

No. 57
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, June 25, 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

Senator Michael Switalski of the 10th District offered the following invocation:

Good morning, Lord. We feel Your heat. It was 97 when we walked out of here yesterday, and today feels no different. With all the cuts we are making, legislators are feeling the heat. Tempers have flared on occasion. Lord, help us keep our cool.

Lord, Michigan is feeling the heat. We are high in unemployment and high in foreclosures. We are high in anxiety. The Big Three are burning through cash. Michigan is in the forge, Lord. The old Michigan is melting away and a new Michigan awaits creation. Grant us the wisdom and courage to fashion a new Michigan from the ashes of the old.

Lord, we will finish our 18 budgets today and send them to conference. We will begin our recess. Lord, help us set our targets, convene our conference committees, and approve our budgets in the heat of July. Lord, You blessed Michigan summers with plenty of water and sun. Help us to enjoy Your creation by finishing our work and not dragging things out through August and September.

Can I get an amen on that? Amen.

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

Motions and Communications

Senators Basham and Jacobs entered the Senate Chamber.

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

Recess

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

11:38 a.m.

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

During the recess, Senators Gilbert, Gleason, Cassis, Hunter, Whitmer, Kuipers, Thomas, Van Woerkom and Birkholz entered the Senate Chamber.

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

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

June 24, 2009

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 586, appoints the following members to sit on the conference committee:

Senator Jason Allen
Senator Jud Gilbert
Senator Tupac Hunter

Thank you for your prompt consideration of this matter.

June 24, 2009

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 587, appoints the following members to sit on the conference committee:

Senator Jason Allen
Senator Jud Gilbert
Senator Tupac Hunter

Thank you for your prompt consideration of this matter.

June 24, 2009

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-1) to Senate Bill 588, appoints the following members to sit on the conference committee:

Senator Jason Allen
 Senator Jud Gilbert
 Senator Tupac Hunter

Thank you for your prompt consideration of this matter.

June 24, 2009

Pursuant to Joint Rule 3, the House of Representatives having non-concurred in the Senate substitute (S-2) to House Bill 4998, appoints the following members to sit on the conference committee:

Senator Jason Allen
 Senator Jud Gilbert
 Senator Tupac Hunter

Thank you for your prompt consideration of this matter.

Respectfully yours,
 Michael D. Bishop
 State Senate, 12th District

The communications were referred to the Secretary for record.

The following communications were received and read:
 Office of the Auditor General

June 23, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Civil Rights for the period October 1, 2006 through September 30, 2008.

June 23, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of State for the period October 1, 2006 through September 30, 2008.

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 24:
House Bill Nos. 4183 4467 4476 5122

The Secretary announced that the following official bills were printed on Wednesday, June 24, and are available at the legislative website:

Senate Bill Nos. 654 655 656 657
House Bill Nos. 5126 5127 5128 5129 5130 5131 5132 5133 5134 5135 5136 5137 5138

Messages from the Governor

The following messages from the Governor were received:

Date: June 23, 2009

Time: 3:38 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 280 (Public Act No. 51), 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 41301 (MCL 324.41301), as amended by 2005 PA 77; and to repeal acts and parts of acts.

(Filed with the Secretary of State on June 23, 2009, at 4:08 p.m.)

Date: June 23, 2009

Time: 3:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 624 (Public Act No. 54), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” by amending section 4k (MCL 205.94k), as amended by 2006 PA 18.

(Filed with the Secretary of State on June 23, 2009, at 4:14 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

Messages from the House

Senate Bill No. 586, entitled

A bill to amend 1987 PA 264, entitled “Health and safety fund act,” by amending section 5 (MCL 141.475), as amended by 2008 PA 586.

The House of Representatives has appointed Reps. Johnson, Donigan and Walsh as conferees to join with Sens. Allen, Gilbert and Hunter.

The bill was referred to the Conference Committee on June 24, 2009.

Senate Bill No. 587, entitled

A bill to amend 1985 PA 106, entitled “State convention facility development act,” by amending sections 3, 8, 9, 10, and 12 (MCL 207.623, 207.628, 207.629, 207.630, and 207.632), as amended by 2008 PA 553.

The House of Representatives has appointed Reps. Johnson, Donigan and Walsh as conferees to join with Sens. Allen, Gilbert and Hunter.

The bill was referred to the Conference Committee on June 24, 2009.

Senate Bill No. 588, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 7 (MCL 12.257), as amended by 2008 PA 256.

The House of Representatives has appointed Reps. Johnson, Donigan and Walsh as conferees to join with Sens. Allen, Gilbert and Hunter.

The bill was referred to the Conference Committee on June 24, 2009.

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.

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. 345**Yeas—35**

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

Nays—0**Excused—1**

Garcia

Not Voting—1

Hunter

In The Chair: President

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

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.

Senator Hunter entered the Senate Chamber.

Senate Bill No. 290, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15 (MCL 125.2665), as amended by 2007 PA 201.

Substitute (H-1).

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. 346**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: President

Senate Bill No. 293, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 15 (MCL 125.2695) and by adding sections 8g and 8h.

Substitute (H-1).

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. 347**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: President

Senate Bill No. 295, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788), as amended by 2008 PA 504.

Substitute (H-1).

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. 348**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: President

Senate Bill No. 296, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

Substitute (H-1).

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. 349**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
Cassis

Hardiman
Jansen

McManus
Pappageorge

Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: President

House Bill No. 4083, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 11 (MCL 125.2011), as amended by 1987 PA 278.

Substitute (H-1).

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

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

Roll Call No. 350

Yeas—16

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—20

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: President

House Bill No. 4089, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 8 and 10 (MCL 207.808 and 207.810), section 8 as amended by 2008 PA 257 and section 10 as amended by 2006 PA 283.

Substitute (H-1).

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

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

Roll Call No. 351**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: President

House Bill No. 4092, entitled

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act of 1963," (MCL 125.1251 to 125.1267) by adding section 5a.

Substitute (H-3).

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

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

Roll Call No. 352**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: President

House Bill No. 4093, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 4 (MCL 207.554), as amended by 2004 PA 437.

Substitute (H-1).

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

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

Roll Call No. 353**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: President

The President pro tempore, Senator Richardville, assumed the Chair.

House Bill No. 4094, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 13 (MCL 247.913) and by adding section 9a.

Substitute (H-3).

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

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

Roll Call No. 354**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

Protest

Senator Allen, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitutes to Senate Bill Nos. 290, 293, 295, and 296 and House Bill Nos. 4083, 4089, 4092, 4093, and 4094 and moved that the statement he made during the discussion of the bills be printed as his reasons for voting “no.”

The motion prevailed.

Senator Allen’s statement is as follows:

I rise to speak to Senate Bill Nos. 290, 293, 295, and 296, as well as House Bill Nos. 4083, 4089, 4092, 4093, and 4094. I urge my colleagues to non-concur with the changes on this legislation. It is unfortunate, and I am disappointed that the House took action that maybe did not put Michigan citizens first. Last month, the Senate took action on a package of bills that would require Michigan workers to be hired on projects and receive state incentives. The Senate incorporated important changes that made the bills and the implementation more realistic and, I believe, fair to all.

One of these changes included the effort to allow the state to attract talented workers by including individuals becoming residents of this state. As a member of the talent caucus, I felt that was important. Michigan residents are leaving our state at alarming rates, and this has an impact on state revenues and the economy as fewer people are here to contribute. The provisions that the Senate added would create a tool to help attract residents in this state by something as a critical

tool to growing our economy. In addition, the Senate has removed the tie-bars to the legislation that would require prevailing wage be paid on these projects and contractors who would face immediate disbarment on these contracts. I support union workers, but I do not believe that this was part of the scope that needed to be addressed with this legislation.

As we said when we debated these laws and bills last, Michigan already has a prevailing wage in place. If this law is not being followed, it is the responsibility of the administration to enforce the prevailing wage. We do not need to add additional layers in this very tenuous time. The fact that the House refused to consider compromising on this approach that the Senate took is disappointing. We came up with a common sense of change that made these bills better, and the House removed them without any, actually, discussion with me.

To me, this suggests that the legislation is more about the issues versus what we need to do to hire Michigan workers. To me, the most unfortunate part is this: Senate Bill No. 502, which is the legislation that we introduced to allow preferences on small companies in Michigan. Buy Michigan first is an important part of how we are going to recover. I recognize that this needs additional work, but it is still sitting on the House calendar.

Apparently, the House believes that it is more important to hire Michigan first under criteria that might not be fair to all. And for these reasons, I urge the body not to concur with the changes made on this House package.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Scott, Clark-Coleman, Brater, Jacobs, Prusi, Whitmer and Cherry introduced

Senate Bill No. 658, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Brater, Clark-Coleman, Jacobs, Prusi, Scott and Whitmer introduced

Senate Bill No. 659, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Senators Jacobs, Brater, Prusi, Clark-Coleman, Scott and Whitmer introduced

Senate Bill No. 660, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Brater, Clark-Coleman, Jacobs, Prusi, Scott, Whitmer and Cherry introduced

Senate Bill No. 661, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Senators Clark-Coleman, Brater, Prusi, Scott, Whitmer and Cherry introduced

Senate Bill No. 662, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Clark-Coleman, Brater, Jacobs, Prusi, Scott, Whitmer, Switalski and Cherry introduced

Senate Bill No. 663, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169, 1507, and 1507b (MCL 380.1169, 380.1507, and 380.1507b), sections 1169 and 1507 as amended and section 1507b as added by 2004 PA 165. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Thomas, Clark-Coleman, Brater, Jacobs, Prusi, Scott, Whitmer, Switalski and Cherry introduced

Senate Bill No. 664, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 98. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Scott, Clark-Coleman, Clarke, Brater, Jacobs, Prusi, Whitmer, Switalski and Cherry introduced

Senate Bill No. 665, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1315. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Jacobs, Clark-Coleman, Brater, Prusi, Scott, Whitmer, Switalski, Cherry and Clarke introduced

Senate Bill No. 666, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20190. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Cherry, Brater, Jacobs, Prusi, Clark-Coleman, Scott, Whitmer, Switalski and Clarke introduced

Senate Bill No. 667, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17751 and 17763 (MCL 333.17751 and 333.17763), as amended by 2006 PA 672. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Whitmer, Clark-Coleman, Brater, Jacobs, Prusi, Scott, Switalski, Cherry and Clarke introduced

Senate Bill No. 668, entitled

A bill to require that crisis pregnancy organizations obtain informed consent from women served by those organizations; and to provide remedies and prescribe penalties. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Switalski introduced

Senate Bill No. 669, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 3a and 4a (MCL 432.103a and 432.104a), section 3a as amended by 2006 PA 427 and section 4a as added by 1999 PA 108, and by adding section 4b.

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

Senator Richardville introduced

Senate Bill No. 670, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make

pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2007 PA 210.

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

Senators Cassis, Bishop and Pappageorge introduced

Senate Bill No. 671, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 267 (MCL 208.1267).

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

Senators Cassis and Pappageorge introduced

Senate Bill No. 672, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

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

Senators Kuipers, Birkholz and Pappageorge introduced

Senate Bill No. 673, entitled

A bill to amend 1978 PA 397, entitled "Bullard-Plawecki employee right to know act," (MCL 423.501 to 423.512) by amending the title and by adding section 6a.

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

Senators Barcia, Cropsey and Pappageorge introduced

Senate Bill No. 674, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 7 (MCL 124.287), as amended by 2002 PA 241.

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

Senators Barcia, Cropsey and Pappageorge introduced

Senate Bill No. 675, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 1 (MCL 124.281), as amended by 1981 PA 154.

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

Senators Barcia, Cropsey and Pappageorge introduced

Senate Bill No. 676, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 10 (MCL 124.290), as amended by 1981 PA 154.

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

Senators Cropsey, Barcia and Pappageorge introduced

Senate Bill No. 677, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 8 (MCL 124.288), as amended by 1981 PA 154.

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

Senators Cropsey, Barcia and Pappageorge introduced

Senate Bill No. 678, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 4d (MCL 124.284d), as added by 1985 PA 178.

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

Senators Cropsey, Barcia and Pappageorge introduced

Senate Bill No. 679, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 4e (MCL 124.284e), as added by 1985 PA 178.

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

Senators Pappageorge, Brown, Kahn and Birkholz introduced

Senate Bill No. 680, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 314a.

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

House Bill No. 4183, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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. 4467, entitled

A bill to establish the right of employees to pursue employment free from religious and political indoctrination; to limit employment actions based on attendance at, or receptivity to, employer-selected political or religious programs or communications; to prohibit retaliation for reporting or pursuing a remedy for a suspected violation of the act; and to provide sanctions and remedies.

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. 4476, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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. 4744, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of those gifts and other funds; and to validate all gifts made before the enactment of this act," by amending section 2 (MCL 123.872), as amended by 2003 PA 122.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 5087, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81101 (MCL 324.81101), as amended by 2004 PA 587.

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 Natural Resources and Environmental Affairs.

House Bill No. 5122, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 7, 7a, 11a, 17, 18, and 21 (MCL 252.302, 252.307, 252.307a, 252.311a, 252.317, 252.318, and 252.321), sections 2, 7, 17, and 18 as amended and section 11a as added by 2006 PA 448 and section 7a as added by 2006 PA 447.

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 Transportation.

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

Senate Bill No. 48, entitled

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use;" (MCL 2.21 to 2.27) by adding section 2a.

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. 528, entitled

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

Senate Bill No. 612, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 62 (MCL 421.62), as amended by 1995 PA 125.

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

1. Amend page 4, line 27, after the first "**THE**" by striking out "**ADMINISTRATION**" and inserting "**SPECIAL FRAUD CONTROL**".

2. Amend page 5, line 10, by striking out all of subdivision (b) and relettering the remaining subdivisions.

The Senate agreed to the amendments 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 amendment, the following bill:

Senate Bill No. 613, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 54 (MCL 421.54), as amended by 2002 PA 192.

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

1. Amend page 10, line 24, by striking out all of subdivision (b) and relettering the remaining subdivisions.

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 amendment, the following bill:

Senate Bill No. 614, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 1996 PA 498.

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

1. Amend page 12, line 11, by striking out all of subdivision (b) and relettering the remaining subdivisions.

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 amendment, the following bill:

Senate Bill No. 615, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 10 (MCL 421.10), as amended by 2003 PA 84.

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

1. Amend page 7, line 12, by striking out all of subdivision (a) and relettering the remaining subdivisions.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 612

Senate Bill No. 613

Senate Bill No. 614

Senate Bill No. 615

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

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

Senate Bill No. 612

Senate Bill No. 613

Senate Bill No. 614

Senate Bill No. 615

House Bill No. 4450

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 612, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 62 (MCL 421.62), as amended by 1995 PA 125.

The question being on the passage of the bill,

Senator Cropsey moved that the previous question be ordered.

The motion prevailed.

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. 355

Yeas—21

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

Nays—15

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 613, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 54 (MCL 421.54), as amended by 2002 PA 192.

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. 356**Yeas—21**

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

Nays—15

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Gleason, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 613 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Gleason’s statement is as follows:

My fellow Senators, I again rise in objection to this. There are no hidden thoughts or unknown information about the condition of our state. Most people do not realize that zero percent unemployment is not really zero percent unemployment because of the hard to serve and the disabled. We already have a federal figure that we use to determine the rate of unemployment. So, actually, our state is hovering closer to 20 percent and growing every day in that regard because people have expired their unemployment insurance. We can look at each and every individual district and understand that families are suffering more now. They have expired this previously-mentioned lifeline for these families—\$364.00 is roughly the maximum amount that a family can receive. We know that none of us could live on that stipend, the few dollars that they receive every single day, and yet, the responsibility is put on these employees solely for fraud.

I have not seen any indication at all in this legislation that we are going to elevate the requirement for more responsible reporting by the employees or the employers themselves. Now to say that this is harmful to our state’s economy is not right. This is federal stimulus money. This does not cost our local businesses a cent. Well, people will say a few years down the road, we may have to continue this program, but that is not necessarily true either because we are taking action now to extend it from unrealized funding sources.

So two years for now, we can readdress this. When the stimulus monies runs out, then we can review this situation. So let’s take the federal stimulus money and spend it on these suffering families. None of us could live the lifestyle that we

do on this small stipend. It has been too many years since we raised unemployment. And, as far anyone can tell, we have never, ever, ever raised our stipend to our children—our dependants.

A few weeks back, I tried to pass an amendment that said we would give our children more than \$6 a week; the dependants of these employees who have lost their jobs. So let’s use the stimulus money for what it is expected to be used for—to help these families who have lost jobs, health care, and unemployment itself.

Mr. President, I ask that my remarks be recorded and I ask that we turn down this very onerous bill on behalf of the families in Michigan.

The following bill was read a third time:

Senate Bill No. 614, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 15 (MCL 421.15), as amended by 1996 PA 498.

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. 357

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.

The following bill was read a third time:

Senate Bill No. 615, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 10 (MCL 421.10), as amended by 2003 PA 84.

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. 358**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.

Protests

Senators Switalski, Jacobs, Hunter, Whitmer, Gleason, Clark-Coleman, Cherry, Scott, Clarke and Basham, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 612, 613, 614, and 615.

Senators Switalski, Clarke and Basham moved that the statements they made during the discussion of the bills be printed as their reasons for voting “no.”

The motion prevailed.

Senator Switalski’s statement, in which Senators Jacobs, Hunter, Whitmer, Gleason, Clark-Coleman, Cherry and Scott concurred, is as follows:

If I understand the intent of the bill, it seems like good intent. Thieves and frauds should be penalized. I think we would all agree on that, but I think the bill that appears in front of us has a couple of defects. One is what if it is our error? What if it is the state’s error that we overpaid somebody? What if they applied and we miscalculated, and it is our fault that we miscalculated their amount? Would they be penalized for our error? That doesn’t seem proper. I mean, if you are to defraud us, that is one thing, but if we perpetrate the error ourselves, why would we punish the individual for our error?

Secondly, and more importantly, as I understand this bill, it will set up a fund which would put us out of conformity with federal rules and put us at risk of about \$70 million in federal sanctions. So before we do that, maybe we should refer this back to committee and answer these questions so that we don’t suffer from the long unintended consequences of when we are attempting to go after frauds, we start penalizing innocent people and put us out of conformity with rules that would cost us \$70 million.

Senator Clarke’s statement, in which Senator Clark-Coleman concurred, is as follows:

I would urge members to vote against these bills. We never had a hearing on these bills. These bills would impose penalties on people receiving unemployment compensation. I am not saying that people who are getting compensation without justification should not be penalized. That is not the point, but we are now voting expeditiously to penalize

people for being overpaid by the unemployment insurance fund just a day after this body denied extended benefits for people in this state who sorely need it.

This shows that our priorities are clearly out of step with the needs of people who are struggling out there in Michigan. While we are cozy in this air-conditioned chamber, there are people who are struggling just to barely make it. This is another example of how this Legislature is totally out of touch with the needs of people. We are voting and we are jumping through hoops to do what we can to penalize people for receiving unemployment compensation when we should be doing everything possible to help people stay afloat financially.

I urge you to vote against this bill and the other bills connected to it. Again, if we had a chance to discuss these bills to make sure that we are in compliance with the federal regulations, I would have no problem working with the chair and anyone else on identifying a package of bills responsibly that could make sure that we are not overpaying people when they receive unemployment compensation. But I will not at all vote in favor of these bills.

I urge you not to vote for them as well. They jump the gun to penalize people for getting unemployment compensation the day after we voted to deny folks extended unemployment compensation. That sends the wrong message. It also hurts many of our laid-off citizens right now who need help, not penalties.

Senator Basham's statement is as follows:

This is a very interesting bill. As I read the bill, I would think that probably the bill drafters who drafted this bill probably got the language from the item pricing bill because it goes after four times the amount. But they only go up to \$5 when we are talking about the item pricing bill. In fact, this bill is up to \$500, and they want them to go up four times that amount.

So it is interesting that the same folks who are arguing against item pricing in this chamber are now supporting a bill that goes after the folks who are unemployed or underemployed. I think, and again, I am opposed to giving anybody who doesn't deserve unemployment benefits. If they are trying to fraudulently obtain them, then the department should not give it to them to begin with. But if there is a mistake, and let me talk about mistakes for a minute.

I had a trucking company in my office the other day in their fight with Treasury over taxes that they were charged. In fact, there was an \$80,000 dispute in Treasury who is admitting that they are wrong, but they don't want to give the money back to the trucking company. So if the trucking wants to continue to litigate this, they will have to put up one hundred and something thousand dollar bonds to go after \$80,000. So it is interesting that the state once it gets its money, it wants to go after, wants to charge extra money for a person to recover what is due them.

Well, what is due folks in this bill and the other bills is unemployment insurance. As Michigan leads the nation in unemployment, we sit in this chamber going after those folks who have not even received unemployment. If we would have done the right thing yesterday, then maybe we should sit down as a chamber and talk about some of these kinds of things and how we can find common ground today. But to do the wrong thing on one day and try to make it even worse the second day is worse than partisan bickering. It is just not the right thing to do. I am trying to understand these bills, and you can't as a person who sits up here and represents hundreds and hundreds of unemployed folks in your district, when we are losing 2,500 jobs in the city of Ecorse. You know, those folks want unemployment, deserve unemployment, and actually, when they buy things in the district, like gas and bread, and when they try to pay their rent and utilities, they are actually putting money back into the economy.

So this is the wrong thing to do at the wrong time for the wrong people, and I would request, Mr. President, to take my comments to use them as my "no" vote explanation for all these bills.

Again, I will bring this up when we go after item pricing.

Senator Anderson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 614 and 615 and moved that the statement he made during the discussion of Senate Bill No. 614 be printed as his reasons for voting "no."

The motion prevailed.

Senator Anderson's statement is as follows:

I supported the first two bills in this package of bills because I do support efforts to eliminate or reduce fraud. But this most recent bill and the next bill will cause Michigan to be out of compliance with federal law. I have serious reservations about both of these bills. That is why I will be voting "no" on the next bill.

Senator Gleason, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 615 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Gleason's statement is as follows:

Reading this bill over, I see that, once again, the sponsor of the bill has put all the preponderance of responsibility on the employee. I am trying to find in this legislation where it says that the employers themselves, who may be culpable to

these misdeeds, would have the same obligations placed on them. But it seems like, once again, that it is singling out the Michigan workers, the recipients themselves, of this compassion to contribute to their family funds. I think we should be fair across the board and put the same responsibilities on those who are involved in paying into the fund as those who are collecting the compensation themselves. I do not see anywhere in this legislation where we have tried to do that, have accomplished that, or even have a suggestion of doing that. I will be voting "no" on this because, once again, it is putting the responsibility on the Michigan workers.

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

The motion prevailed.

Senator Kahn's statement is as follows:

This legislation will create a separate fund known as the Special Fraud Control Fund. Its goal is to be well-proactive in collecting the overpayment of benefits, those monies, including all interest and penalties. All interest that is earned on the fund, all this money will be appropriated through the Unemployment Insurance Agency for the purpose of obtaining software packages that will aid in the success in detecting and collecting all overpayments.

Attached to the legislation is a provision that will require a report to be submitted on the success of this effort. And, of course, this legislation is part of dealing with the issue of accuracy in payments, dealing with the \$2 billion that we owe the feds, and the \$100 million that we have overpaid. I urge its passage.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41

The motion prevailed.

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

Senate Resolution No. 66

Senate Resolution No. 67

The resolution consent calendar was adopted.

Senators Pappageorge and Kahn offered the following resolution:

Senate Resolution No. 66.

A resolution recognizing the 35th Anniversary of Michigan's aging network, empowering older Michigianians with independence and dignity.

Whereas, Michigan's aging network consists of the Michigan Office of Services to the Aging, 16 Area Agencies on Aging, and over 1,200 service providers working hand in hand since 1974 to improve the quality of life of older Michigianians throughout the state; and

Whereas, The Michigan Office of Services to the Aging provides leadership and oversight for the aging network in Michigan, offering valuable assistance and technical support to the Area Agencies on Aging and aging service providers. The Office is guided and advised by the Michigan Commission on Services to the Aging and the State Advisory Council on Aging, tapping into the wisdom and experience of older adults and gerontological professionals; and

Whereas, Area Agencies on Aging were created 35 years ago by Congress to be one-stop shops and experts on aging in local communities. Michigan's 16 Area Agencies on Aging created a statewide system of quality home and community-based services, offering real choices to seniors and caregivers requiring long-term care. Area Agencies on Aging provide information and access to services, recruiting and screening local agencies and businesses to provide home and community-based services; and

Whereas, Over 1,200 aging service providers are delivering a wide variety of services to older Michigianians and caregivers 365 days of the year, including home-delivered meals, congregate meals, personal care, homemaker, adult day care, respite care, health promotion, home repair, legal assistance, ombudsman, senior centers, and transportation. Providers include county commissions on aging, councils on aging, senior centers, home health care agencies, and a host of other distinguished businesses and organizations; and

Whereas, The Association of Area Agencies on Aging has provided leadership and support throughout the years to all levels of the aging network, fulfilling the mandate of the Older Americans Act to advocate with and on behalf of older Americans. The Association created the Michigan Senior Advocates Council in 1977, established as a leading voice on aging policy matters in advising the Michigan Legislature; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize the accomplishments and good works of Michigan's aging network on June 24, 2009, Older Michiganians Day; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Office of Services to the Aging as evidence of our support.

Senators Anderson, Barcia, Birkholz, Cassis, Cherry, Clarke, Gleason, Hardiman, Jacobs, Jansen, Kuipers, McManus, Richardville and Switalski were named co-sponsors of the resolution.

Senators Scott, Clarke, Hunter, Clark-Coleman, Basham, Anderson, Thomas, Switalski, Jacobs and Brater offered the following resolution:

Senate Resolution No. 67.

A resolution declaring July 8, 2009, as Metro Detroit Youth Day in Michigan.

Whereas, Metro Detroit Youth Day, the largest youth event in Michigan, emphasizes the need for physical education facilities and fitness with the necessity for good sportsmanship, college scholarships, and community service; and

Whereas, It is acknowledged that the youth are a valuable asset to our communities and the foundation of our future; and

Whereas, Metro Detroit Youth Day is intended to bring together the community and the private sector to enhance relationships and improve cooperation and harmony in our communities; and

Whereas, Metro Detroit Youth Day provides an opportunity for youth to participate in constructive activities outside their immediate home areas, working with other youngsters and numerous volunteers; and

Whereas, Community groups such as the NAACP, Detroit Urban League, Salvation Army, Boys & Girls Clubs, Boy Scouts, Girl Scouts, YMCA, YWCA, Focus: HOPE, United Way for Southeast Michigan, Detroit Police Cadets, New Detroit, Inc., Goodwill Industries, and many others are participating as co-sponsors; and

Whereas, Outstanding and dedicated community leaders, such as Chairman Ed Deeb of Michigan Food & Beverage Association; and Dr. Tom Moss, retired former Detroit Police Chief; Keith Bennett of Goodwill Industries; Alicia Minter of the Detroit Recreation Department; Sergeant Curtis Perry of Detroit Police Cadets; Dr. Lynne Boyle of the Kiwanis Club; and Barbara Jean Johnson of the Governor's office who are co-chairing this event, are participating along with more than 1,200 volunteers supervising the 34,000 youth expected to attend; and

Whereas, The 27th Annual Metro Detroit Youth Day, sponsored by General Motors, Spartan Stores, Inc., the *Detroit Free Press*, Pepsi-Cola Company, Ford Motor Company, Toyota USA, Volkswagen, AT&T, McDonald's, Sam's Club, Kroger Food Stores, MGM Grand Detroit, Michigan Food & Beverage Association, Compuware, Detroit Lions, Detroit Pistons, Detroit Tigers, DTE Energy, Detroit Recreation Department, Blue Cross Blue Shield of Michigan, Wayne County Park System, Fairlane Town Center, The Skillman Foundation, WDIV-TV, Comerica Bank, WWJ Newsradio 950, Waste Management Company of Michigan, Michigan State University, Charity Motors, Davenport University, Detroit Public Television, St. John Hospital & Medical Center, Beaumont Hospitals, tellusdetroit.com, Wolverine Packing, Detroit Metropolitan Credit Union, Fifth Third Bank, University of Michigan-Dearborn, and many other sponsors including food and beverage firms and more than 290 community and youth organizations, who recognize that leisure and recreation are basic human needs and that youth must use this time wisely to improve their education, the quality of their lives, and life's disciplines, will be held on July 8, 2009, at Belle Isle's Athletic Field in Detroit; now, therefore, be it

Resolved by the Senate, That we hereby proclaim Wednesday, July 8, 2009, as Metro Detroit Youth Day in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Metro Detroit Youth Day Executive Board as evidence of our esteem for their dedication to the well-being of the youth of Michigan.

Senators Cherry, Gleason, Jansen and Pappageorge were named co-sponsors of the resolution.

Senate Resolution No. 59.

A resolution to memorialize the Congress of the United States to authorize the use of federal stimulus dollars to offset the looming FUTA federal unemployment tax increase and to urge the Governor to use her influence in the current administration to zealously advocate for such relief for Michigan job providers.

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. 359

Yeas—36

Allen
Anderson

Cherry
Clark-Coleman

Jacobs
Jansen

Prusi
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

Senate Resolution No. 60.

A resolution to memorialize the Congress of the United States to remove the requirement that states make permanent changes to their 100 percent employer-financed unemployment insurance laws to expand unemployment benefits to individuals who are not currently eligible in order to qualify for the state's portion of one-time unemployment benefit funding and to urge the Governor to use her influence in the current administration to secure a waiver for Michigan from these requirements.

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. 360

Yeas—35

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

Nays—0

Excused—1

Garcia

Not Voting—1

Cherry

In The Chair: Richardville

By unanimous consent the Senate returned to the order of
Motions and Communications

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

House Bill No. 4310

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

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

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

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

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

House Bill No. 4310, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts. Substitute (S-1).

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

1. Amend page 2, following line 8, by inserting:

“Sec. 102. CAPITAL OUTLAY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	700
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues		0
State general fund/general purpose	\$	700

(2) STATE BUILDING AUTHORITY FINANCED CONSTRUCTION

AUTHORIZATIONS

Eastern Michigan University - Pray-Harrold renovations (total authorized cost \$42,000,000; state building authority share \$31,499,800; Eastern Michigan University share \$10,500,000; state general fund share \$200)	\$	100
Ferris State University - center for collaborative health education (total authorized cost \$26,900,000; state building authority share \$20,174,800; Ferris State University share \$6,725,000; state general fund share \$200)		100
Jackson Community College - Whiting hall renovation (total authorized cost \$21,900,000; state building authority share \$10,949,800; Jackson Community College share \$10,950,000; state general fund share \$200)		100
Kalamazoo Valley Community College - Texas Township campus expansion (total authorized cost \$11,988,000; state building authority share \$5,993,800; Kalamazoo Valley Community College share \$5,994,000; state general fund share \$200).....		100

Mott Community College - library consolidation and renovations (total authorized cost \$8,156,000; state building authority share \$4,077,800; Mott Community College share \$4,078,000; state general fund share \$200)	100
Southwestern Michigan College - technology building renovation and expansion (total authorized cost \$3,200,000; state building authority share \$1,599,800; Southwestern Michigan College share \$1,600,000; state general fund share \$200).....	100
West Shore Community College - arts and sciences center/remodeling and additions (total authorized cost \$6,900,000; state building authority share \$3,499,800; West Shore Community College share \$3,450,000; state general fund share \$200).....	100
GROSS APPROPRIATION	\$ 700

Appropriated from:

State general fund/general purpose.....	\$ 700”
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and renumbering the remaining sections and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 7, following line 5, by inserting:

“CAPITAL OUTLAY

Sec. 250. (1) This section applies only to projects for community colleges.

(2) State support is directed towards the remodeling and additions, special maintenance, or construction of certain community college buildings. The community college shall obtain or provide for site acquisition and initial main utility installation to operate the facility. Funding shall be comprised of local and state shares, and the state share shall include 50% of any federal money awarded for projects appropriated in this act. Not more than 50% of a capital outlay project, not including a lump-sum special maintenance project or remodeling and addition project, for a community college shall be appropriated from state and federal funds, unless otherwise appropriated by the legislature.

(3) An expenditure under this act is authorized when the release of the appropriation is approved by the state administrative board upon the recommendation of the director of the department of management and budget. The director of the department of management and budget may recommend to the state administrative board the release of any appropriation in part 1 only after the director of the department of management and budget is assured that the legal entity operating the community college to which the appropriation is made has complied with this act and has matched the amounts appropriated as required by this act. A release of funds in part 1 shall not exceed 50% of the total cost of planning and construction of any project, not including lump-sum remodeling and additions and special maintenance, unless otherwise appropriated by the legislature. Further planning and construction of a project authorized by this act or applicable sections of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, shall be in accordance with the purpose and scope as defined and delineated in the approved program statements and planning documents. This act is applicable to all projects for which planning appropriations were made in previous acts.

(4) The community college shall take the steps necessary to secure available federal construction and equipment money for projects funded for construction in this act if an application was not previously made. If there is a reasonable expectation that a prior year unfunded application may receive federal money in a subsequent year, the college shall take whatever action necessary to keep the application active. If federal money is received, the state share shall be adjusted accordingly as provided by this act.

Sec. 251. If matching revenues are received in an amount less than the appropriations contained in this act, the state funds of the appropriation shall be reduced in proportion to the amount of matching revenue received.

Sec. 252. (1) The director of the department of management and budget may require that community colleges and universities that have an authorized project listed in part 1 submit documentation regarding the project match and governing board approval of the authorized project not more than 60 days after the beginning of the fiscal year.

(2) If the documentation required by the director of the department of management and budget under subsection (1) is not submitted, or does not adequately authenticate the availability of the project match or board approval of the authorized project, the authorization may terminate. The authorization terminates 30 days after the director notifies the joint capital outlay subcommittee of the appropriations committees of the intent to terminate the project unless the joint capital outlay subcommittee of the appropriations committees convenes to extend the authorization.

Sec. 253. The appropriation included in part 1 for university and community college planning project authorizations allow for the completion of program statements and schematic planning documents. These projects will not receive cost and construction authorizations in subsequent budget acts unless there is sufficient bonding capacity available under the state building authority’s statutory bond capacity limit.

Sec. 254. The design scope of the skilled trades training complex project at Washtenaw community college, authorized for planning in 2008 PA 278, is hereby revised to renovation of occupation education and advanced manufacturing buildings for the purposes of supporting occupational education and training. The project title is hereby revised to skilled trades training program renovations. The total estimated cost of this project is \$14,800,000.00 (state share \$7,400,000.00; community college share \$7,400,000.00).”

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

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

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

House Bill No. 4310

The motion prevailed.

The following bill was read a third time:

House Bill No. 4310, entitled

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

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4450, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

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. 361

Yeas—32

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

Nays—4

Jansen	Patterson	Switalski	Van Woerkom
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Excused—1

Garcia

Not Voting—0

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Basham’s statement is as follows:

Michigan is one of only two states that still has an exemption allowing a baby to be removed from its car seat to be nursed while the vehicle they’re in is actually in motion. Because this exemption is not consistent with federal standards, Michigan is foregoing \$500,000 a year in federal funding. Passage of this legislation by July 1 will make Michigan eligible for those federal dollars which will be used to purchase and distribute booster seats to low-income families, provide child safety training, and educate the public on the proper installation and use of booster seats.

The specific provision of the bill actually removes the exemption allowing nursing mothers to breast-feed while the car’s in motion, and it requires that children less than four years of age be placed in booster seats in the rear of the vehicle if the vehicle has rear seats. It allows the child to be placed in the front seat if the vehicle does not have a rear seat and the passenger-side airbag is deactivated. I would encourage members support.

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

House Bill No. 4310, entitled

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

(This bill was read a third time earlier today and consideration postponed. See p. 1160.)

The question being on the passage of the bill,

Senator Thomas offered the following amendments:

1. Amend page 5, line 13, by striking out all of section 104.
2. Amend page 8, line 3, by striking out all of section 501 and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not 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. 362

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
Cassis

Hardiman
Hunter

Pappageorge
Patterson

Van Woerkom
Whitmer

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

Recess

Senator Cropsey moved that the Senate recess until 3:30 p.m.
The motion prevailed, the time being 1:35 p.m.

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

Recess

Senator Cropsey moved that the Senate recess until 5:30 p.m.
The motion prevailed, the time being 3:31 p.m.

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

Recess

Senator Cropsey moved that the Senate recess until 7:30 p.m.
The motion prevailed, the time being 5:31 p.m.

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

Recess

Senator Brown moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 7:31 p.m.

8:31 p.m.

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

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 483, entitled

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

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

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

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

The Senate agreed to the full title.

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

Senator Cropsey moved that Senator Kahn be excused from the balance of today’s session.

The motion prevailed.

Senator Thomas moved that Senator Scott be excused from the balance of today’s session.

The motion prevailed.

Senate Bill No. 490, entitled

A bill to amend 1950 (Ex Sess) PA 21, entitled “An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act,” (MCL 254.301 to 254.302) by amending the title and by adding section 1a.

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. 250, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The 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. 363

Yeas—0

Nays—34

Allen
Anderson
Barcia

Cherry
Clark-Coleman
Clarke

Jacobs
Jansen
Jelinek

Prusi
Richardville
Sanborn

Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cropsey
George
Gilbert
Gleason
Hardiman
Hunter

Kuipers
McManus
Olshove
Pappageorge
Patterson

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Excused—3

Garcia

Kahn

Scott

Not Voting—0

In The Chair: Richardville

House Bill No. 4438, 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, 2010; 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-3) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-3).

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 House substitute made to the Senate substitute,

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

Roll Call No. 364

Yeas—0

Nays—34

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Jelinek
Kuipers
McManus
Olshove
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Excused—3

Garcia

Kahn

Scott

Not Voting—0

In The Chair: Richardville

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

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

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

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

Senate Bill No. 449, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as amended by 2004 PA 379 and section 9 as amended by 2005 PA 239.

Substitute (S-6).

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

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

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

Senate Bill No. 449

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

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

Senate Bill No. 449

Senate Bill No. 470

House Bill No. 4184

House Bill No. 4166

House Bill No. 4607

House Bill No. 4897

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 449, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as amended by 2004 PA 379 and section 9 as amended by 2005 PA 239.

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. 365

Yeas—34

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

Nays—0

Excused—3

Garcia

Kahn

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 470, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 1029.

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. 366**Yeas—34**

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Jelinek
Kuipers
McManus
Olshove
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0**Excused—3**

Garcia

Kahn

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4184, entitled

A bill to amend 1919 PA 71, entitled “An act to provide for the formulation and establishment of a uniform system of accounting and reporting in the several departments, offices, and institutions of the state government, and in all county offices; to provide for the examination of the books and accounts of each state department, office, and institution, and of each county office; to provide for financial reports from all those departments, institutions, and offices, and for the tabulation and publication of comparative financial statistics relating to the departments, institutions, and offices; to

provide for the administration of this act; to provide for the powers and duties of the department of treasury, the state treasurer, the library of Michigan and depository libraries, and other officers and entities; to provide penalties; and to provide for meeting the expense authorized by this act," by amending sections 4 and 5 (MCL 21.44 and 21.45), as amended by 2002 PA 370.

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. 367**Yeas—34**

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

Nays—0**Excused—3**

Garcia	Kahn	Scott
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Not Voting—0

In The Chair: Richardville

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

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

The Senate agreed to the title of the bill.

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4166, entitled

A bill to require disclosure of certain information in connection with refund anticipation loans; and to prescribe penalties.

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. 368**Yeas—33**

Allen	Cherry	Hunter	Patterson
Anderson	Clark-Coleman	Jacobs	Prusi

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

Nays—0

Excused—4

Garcia	Kahn	Scott	Thomas
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Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4607, entitled

A bill to prescribe certain duties and obligations of the parties to a refund anticipation loan; and to prescribe penalties.

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. 369

Yeas—33

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

Nays—0

Excused—4

Garcia	Kahn	Scott	Thomas
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Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

Senator Thomas entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4897, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40116 (MCL 324.40116), as amended by 2004 PA 325.

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. 370**Yeas—34**

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

Nays—0**Excused—3**

Garcia	Kahn	Scott
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Not Voting—0

In The Chair: Richardville

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to 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.”.

The Senate agreed to the full title.

Senator Thomas stated that had he been present earlier today when the votes were taken on the passage of the following bills, he would have voted “yea”:

House Bill No. 4166

House Bill No. 4607

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 237, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The 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. 371

Yeas—8

Anderson	Cherry	Clarke	Hunter
Barcia	Clark-Coleman	Gleason	Whitmer

Nays—26

Allen	Cropsey	Kuipers	Richardville
Basham	George	McManus	Sanborn
Birkholz	Gilbert	Olshove	Stamas
Bishop	Hardiman	Pappageorge	Switalski
Brater	Jacobs	Patterson	Thomas
Brown	Jansen	Prusi	Van Woerkom
Cassis	Jelinek		

Excused—3

Garcia	Kahn	Scott
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Not Voting—0

In The Chair: Richardville

Senate Bill No. 247, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; and to prescribe powers and duties of certain state departments and certain state and local agencies 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. 372**Yeas—0****Nays—34**

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

Excused—3

Garcia	Kahn	Scott
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Not Voting—0

In The Chair: Richardville

Senate Bill No. 596, entitled

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

The 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.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Hunter, Cherry, Prusi and Stamas asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hunter's statement is as follows:

I make this statement on behalf of the Senator from the 2nd District, who had to leave earlier in this session. The statement reads: In 1903, W.E.B. DuBois wrote, "Men must not only know, they must act." His words most certainly apply to us today on the issue of auto insurance reform. We all know that Michigan citizens pay wildly different insurance rates all across this state, and they pay these rates regardless of their driving record.

People with perfectly decent diving records are paying excessively high rates just because of where they live. Some people pay higher rates than the people who live across the street from them or on the other side of the block. We know that there is a problem with the way these rates are determined, yet so far, we have failed to act on this problem. We need to act and we need to act now.

Michigan citizens need relief from these high rates, and they especially need relief now in these difficult economic times. All of our constituents are making sacrifices and counting pennies to make sure that their families stay financially healthy. We can help them in this financial struggle by finally enacting meaningful auto insurance rate reform.

Senator Cherry's statement is as follows:

We spent—and we are still not done—the better part of the past two weeks working on budgets, and I just want to talk for a second about how we keep hearing that the budget cuts that we have made are unavoidable; that we just don't have the money; that we are forced to make difficult decisions, including taking money away from public safety, children, the mentally ill, and those without health care; and that we have no choice. As lawmakers, we do have a choice, and I feel better choices could have been made about the budgets we passed.

Because of tax credits, exemptions, and deductions, our state now exempts more revenue than it collects. Closing tax loopholes is one way we could have addressed this situation without stopping programs that provide vital services to our state's citizens. Michigan has been very generous in the past with its tax expenditures.

In recent years, we have cut billions from the state budget. We have targeted the same programs over and over again for cuts. We are all cutting back, and it's time for some of those who have gotten generous exemptions in the past to cut back as well. During these tough times, we all must share in the sacrifices, and every person or business that benefits from state services should also be held accountable to support them. Closing current loopholes does not create a new tax or increase an existing tax. It simply says certain groups will no longer be excused from paying. Some of the exemptions that might have been included or could include: \$1.9 million in credits for NASCAR safety; \$8.2 million for aircraft parts; \$14.5 million for international phone calls; \$96.2 million on sales of films, newspapers, and periodicals; \$67.6 million on sales of bulk water; and the list goes on.

I am not convinced that international phone calls or bulk water should be more important than health, safety, our children, and their education. And if we don't want to completely eliminate all loopholes, we had our report today in the Finance Committee from the fiscal agency about our whole tax structure and about tax expenditures. We could ask all that benefit from a loophole to take 10 percent less. That revenue is enough to help us preserve vital programs.

There are two sides of the spending budget ledger—spending and tax expenditures. Let's not take it all from one side. Everyone should share in the pain.

I hope that in the future there will be more intelligent discussion on this, in that we will be able to make families and people our top priority.

Senator Prusi's statement is as follows:

Mr. President and Senate colleagues, just briefly, I am not a person who generally gets up under Statements, but I believe some of the work that we did here today was aimed at the wrong target. I know there is going to be a lot of discussion about the unemployment insurance reform that passed the Senate today on a party-line vote. You would think that our "no" votes meant that we were condoning fraud in the unemployment system, and nothing could be further from the truth. None of us here in this chamber support people fraudulently collecting unemployment, but I believe your bills were aimed at the wrong target. I didn't see anything in those bills that was aimed at employers who are fraudulently denying workers unemployment insurance.

When we are at 14.1 percent unemployment here in the state of Michigan, and we leave \$140 million sitting on the table in Washington that we could be using to benefit working families and people who have lost their jobs here in Michigan, I think that is a travesty of what we are sent here to do. We are about to break for a few weeks and go home for the 4th of July, and we are going to be out at the parades, the picnics, and the chicken barbecues. As we go out and you look at your constituents, 1-in-7 of those people are going to be out of a job; 1-in-7 of the people you meet on your 4th of July celebration will not be working in Michigan.

A lot of them are going to lose their unemployment benefits over the next few weeks or the next few months. When they ask you what you did to help them through this period of unemployment, all you are going to be able to tell them is if you got overpaid, we are going to penalize you four times the overpayment because you are a fraudulent collector of unemployment benefits.

I would really throw out my chest if I had that to bring home to my constituents. You could have brought home that we are extending your unemployment benefits. You could have brought home we are going to help you get retrained for a job because your job has left and is not coming back. But all you are going to do is say we ended fraud in the unemployment system. The very bulk of the people and the very number that is shown, 2.5 percent of the people are overpaid in their unemployment benefits, and you are going to go after that 2.5 percent and claim you saved \$100 million. That is fraudulent in itself, Mr. President, leaving the \$140 million on the table for Washington to give to another state.

That is a travesty. I want to go home and tell the people whom I represent I at least fought to get them some unemployment benefits until their job comes back to Michigan. But, unfortunately, all we have to tell them is what you did here today, and I don't think that is enough.

Senator Stamas' statement is as follows:

As my good colleague from the 38th District just said, I usually don't get up for statements, but this last week has been a challenging week. We have had a lot of discussions about budgets, and we have had challenges about whether or not these cuts were appropriate and should we look at other sources. I know I noted this a couple of times when we talked about the higher education budget, but the May Revenue Estimating Conference said that the state of Michigan has a budget deficit of \$1.8 billion. Now that doesn't mean we have a deficit of \$1.8 billion because the Governor's recommendation accounts for \$600 million. So we have a \$2.4 billion deficit. If the Senate Fiscal Agency recommend we use half the stimulus funds, and that is \$700 million, that gives us a \$1.7 billion deficit. If we annualize the executive order, which many are challenging doing that, that takes us down to \$1.4 billion.

Now we have heard other ideas for taxes. We have heard other ideas for changing. Here is what I have heard. I am not sure that it adds up to more than \$500 million, but we will assume that we do all of those and account for \$500 million, we still have to make \$900 million in cuts to make the budget balance. Those are going to have to come from areas we don't want to cut. Those are going to be tough decisions, but the reality is that is the position that this state finds itself in. And if we don't make these decisions today, we are going to pass those down the road, and it is not going to serve our state well.

So these are going to be tough decisions, but I think it is incumbent upon all of us to realize the circumstances that we find ourselves in and to make these tough decisions and put Michigan in a better place for the future.

Recess

Senator Cropsey moved that the Senate recess until 10:30 p.m.
The motion prevailed, the time being 9:18 p.m.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:31 p.m.

11:51 p.m.

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

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Friday, June 26, at 12:05 a.m.
The motion prevailed.

Committee Reports

The Committee on Appropriations reported

House Bill No. 4310, entitled

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

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.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Gilbert, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

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 Appropriations submitted the following:

Meeting held on Thursday, June 25, 2009, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Gilbert, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 25, 2009, at 9:00 a.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, June 25, 2009, at 1:55 p.m., Room 110, Farnum Building

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

Scheduled Meetings

Legislative Commission on Statutory Mandates - 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)

Subcommittee -

Investment - Thursday, July 2, 2:00 p.m., Room 929, South Tower, House Office Building (373-0575)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:53 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Friday, June 26, 2009, at 12:05 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate