninsula do not have an Attorney General or Attorney General office anymore. They are kind of second-class citizens now. I think that that, regardless of what you think the merits are of the decision, I personally think it was a terrible decision. But regardless of what you think of the merits of that decision, we want to ensure that it doesn't become a pay-to-play situation in the U.P., where the Attorney General is giving out special favors in determining who is going to become special attorneys general up there.

So with having us know who these people are, who the taxpayer dollars are going to hire in these circumstances, I think is a good idea. All this amendment proposes is that we know who these people are, so we can make good decisions and we can ask good questions. We have a fiduciary duty to the taxpayers of Michigan. That is how this relates to the budget. I ask for your support and appreciate your apt attention on this most important issue.

Senator Pappageorge's fourth statement is as follows:

As did the previous speaker, I would like to address all three of these amendments. I must say I agree with her opening paragraph. This is policy stuff. Budgets are only one year. I assume we make policy for longer than a year, and it's just not appropriate to be putting this stuff in a budget.

So I would ask for a "no" vote; not that I'm arguing about what kind of things ought to be put before the Judiciary Committee. I just don't like an end run to the Judiciary Committee by putting something in the budget, so I would urge a "no" vote here.

Senator Whitmer's second statement is as follows:

This is another amendment asking for information, transparency out of the Attorney General's office. What this amendment does is it refers to the MIOSHA act. This is the act that the Legislature enacted to protect the workers of the state of Michigan. We got this law on the books for a reason—to protect people. One of the things we don't know is how many complaints the office of the Attorney General is receiving annually; whether or not they are being investigated; whether or not those investigations are yielding actual prosecutions for violations and what is being done.

So all that this does is require that when the Attorney General presents his or her report to the Legislature that these details are included in that report. I don't know that this requires a whole lot of effort on the office, but it certainly would give us a whole lot of information as to whether or not the laws which we enact to protect the people and the workers in the state of Michigan are being enforced, observed, and that the people whom we seek to protect are, in fact, being protected.

So I ask for your consideration of this amendment as well. I know that it has a one-year time frame, but, heck, let's try it for a year and see if it works. What's the harm in that? I think that when you are talking about workers' safety, there was a man who died here in Lansing last year because people were violating the MIOSHA act. So I think that we as a Legislature owe it to our constituents, owe it to the working people of the state of Michigan to at least ask the question. I'm not saying let's change the laws. I'm not saying let's impose a new, tough burden on any party. Let's enforce the laws which are on the books. Let's ask if they are being enforced So let's ask. Let's find out. One year. Let's ask the Attorney General to include this in the report that is already compiled to put it on the website and make sure that we don't have anyone else fall through an open elevator shaft that should have been properly closed and that this person should not have lost their life. Let's ask the question and make sure that we are following up and enforcing the laws which are already on the books in this state.

Senator Whitmer's third statement is as follows:

This amendment is also toward the effort of transparency in government, and this is just another report on the state website from the Attorney General's office with regard to the item pricing act. Now the item pricing act, as you are all very well aware, we actually last session had some debate on a measure that I can't remember who introduced, but there was an effort to eliminate the item pricing act on some dairy items, I recall, and some frozen foods that ultimately failed, but I'm not quite sure. I know I voted "no." But we had some debate on that.

What this does, though, there have been a number of complaints on violations on the item pricing act, is my understanding, to the Department of Agriculture. It is the standard course of business that those complaints are sent over to the office of the Attorney General. We've asked the question of whether or not those complaints have been followed up on and what the outcome of those complaints has been without having a response and an understanding of what has happened with regard to those complaints.

Now to a lot of seniors out there, especially in these difficult times, not only to seniors, but to people who are on the bubble—people who are trying to make ends meet—being able to compare the costs of their food of the items which they are buying in the store makes a huge difference of whether or not they are going to feed their family that day. The item pricing act was enacted by the Legislature to protect consumers. So if this act is being violated, it is an important thing for us as legislators to know.

So what this amendment seeks to do is to get the facts. That's all we are trying to do is to get the information so that we know whether or not our consumers—our constituents—are having the protection which we sought to afford them when enacting the consumer item pricing law in the first place.

The question should be, what are we afraid of? What are we really afraid of in requiring that the Attorney General give us this information? So I ask for your support on the amendment. It makes a difference to thousands of people, when they're at the check-out line in the grocery store, what the cost of their milk is. It makes a difference.

I ask that we require this. I know it's a budget bill. I know it only has effect in boilerplate for one year, but I ask that we get the facts on this issue, and I ask for your support.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Whitmer, Scott and Cherry 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:

Watching the hurried budget process over the last few session days has been disappointing, and that disappointment culminated in public comments issued last week. Like 2007, the actions of the Senate threaten to degrade the institution beyond recognition and certainly beyond what the general public would assess to be good government. The people have been clamoring for us to do better, and here we are two years removed from the embarrassing and irresponsible government shutdown, and yet again, there is ample evidence that things have not yet improved here in the State Senate.

Just last week, there was a personal attack leveled against my fellow Ingham County colleague who left in frustration because the Senate leadership couldn't close the deal on ensuring that troopers were not laid off. I was in the Education Committee, so I did not witness the Senator from Howell's statement to that effect, though I have read some of it, and I certainly heard about it and I share the sentiment.

While I have been the target of the majority spokesperson's venom, I never thought I would see it aimed at one of your fellow Republicans, nor would I imagine that it would be me who would rise to rebuke that comment. But I do so rise now.

I was disgusted by what I read by your spokesperson. I would hope you do not condone or encourage such behavior. It is one thing to play politics and feign irritation with members of the other side of the aisle; people expect that sort of thing to some extent in this place. But you do a huge disservice to this institution when you vest your staff people with the credibility of your office and they wage personal attacks against a sitting member of this body; a member who is not only trying to save the State Police trooper ranks, but is off at Army War College this week serving our country in the National Guard.

Now I regularly turn the other cheek when a Republican spokesperson uses thinly-veiled, gender-based comments like "shrill" and "prattle" when describing me. I tolerate it, but it doesn't make it right. But the disrespect that has been shown toward the Senator from Howell is utterly beneath this institution. If we are ever going to do better, as the public so desperately wants us to, and more importantly, as the public so desperately deserves from us, we have to lead by example in how we treat one another and how the people we vest with authority use their power and whether or not we can come together in earnest to get something done on behalf of the people of the state of Michigan—the people we are lucky enough to represent.

No one else is here to stand up on behalf of the Senator from Howell, so I'll do it. I ask that my comments be printed in the Journal so when he gets back from National Guard duty, he can read them.

Point of Order

Senator Kahn raised the Point of Order that the language used in a statement made by Senator Whitmer was inappropriate and should not be allowed to be printed in the Journal.

The President pro tempore, Senator Richardville, ruled that no rules or procedures were violated, so printing the statement in the Journal was in order.

Senator Scott's statement is as follows:

I have a couple things. First, I would like to address my absence on Thursday, June 11. I was excused from session to proudly attend my granddaughter's high school graduation. Some of you started with me in 1995, and that was the little girl who was two years old at the time who asked the people in the district to vote for Martha Jesus Scott. I was truly proud to see her walk across the stage after my 14 years here in the House and Senate.

I missed some votes on that day. The first one was the appointment of Timothy L. Nichols to the Commission of Natural Resources; I would have voted "yes"; on the appointment of Frank C. Wheatlake to the Commission of Natural Resources, "yes"; on Senate Bill No. 249, "yes"; on Senate Bill No. 250, "no"; Senate Bill No. 237, "yes"; Senate Bill No. 254, "no"; Senate Bill No. 624, "yes"; House Bill No. 4930, "yes"; Senate Bill No. 596, "yes"; and Senate Bill No. 371, "yes."

We all do have to do things that we don't necessarily like. That's the way life is. You get to do some things that are right and that you enjoy. You have to do some things that are right but maybe not that enjoyable. We have all cast votes that we didn't really like, but we did it because it was the right thing to do. Casting a vote for auto insurance reform is so that people can afford to buy the policies that we require them to carry is the right thing to do. It's the right thing to do in spite of the fact that many don't like the idea of auto insurance reform.

The writer Pearl S. Buck said, "You cannot make yourself feel something you do not feel, but you can make yourself do right in spite of your feelings." We need to do right by our constituents and create an auto insurance rating system that is reasonable and affordable. We may not all like it, but it most certainly is what we need to do right now.

Senator Cherry's statement is as follows:

I rise in contrast to my colleague from the 32nd District and his objection to the speech given by my colleague from the 23rd District. I rise because I am proud of the comments that were made by the Senator from the 23rd District. She defended someone. I know that if it had been anyone else in this chamber, she would have stood up no matter what party. No matter whether she agreed with them or opposed them, she would have stood up to defend them. She is asking all of us to rise above partisan politics and to conduct ourselves with the dignity that this chamber requires.

I know that many of you are not listening at this moment, but it is the kind of dignity that this chamber requires. It is not a chamber that should be outside of even the chamber being disrespectful to the members of this Senate. I just wanted to publicly state that I am very proud of the comments of the Senator from the 23rd District. I share her comments in that we need to rise above partisan politics and respect each other, or we will never get anything done in this Senate.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 528, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20153.

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.

Thomas M. George
Chairperson

To Report Out:

Yeas: Senators George, Patterson, Sanborn, Clarke, Gleason and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, June 10, 2009, at 3:08 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Allen

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Thursday, June 11, 2009, at 2:00 p.m., Room H-65, Capitol Building

Present: Senator Clarke

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 11, 2009, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Whitmer and Gleason

Excused: Senator Cassis

Scheduled Meetings

Appropriations - Wednesday, June 17, 2:00 p.m., and Thursday, June 18, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

K-12, School Aid, Education - Wednesday, June 17, 10:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Banking and Financial Institutions - Wednesday, June 17, 8:30 a.m., Room 210, Farnum Building (373-3543)

Energy Policy and Public Utilities - Thursday, June 18, 1:00 p.m., Room 210, Farnum Building (373-7350)

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 1:03 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, June 17, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate