

No. 76  
STATE OF MICHIGAN  
**Journal of the Senate**  
95th Legislature  
REGULAR SESSION OF 2009

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Senate Chamber, Lansing, Friday, September 25, 2009.

9:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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

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

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

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 Bill Hardiman of the 29th District offered the following invocation:

Father God, we come before You with thanksgiving and praise. We thank You for the goodness that is in our lives because we know that every good and perfect gift comes from the Father above. Father, we walked through the sunshine as we entered the Capitol and we thank You for that. We don't take it for granted. We thank You for the beauty that surrounds us. We thank You for the things that bring meaning to our lives. We thank You for faith, family, and friends. We thank You for life and liberty.

Father, even as we thank You for these things, we understand and realize that Michigan faces some very difficult times. Father, we have been in the presence of people who are doing well, well-established and enjoying life. We have also been in the presence of people who seem desperate and hopeless. We have been in parts of this state that seem like burned-out war zones.

Father, help us. Give us Your wisdom and insight that we make right decisions today that would help to speed the recovery; not only economic decisions, but decisions to do good and do right so that we might be blessed.

Father, I ask that You bless the Governor, the Lieutenant Governor, the Senate, the House, and all who work with us this day. Father, we come from different backgrounds, different walks of life, and even different faiths. You created us all, each and everyone, and You love us all.

I ask these things in the precious name of Jesus Christ. Amen.

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

### Motions and Communications

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 Secretary announced that the following official bills were printed on Thursday, September 24, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>860</b>	<b>861</b>	<b>862</b>	<b>863</b>									
<b>House Bill Nos.</b>	<b>5452</b>	<b>5453</b>	<b>5454</b>	<b>5455</b>	<b>5456</b>	<b>5457</b>	<b>5458</b>	<b>5459</b>	<b>5460</b>	<b>5461</b>	<b>5462</b>	<b>5463</b>	

### Messages from the Governor

#### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 9:06 a.m.

9:56 a.m.

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

During the recess, Senators Switalski, Pappageorge, Stamas, Barcia, Basham, Hunter, Jacobs, Gleason, Garcia, George and Kahn entered the Senate Chamber.

The following messages from the Governor were received:

Date: September 24, 2009  
Time: 2:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 700 (Public Act No. 92), being**

An act to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," by amending section 20 (MCL 445.920).

(Filed with the Secretary of State on September 24, 2009, at 3:54 p.m.)

Date: September 24, 2009  
Time: 2:47 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 701 (Public Act No. 93), being**

An act to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies,” by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

(Filed with the Secretary of State on September 24, 2009, at 3:56 p.m.)

Date: September 24, 2009  
Time: 2:49 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 703 (Public Act No. 94), being**

An act to amend 1982 PA 162, entitled “An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

(Filed with the Secretary of State on September 24, 2009, at 3:58 p.m.)

Date: September 24, 2009  
Time: 2:51 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 706 (Public Act No. 95), being**

An act to amend 1980 PA 307, entitled “An act to revise and codify the laws relating to savings and loan associations; to provide for the incorporation, regulation, supervision, and internal administration of associations; to prescribe the rights, powers, and immunities of associations; to provide for voluntary and involuntary changes in the corporate structure of associations; to prescribe the powers, rights, and duties of certain state agencies in relation to associations; to require certain reports and examinations of associations; to prescribe remedies and penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 515 (MCL 491.515), as added by 1987 PA 106.

(Filed with the Secretary of State on September 24, 2009, at 4:00 p.m.)

Date: September 24, 2009  
Time: 2:53 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 707 (Public Act No. 96), being**

An act to amend 1986 PA 316, entitled “An act to create the Michigan education trust; to prescribe the powers and duties of the trust and of its board of directors; to provide for advance tuition payment contracts; to establish an advance tuition payment fund and to provide for its administration; to provide for remedies; and to repeal certain acts and parts of acts on specific dates,” by amending section 19 (MCL 390.1439).

(Filed with the Secretary of State on September 24, 2009, at 4:02 p.m.)

Date: September 24, 2009  
Time: 2:55 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 710 (Public Act No. 97), being**

An act to amend 1994 PA 160, entitled “An act to prohibit certain methods, acts, and practices of credit services organizations; to prescribe remedies and penalties; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 445.1822).

(Filed with the Secretary of State on September 24, 2009, at 4:04 p.m.)

Date: September 24, 2009

Time: 2:57 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 712 (Public Act No. 98), 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 sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

(Filed with the Secretary of State on September 24, 2009, at 4:06 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Scott’s statement is as follows:

Recently, as I stated yesterday, in the *Detroit Free Press*, Jeff Gerritt quoted a Detroit resident, Sylvester Long. Mr. Long makes about \$270 a week. His auto insurance on his 1995 Pontiac minivan costs him nearly \$200 a month. That’s nearly a week’s pay. That kind of high-priced auto insurance would give just about anyone fits, no matter how much they make.

Mr. Long was understandably upset. He can’t afford auto insurance, so he dropped it. He is one of the people I have talked about before when I have said that our inability to act on auto insurance rate reform helps turn people into lawbreakers. He doesn’t make a lot of money, but he is willing to pay something if he could just find a policy that was affordable. He told Mr. Gerritt, “The insurance rates are ridiculous. They have to get the rates down to, say, \$100 a month for people to afford it.”

Even \$100 a month is still going to be a big bite out of his monthly pay, but he’s willing to pay it. People are willing to pay for auto insurance. I have said it before and I will say it again: No one is looking for a handout. They are only looking for affordable rates. Once again, I ask you to work with me to give our constituents a break and move my bills.

Senator Gleason stated that had he been present on September 22 when the vote was taken on the passage of the following bill, he would have voted “yea”:

**Senate Bill No. 715**

Senator Cropsey’s statement is as follows:

I don’t know about anybody else here, but the people with whom we work in the Senate have varied life experiences that influence the actions that we take and the decisions that we make. Today, in the chamber, we have a person who deserves some notice. This person has read literally thousands of bills, evaluated those bills, and given us legal advice on those bills. My best guess is that he has processed somewhere in the ballpark between 3,500 and 4,000 bills and the boilerplate for at least \$750 billion. This person has helped craft rules and procedures that guide us through the parliamentary process that we in Michigan have crafted to represent the citizens who elect us and look to us for leadership.

I have been trying to figure out just what it is about this person that has so uniquely qualified him to be lead legal counsel for our caucus. So if you can, help me figure out just what it is about this attorney. First of all, he wasn’t born in the United States. Secondly, he was a lieutenant colonel in the military. Thirdly, he thinks the best music in the world is sung by Barry Manilow. Fourth, he thinks the best sport in the world is women’s professional golf.

I just don’t know. I just don’t know why he is so good, but today I want to mention Fred Hall because today is his birthday. I won’t tell you how old he is, but his age is the square root of 3,600 years. Happy birthday, Fred.

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

Senator Cropsey moved that the Committee on Appropriations be discharged from further consideration of the following bills:

**Senate Bill No. 831, entitled**

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2009 to October 31, 2009; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

**Senate Bill No. 252, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2008 PA 268 and section 17b as amended by 2007 PA 137.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

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

**Senate Bill No. 831**

**Senate Bill No. 252**

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

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

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Sanborn 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. 418, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

Substitute (S-1).

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

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

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

**Senate Bill No. 418**

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

The following bill was read a third time:

**Senate Bill No. 418, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

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. 473****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

Senators Anderson, Barcia, Basham, Birkholz, Bishop, Brater, Brown, Clarke, Cropsey, Gleason, Hardiman, Hunter, Jacobs, Jansen, Jelinek, Kahn, McManus, Olshove, Pappageorge, Patterson, Prusi, Richardville, Sanborn, Scott, Stamas and Van Woerkom were named co-sponsors of the bill.

By unanimous consent the Senate returned to the order of

**Conference Reports**

Senator Brown submitted the following:

**FIRST CONFERENCE REPORT**

The Committee of Conference on the matters of difference between the two Houses concerning

**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.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

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 PEOPLE OF THE STATE OF MICHIGAN ENACT:**  
PART 1  
LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of agriculture for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF AGRICULTURE**  
APPROPRIATION SUMMARY

Full-time equated unclassified positions.....	2.0	
Full-time equated classified positions .....	591.5	
<b>GROSS APPROPRIATION</b> .....		\$ 84,630,400
Interdepartmental grant revenues:		
IDG from MDCH, food bank .....		120,100
IDG from MDELEG (LCC), liquor quality testing fees .....		191,900
IDG from MDELEG.....		300,000
IDG from MDEQ, biosolids.....		93,800
IDG from MDEQ, MAEAP.....		351,600
IDG from MDHS, food bank .....		150,000
IDG from MDNR, cervid fees.....		75,000
Total interdepartmental grants and intradepartmental transfers .....		1,282,400
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 83,348,000
Federal revenues:		
DAG, multiple grants .....		11,907,200
EPA, multiple grants.....		1,586,300
HHS-FDA .....		1,637,600
United States department of labor .....		400,000
Total federal revenues.....		15,531,100
Special revenue funds:		
Total local revenues .....		0
Private - slow-the-spread foundation.....		152,600
Private - commodity group revenue .....		90,600
Total private revenues.....		243,200
Agricultural preservation fund.....		3,400,000
Agriculture equine industry development fund .....		7,678,800
Agriculture pollution prevention fund.....		100
Animal welfare fund.....		138,000
Commodity inspection fees .....		1,117,700
Consumer and industry food safety education fund.....		264,800
Dairy and food safety fund .....		2,874,300
Freshwater protection fund.....		5,230,600
Gasoline inspection and testing fund .....		2,735,800
Horticulture fund.....		82,000
Industry support funds.....		724,700
Licensing and inspection fees .....		4,142,300
Migrant housing inspection fees.....		110,000
Migratory labor housing fund.....		25,000
Nonretail liquor fees.....		682,800
Refined petroleum fund.....		3,454,900
State services fee fund.....		3,200,700
Testing fees.....		434,500
Weights and measures regulation fees.....		688,300
Total other state restricted revenues .....		36,985,300
State general fund/general purpose .....		\$ 30,588,400

**Sec. 102. EXECUTIVE**

Full-time equated unclassified positions.....	2.0	
Full-time equated classified positions .....	41.5	
Commissions and boards.....		\$ 23,800
Unclassified positions—2.0 FTE positions .....		213,300

	For Fiscal Year Ending Sept. 30, 2010
Executive direction—10.0 FTE positions .....	\$ 973,800
Management services—24.0 FTE positions .....	1,840,900
Statistical reporting service—1.0 FTE position .....	145,000
Emergency management—6.5 FTE positions.....	747,100
GROSS APPROPRIATION .....	<u>\$ 3,943,900</u>
Appropriated from:	
Federal revenues:	
HHS-FDA .....	500,000
Special revenue funds:	
Private - commodity group revenue .....	79,700
Gasoline inspection and testing fund .....	66,300
Industry support funds.....	36,500
Nonretail liquor fees.....	8,800
Refined petroleum fund.....	54,700
State general fund/general purpose .....	<u>\$ 3,197,900</u>
<b>Sec. 103. DEPARTMENTWIDE</b>	
Rent and building occupancy charges .....	<u>\$ 421,100</u>
GROSS APPROPRIATION .....	<u>\$ 421,100</u>
Appropriated from:	
Federal revenues:	
DAG, multiple grants .....	79,400
EPA, multiple grants.....	60,900
HHS-FDA .....	13,100
Special revenue funds:	
Agricultural preservation fund.....	23,900
Freshwater protection fund.....	9,500
Licensing and inspection fees .....	59,100
Nonretail liquor fees.....	7,800
Refined petroleum fund.....	114,000
State services fee fund.....	53,400
State general fund/general purpose .....	<u>\$ 0</u>
<b>Sec. 104. FOOD AND DAIRY</b>	
Full-time equated classified positions .....	115.0
Food safety and quality assurance—115.0 FTE positions .....	<u>\$ 12,539,700</u>
GROSS APPROPRIATION .....	<u>\$ 12,539,700</u>
Appropriated from:	
Federal revenues:	
DAG, multiple grants .....	58,300
HHS-FDA .....	412,200
Special revenue funds:	
Consumer and industry food safety education fund.....	264,800
Dairy and food safety fund .....	2,874,300
State general fund/general purpose .....	<u>\$ 8,930,100</u>
<b>Sec. 105. ANIMAL INDUSTRY</b>	
Full-time equated classified positions .....	70.0
Animal health and welfare—21.5 FTE positions .....	<u>\$ 2,290,800</u>
Bovine tuberculosis program—48.5 FTE positions.....	<u>7,338,300</u>
GROSS APPROPRIATION .....	<u>\$ 9,629,100</u>
Appropriated from:	
IDG from MDNR, cervid fees.....	75,000
Federal revenues:	
DAG, multiple grants .....	1,178,200
HHS-FDA .....	73,000
Special revenue funds:	
Animal welfare fund.....	138,000
Licensing and inspection fees .....	108,000
State general fund/general purpose .....	<u>\$ 8,056,900</u>

For Fiscal Year  
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2010

**Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT**

Full-time equated classified positions .....	134.5	
Pesticide and plant pest management—110.0 FTE positions.....		\$ 11,929,300
Emerald ash borer control program—24.5 FTE positions .....		3,034,200
<b>GROSS APPROPRIATION</b> .....		<u>\$ 14,963,500</u>

Appropriated from:

Interdepartmental grant revenues:

Federal revenues:

DAG, multiple grants .....		4,568,300
EPA, multiple grants.....		919,200
HHS-FDA .....		96,300

Special revenue funds:

Private - slow-the-spread foundation.....		152,600
Commodity inspection fees .....		1,117,700
Horticulture fund.....		82,000
Industry support funds.....		351,600
Licensing and inspection fees .....		3,660,500
State general fund/general purpose .....		<u>\$ 4,015,300</u>

**Sec. 107. ENVIRONMENTAL STEWARDSHIP**

Full-time equated classified positions .....	51.0	
Environmental stewardship—27.0 FTE positions .....		\$ 2,582,500
Groundwater and freshwater protection program—15.0 FTE positions.....		5,255,100
Farmland and open space preservation—9.0 FTE positions .....		1,006,900
Agriculture pollution prevention program.....		1,000,100
Local conservation districts.....		236,900
Migrant labor housing .....		425,100
<b>GROSS APPROPRIATION</b> .....		<u>\$ 10,506,600</u>

Appropriated from:

Interdepartmental grant revenues:

IDG from MDEQ, biosolids.....		93,800
IDG from MDEQ, MAEAP.....		351,600

Federal revenues:

DAG, multiple grants .....		1,000,000
EPA, multiple grants.....		255,000
United States department of labor.....		400,000

Special revenue funds:

Agricultural preservation fund.....		875,900
Agriculture pollution prevention fund.....		100
Freshwater protection fund.....		5,221,000
Migrant housing inspection fees.....		110,000
Migratory labor housing fund.....		25,000
State general fund/general purpose .....		<u>\$ 2,174,200</u>

**Sec. 108. LABORATORY PROGRAM**

Full-time equated classified positions .....	131.0	
Laboratory services—63.0 FTE positions .....		\$ 5,893,100
USDA monitoring—17.0 FTE positions .....		2,171,700
Consumer protection program—51.0 FTE positions.....		5,237,400
<b>GROSS APPROPRIATION</b> .....		<u>\$ 13,302,200</u>

Appropriated from:

Interdepartmental grant revenues:

IDG from MDELEG (LCC), liquor quality testing fees .....		189,100
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Federal revenues:

DAG, multiple programs .....		2,193,700
EPA, multiple programs .....		351,200
HHS-FDA .....		543,000

Special revenue funds:

Agriculture equine industry development fund .....		519,700
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	For Fiscal Year Ending Sept. 30, 2010
Gasoline inspection and testing fund .....	\$ 2,562,500
Licensing and inspection fees .....	76,300
Refined petroleum fund.....	3,286,200
Testing fees.....	434,500
Weights and measures regulation fees.....	688,300
State general fund/general purpose .....	\$ 2,457,700
<b>Sec. 109. AGRICULTURE DEVELOPMENT</b>	
Full-time equated classified positions .....	9.0
Agriculture development—6.0 FTE positions .....	\$ 2,477,000
Grape and wine program—3.0 FTE positions.....	722,200
Michigan agricultural surplus system.....	540,100
GROSS APPROPRIATION .....	\$ 3,739,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from DHS, food bank.....	150,000
IDG from MDCH, food bank .....	120,100
IDG from MDELEG.....	300,000
Federal revenues:	
DAG, multiple grants .....	1,579,300
Special revenue funds:	
Private - commodity group revenue .....	10,900
Industry support funds.....	316,000
Nonretail liquor fees.....	665,700
State services fee fund.....	270,000
State general fund/general purpose .....	\$ 327,300
<b>Sec. 110. FAIRS AND EXPOSITIONS</b>	
Full-time equated classified positions .....	9.5
Fairs, racing and producer security—9.5 FTE positions .....	\$ 1,168,900
Premiums - county and state fairs.....	347,800
Building and track improvement - county and state fairs .....	129,000
Purses and supplements - fairs/licensed tracks .....	1,434,300
Licensed tracks - light horse racing .....	79,900
Standardbred breeders' awards.....	586,400
Standardbred purses and supplements - licensed tracks.....	1,083,000
Standardbred sire stakes .....	490,100
Standardbred training and stabling.....	21,800
Thoroughbred owners' awards .....	75,100
Thoroughbred program.....	1,452,500
Thoroughbred sire stakes.....	502,300
Distribution of outstanding winning tickets .....	423,600
GROSS APPROPRIATION .....	\$ 7,794,700
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund .....	6,832,300
Industry support funds.....	20,600
Licensing and inspection fees .....	163,500
State services fee fund.....	477,300
State general fund/general purpose .....	\$ 301,000
<b>Sec. 111. OFFICE OF RACING COMMISSIONER</b>	
Full-time equated classified positions .....	30.0
Office of racing commissioner—30.0 FTE positions .....	\$ 2,500,000
GROSS APPROPRIATION .....	\$ 2,500,000
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund .....	100,000
State services fee fund.....	2,400,000
State general fund/general purpose .....	\$ 0

For Fiscal Year  
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**Sec. 112. INFORMATION AND TECHNOLOGY**

Information technology services and projects .....	\$ 1,540,300
<b>GROSS APPROPRIATION .....</b>	<b>\$ 1,540,300</b>

Appropriated from:

Interdepartmental grant revenues:

IDG from MDLEG (LCC), liquor quality testing fees .....	2,800
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Special revenue funds:

Agricultural preservation fund.....	200
Agriculture equine industry development fund .....	226,800
Gasoline inspection testing fund .....	107,000
Freshwater protection fund.....	100
Licensing and inspection fees .....	74,900
Nonretail liquor fees.....	500
State general fund/general purpose .....	\$ 1,128,000

**Sec. 113. CAPITAL OUTLAY**

Farmland and open space development acquisition .....	\$ 3,750,000
<b>GROSS APPROPRIATION .....</b>	<b>\$ 3,750,000</b>

Appropriated from:

Federal revenues:

DAG, multiple grants .....	1,250,000
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Special revenue funds:

Agriculture preservation fund.....	2,500,000
State general fund/general purpose .....	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2009-2010 is \$67,573,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$1,500,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF AGRICULTURE

Groundwater and freshwater protection program .....	\$ 1,500,000
<b>TOTAL.....</b>	<b>\$ 1,500,000</b>

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "Department" means the department of agriculture.
- (c) "Director" means the director of the department.
- (d) "EPA" means the United States environmental protection agency.
- (e) "FTE" means full-time equated.
- (f) "HHS-FDA" means the United States department of health and human services - food and drug administration.
- (g) "IDG" means interdepartmental grant.
- (h) "MAEAP" means the Michigan agriculture environmental assurance program.
- (i) "MDCH" means the Michigan department of community health.
- (j) "MDELEG" means the Michigan department of energy, labor, and economic growth.
- (k) "MDELEG (LCC)" means the Michigan department of energy, labor, and economic growth - liquor control commission.
- (l) "MDEQ" means the Michigan department of environmental quality.
- (m) "MDHS" means the Michigan department of human services.
- (n) "USDA" means the United States department of agriculture.

Sec. 204. The civil service commission shall bill departments and agencies at the end of the first fiscal quarter for the charges authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant

state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, causes loss of revenue to the state, would result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement shall include transmission of reports via electronic mail to the recipients identified for each reporting requirement and shall include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 210. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. (1) Of the funds appropriated in part 1, the department may provide for indemnity as provided for pursuant to the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, not to exceed \$100,000.00 per order from any line item for the fiscal year ending September 30, 2010. Before the department provides for an indemnification under this section, the department shall report the reason for the indemnification, the amount of the indemnification, and to whom the indemnification is to be paid. The report shall be given to each member of the senate and house appropriations subcommittees on agriculture and to the senate and house fiscal agencies and the state budget director.

(2) The department of agriculture shall make an indemnification payment for the fair market value of livestock killed by a wolf, coyote, or cougar, if the kill is verified by the department of natural resources. The fair market value of the livestock shall be determined pursuant to the indemnification procedures prescribed in the animal industry act, 1988 PA 466, MCL 287.701 to 287.745. In addition to the funds appropriated in part 1, the department of agriculture is authorized to expend the funds received from the department of natural resources to reimburse the department of agriculture for all indemnification payments made pursuant to this subsection.

Sec. 214. Of the funds appropriated in part 1 that are other than line-item grants, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department provides notice of the grant to the senate and house appropriations subcommittees on agriculture at least 10 days before the grant is issued. The grants shall be used to support research or other related activities for the purpose of enhancing the agricultural industries in this state.

Sec. 215. From the funds appropriated in part 1, the department shall use an amount not to exceed \$10,000.00 to develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the agency within a fiscal year. The posting must include the purpose for which each expenditure is made. The department shall not be required to hire additional employees to comply with this section.

Sec. 219. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. The user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 220. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

(2) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 224. The department shall not take disciplinary action against an employee for truthfully to the best of his or her knowledge communicating with a member of the legislature or his or her staff.

Sec. 228. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$6,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 229. (1) The department shall report no later than April 1, 2010 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the senate and house appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 230. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 231. From the funds appropriated in part 1 for salaries and benefits, the department shall provide funding in the pesticide and plant pest management, food and dairy, animal industry, environmental stewardship and laboratory divisions for not less than 315 employees who provide direct service to the public or substantially support the work of those who provide direct service. Expenditures shall be made so that these divisions continue to provide service to protect the public health, safety, and welfare and environment.

Sec. 232. From the funds appropriated in part 1, the director shall implement continuous improvement efficiency mechanisms in the programs administered by the department. The continuous improvement efficiency mechanisms shall identify changes made in programs to increase efficiency and reduce expenditures in the programs. On March 31, 2010 and September 30, 2010, the director shall submit a report to the state budget director, the senate and house appropriations subcommittees, and the senate and house fiscal agencies on the progress made toward increased efficiencies in departmental programs. At a minimum, each report shall include information on the program review process, the type of improvement mechanisms implemented, and actual and projected expenditure savings as a result of the increased program efficiencies.

Sec. 234. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from

a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 235. Available funds from the appropriation in part 1 may be provided to the C.S. Mott group for sustainable food systems at Michigan State University to plan for and coordinate a matched savings tool for Michigan's emerging farmers and to leverage federal funds for the purpose of developing and enhancing local markets for Michigan agricultural products.

Sec. 236. All appropriations in part 1 from the agriculture equine industry development fund shall be spent for equine-related purposes.

Sec. 237. Not later than September 30, 2010, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 238. On a bimonthly basis, the department shall report on the number of FTEs in pay status by civil service classification to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies.

#### **EXECUTIVE**

Sec. 302. (1) The department may receive and expend revenue and use that revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, bean inspection services, and laboratory analyses as specified in the following:

- (a) Management services publications.
  - (b) Management services audit and licensing functions.
  - (c) Pesticide and plant pest management propagation and certification of virus free foundation stock.
  - (d) Pesticide and plant pest management bean inspection and grading services.
  - (e) Laboratory support testing for testing horses in draft horse pulling contests at county fairs when local jurisdictions request state assistance.
  - (f) Laboratory support analyses to determine foreign substances in horses engaged in racing or pulling contests at tracks.
  - (g) Laboratory support analyses of food, livestock, and agricultural products for disease, foreign products for disease, toxic materials, foreign substances, and quality standards.
  - (h) Laboratory support test samples for other agencies and organizations.
  - (i) Fruit and vegetable inspection at shipping and termination points and processing plants.
- (2) The department shall notify the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies 30 days prior to proposing changes in fees authorized under this section or under section 5 of 1915 PA 91, MCL 285.35.

(3) Annually, before February 1, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies detailing all the fees charged by the department under the authorization provided in this section, including, but not limited to, rates, number of individuals paying each fee, and the revenue generated by each fee in the previous fiscal year.

Sec. 304. (1) To ensure motor fuel quality and quantity, the department shall maintain the motor fuel quality program and shall not reduce program level of effort below that of the 2006-2007 fiscal year. Notwithstanding the provisions of section 205, the department shall maintain field and laboratory staff for the motor fuel quality program.

(2) On or before January 1 and every 6 months thereafter, the department shall report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies the results of both complaint-based and random-based inspections, including the number of inspections performed, samples collected, and compliance rates.

Sec. 306. From the funds appropriated in section 102, private funds for agricultural statistics shall be used to match state funds at not less than 50% of study costs.

#### **FOOD AND DAIRY**

Sec. 401. The department shall monitor restaurant inspection and licensing functions carried out by local health departments to ensure uniform application and enforcement of minimum program requirements.

Sec. 402. Not later than April 1, 2010, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies describing significant food-borne outbreaks and emergencies including any enforcement actions taken related to food safety during the 2008-2009 fiscal year.

Sec. 404. From the funds appropriated in section 104 for food safety and quality assurance, not less than \$150,000.00 from the consumer and industry food safety education fund shall be expended for purposes required under section 4117 of the food law of 2000, 2000 PA 92, MCL 289.4117, including the statewide training and education to consumers on food safety and the training and education on food safety to food service establishment employees and department employees and agents who enforce section 4117 of the food law of 2000, 2000 PA 92, MCL 289.4117.

Sec. 406. Notwithstanding the provisions of section 205, the department is authorized to fill open positions in the food and dairy inspection program.

Sec. 407. Of the funds appropriated in part 1 for food safety and quality assurance, no less than \$3,098,000.00 shall be expended for dairy inspections.

**ANIMAL INDUSTRY**

Sec. 450. From the funds appropriated in section 105 for the bovine tuberculosis program, the department shall reimburse the department of natural resources for those costs associated with monitoring and testing wildlife for bovine tuberculosis that are necessary to support the department goals and are jointly agreed to by the department and the department of natural resources to be in excess of efforts necessary to effectively plan and execute the eradication of bovine tuberculosis from Michigan's wild free-ranging deer herd.

Sec. 451. From the funds appropriated in section 105 for bovine tuberculosis, the department shall pay for all whole herd testing costs and individual animal testing costs in the modified accredited zone to maintain split-state status requirements. These costs include indemnity and compensation for injury causing death or downer to animals.

Sec. 452. The department shall apply for all federal and private funds for which it is eligible that can be used to support the bovine tuberculosis program.

Sec. 454. The department shall use its resources to collaborate with the United States department of agriculture to obtain TB-free status for the area of the Lower Peninsula that is zoned as modified accredited advanced. The department shall also aggressively work toward eradicating bovine TB in the modified accredited zone.

Sec. 455. The department shall prepare a plan to provide for cattle without official identification that may arrive at a saleyard. If an animal arrives untagged at a saleyard without official identification, the saleyard may charge a fee for the tag and for application. The tag may be purchased by and identified to the saleyard. The saleyard shall maintain records for all animals tagged on its premises. The department plan shall be in compliance with the "Michigan Bovine TB Eradication Program - Application for TB-Free/Modified Accredited Status", April 2007.

Sec. 456. Of the funds appropriated in part 1, no funds shall be used to enforce the mandatory electronic animal identification program for any domestic animals other than cattle until specific procedures and guidelines for electronic animal identification are outlined in statute.

Sec. 457. On or before October 15, 2009, and on a quarterly basis thereafter, the department shall report to the senate and house agriculture committees, the senate and house appropriations subcommittees on agriculture, and the senate and house fiscal agencies on the department's progress toward meeting the USDA requirements as outlined in the March 2007 bovine TB program review. The report shall include, but is not limited to, information and data on: wildlife risk mitigation plan implementation in the modified accredited zone; implementation of a movement certificate process; progress toward annual surveillance test requirements set out in the June 2007 MOU; compliance efforts and rates for animals crossing the Mackinac Bridge; efforts to work with slaughter facilities in Michigan, as well as those that slaughter a significant number of animals from Michigan; educational programs and information for Michigan's livestock community; any other item the legislature should be aware of that will promote or hinder efforts to achieve bovine TB-free status for Michigan.

Sec. 458. From the funds appropriated in section 105 for animal industry, the department shall provide inspection and testing of aquaculture facilities and aquaculture researchers as provided under the Michigan aquaculture development act, 1996 PA 199, MCL 286.877. It is the intent of the legislature that the department shall work with aquaculture facilities and aquaculture researchers to identify, contain, and eradicate viral hemorrhagic septicemia in this state.

Sec. 459. Notwithstanding the provisions of section 205, the department is authorized to fill open positions in the bovine tuberculosis program.

Sec. 460. Of the appropriation in section 105 for animal health and welfare, budgetary reductions for the fiscal year ending September 30, 2010 shall not be taken from the aquaculture program, but shall be taken from other programs funded in the animal health and welfare appropriation line.

**PESTICIDE AND PLANT PEST MANAGEMENT**

Sec. 551. It is the intent of the legislature that the department work with the fruit and vegetable industry to ensure the development of a sustainable system of third-party inspections of fruits and vegetables.

**ENVIRONMENTAL STEWARDSHIP**

Sec. 603. The department shall apply for all federal funds for which it is eligible that can be used to support the migrant labor housing program.

Sec. 604. The department shall work with the conservation districts on the most effective and efficient use of the funding provided in section 107. Funds should be used to help draw down federal funding and support land conservation projects.

Sec. 606. The department shall actively search for all possible funding sources to be used to match federal funds in the USDA environmental quality incentives program.

Sec. 607. It is the intent of the legislature that the department continue its activities in support of intercounty drainage districts as provided in chapter 5 of the drain code of 1956, 1956 PA 40, MCL 280.101 to 280.106.

Sec. 608. Of the appropriation in section 107 for environmental stewardship, budgetary reductions for the fiscal year ending September 30, 2010 shall not be taken from the right-to-farm program, but shall be taken from other programs funded in the environmental stewardship appropriation line.

Sec. 609. It is the intent of the legislature that the department work with industry to develop a fee for migrant worker housing inspections. The proposed fee shall not exceed \$5.00 per worker and should be designed to become effective no later than April 1, 2010.

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

#### **AGRICULTURE DEVELOPMENT**

Sec. 702. In any given year when insufficient amounts of Michigan surplus products are offered to the food bank council and accepted for distribution, unused funds may be applied by the food bank council for the direct purchase of foods from Michigan growers, manufacturers, or wholesalers.

Sec. 705. The appropriation in section 109 for the export market development program shall be used to coordinate state participation in the federal market access program and to leverage federal and private funds for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 706. Not later than April 1, 2010, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies describing the department's agriculture development and export market development activities. The report shall identify grants awarded during the prior fiscal year, including a description of federal or private funds made available as a result of department activities.

Sec. 707. In awarding grants from the agricultural development fund created under the Julian-Stille value-added act, 2000 PA 322, MCL 285.301 to 285.304, the department shall give due consideration to the diversity of Michigan agriculture and its economic importance.

Sec. 709. (1) Not later than April 1, 2010, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies describing the activities of the grape and wine industry council established under section 303 of the Michigan liquor control act of 1998, 1998 PA 58, MCL 436.1303.

(2) The report shall include all of the following:

- (a) Council activities and accomplishments for the previous fiscal year.
- (b) Council expenditures for the previous fiscal year by category of administration, industry support, research and education grants, and promotion and consumer education.
- (c) Grants awarded during the prior fiscal year and the results of research grant projects completed during the prior fiscal year.

Sec. 710. The department may match external funding for domestic and international marketing programs for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 711. In accordance with chapter 8B of the Michigan strategic fund act, 1984 PA 270, MCL 125.2089 to 125.2089d, it is the intent of the legislature that the Michigan strategic fund, its employees, contract employees, and individuals working on its behalf collaborate with the Michigan department of agriculture to promote business development of Michigan agricultural products to achieve outcomes that include, but are not limited to, increases in export sales, increases in the number of retailers carrying Michigan commodities both within and outside of this state, and increased sales of Michigan products at chain grocers.

Sec. 712. The funds appropriated in part 1 from MDELEG for agriculture development and export market development program shall be used to foster and promote growth in the food and agriculture sector. By September 30, 2010, the department shall report to the senate and house appropriations subcommittees on agriculture and economic development, the senate and house fiscal agencies, and the state budget director on the use of these funds and how the funds facilitated growth in the food and agriculture sector.

Sec. 713. Of the funds appropriated in part 1 for agricultural development, \$100,000.00 shall be expended for the purpose of agricultural export market development.

#### **FAIRS AND EXPOSITIONS**

Sec. 801. Within 60 days of the close of each fiscal quarter, the department shall report to the state budget director, the senate and house subcommittees on agriculture, and the senate and house fiscal agencies on the agriculture equine industry development fund established in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320. The report shall do all of the following:

- (a) Identify actual revenue through the preceding fiscal quarter and projected revenue and fund balance through the end of the fiscal year.
- (b) Identify simulcast racing revenue generated by each licensed track, revenue from license fees, revenue generated from the casino wagering tax, and revenue from other sources.
- (c) Identify the spending targets or budgeted amounts from the fund by line item for the fiscal year and compare the spending targets to the appropriated amounts for each line item.

Sec. 802. From the amount appropriated in section 110 for purses and supplements – fairs/licensed tracks, \$220,000.00 is to be used for state purse supplements at state licensed pari-mutuel tracks for races comprised only of Michigan-bred horses segregated into a 4-year-old colt trot division, a 4-year-old filly trot division, a 4-year-old colt pace division, and a 4-year-old filly pace division.

Sec. 803. Included in the appropriation made in section 110 for the thoroughbred program is \$23,500.00 for the Michigan united thoroughbred breeders and owners association to conduct a thoroughbred yearling show. The Michigan united thoroughbred breeders and owners association shall submit to the department an itemized list of expenses showing that the expenses of the yearling show were paid.

Sec. 804. From the funds appropriated in section 110 for thoroughbred owners' awards, awards shall be distributed pursuant to section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Sec. 805. All appropriations from the agriculture equine industry development fund shall be reduced proportionately if revenues to the agriculture equine industry development fund decline during the fiscal year ending September 30, 2010 to a level lower than the amount appropriated in part 1.

Sec. 806. A county fair, district fair, 4-H fair, or state fair receiving funds in section 110 to be used for prizes or awards, in whole or in part, as a condition precedent to the receiving of the funds for those purposes, shall publish the rules relative to the prizes, awards, and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved exhibitor may make a written complaint to the fair within 10 days after the fair ends. If the fair has not satisfactorily settled the grievance within 45 days after it is submitted to the fair, the aggrieved person may file the complaint with the department and the department shall investigate the complaint and make a finding of fact regarding the complaint and take appropriate action regarding the complaint.

Sec. 807. Of the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, a sufficient amount is appropriated to provide for overnight purse supplements pursuant to the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

Sec. 808. Of the amount appropriated in section 110 for premiums - county and state fairs, \$91,400.00 shall be expended to reimburse up to 75% premiums paid to large livestock and equine exhibitors in shows or exhibitions held by statewide associations as defined by the department. Livestock expositions shall be limited to participation in this program and prohibited from participation in any state-funded premium programs. The Michigan horse show association fall youth show shall be included.

Sec. 809. From the appropriations for premiums - county and state fairs in section 110, \$40,000.00 shall be awarded through a competitive grant program to local, regional, or state fairs or youth education programs to promote youth involvement and adult exhibitions in the animal agriculture industry.

Sec. 811. The funds appropriated in section 110 for distribution of outstanding winning tickets are not available for expenditure until they are deposited in the Michigan agriculture equine industry development fund pursuant to section 2 of 1951 PA 90, MCL 431.252. These funds shall be expended in accordance with section 2 of 1951 PA 90, MCL 431.252. The department shall provide notice to the senate and house appropriations subcommittees on agriculture at least 10 days before the funds are expended. This notice shall include the amount that each program receives from the outstanding winning ticket revenue deposited in the Michigan agriculture equine industry development fund.

Sec. 812. The fairs, exhibitions and racing division shall make payments from the agriculture equine industry development fund in a timely manner to persons or organizations that are approved for such payments.

#### **OFFICE OF RACING COMMISSIONER**

Sec. 901. The racing commissioner may pay rewards of not more than \$5,800.00 to a person who provides information that results in the arrest and conviction on a felony or misdemeanor charge for a crime that involves the horse racing industry. A reward paid pursuant to this section shall be paid out of the office of racing commissioner line item.

Sec. 902. In the event there is no live thoroughbred race meet in 2009 or 2010, all purse money and program money appropriated for the thoroughbred industry in fiscal year 2008-2009 and fiscal year 2009-2010 shall be held in escrow for a period not to exceed 18 months, or until a thoroughbred race meet license is applied for and granted by the office of racing commissioner. In the event there is no thoroughbred meet in 2009 or 2010, the purse pool distribution order to be issued by the office of racing commissioner in 2010 that delineates distribution between the thoroughbred meet that has been held at Great Lakes Downs and the joint thoroughbred/quarterhorse meet held in Mt. Pleasant shall be the same distribution formula as issued in 2009, with the thoroughbred portion being held in escrow.

Sec. 903. The office of racing commissioner shall provide each certified horsemen's organization a minimum of 30 days' notice before submitting a request for rule-making with the state office of administrative hearings and rules. The notice shall include all information as is required by the request for rule-making with the state office of administrative hearings and rules.

Sec. 904. It is the intent of the legislature that the office of racing commissioner no longer be designated as a type I agency and be administered as part of the department for budgetary savings.

#### **CAPITAL OUTLAY**

Sec. 1001. Of the amounts appropriated in part 1 for farmland and open space development acquisition, the funds shall be used for the purchase of development rights and the awarding of grants by the agriculture preservation fund board under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

Sec. 1002. (1) The director shall allocate lump-sum appropriations made in this act consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1003. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

Third: That the Senate and House agree to the title of the bill to read as follows:

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.

Cameron Brown  
Ron Jelinek  
Martha G. Scott  
Conferees for the Senate

John Espinoza  
Gary McDowell  
Matt Lori  
Conferees for the House

Pending the order that, under joint rule 9, the conference report 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 the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 474**

**Yeas—26**

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

**Nays—11**

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

**Excused—0**

**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 Sanborn 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. 831, entitled**

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2009 to October 31, 2009; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

Substitute (S-2).

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

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

**Senate Bill No. 252, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2008 PA 268 and section 17b as amended by 2007 PA 137.

Substitute (S-2).

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

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 at the head of the Third Reading of Bills calendar:

**Senate Bill No. 831**

**Senate Bill No. 252**

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

The following bill was read a third time:

**Senate Bill No. 831, entitled**

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2009 to October 31, 2009; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

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. 475**

**Yeas—21**

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

**Nays—16**

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

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

### **Protests**

Senators Whitmer, Cherry, Jacobs, Clark-Coleman, Anderson, Brater, Gleason, Basham, Scott and Hunter, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 831.

Senator Whitmer moved that the statement she made during the discussion of the bill be printed as her reason for voting “no.”

The motion prevailed.

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

I just wanted to rise to point out the fact that a continuation budget is generally a continuation of the current policy. Calling this a continuation budget is just calling something the wrong name. What this is actually is one-twelfth of the target agreement that the Republican Senate leadership has struck with the Democratic leadership in the House. This is not a continuation of the current public policy.

This is a vast departure of the current public policy. These are massive cuts to current public policy. This represents cuts in the Promise grants. This represents slashes throughout the Department of Community Health. This represents huge changes in our public policy for public safety, for police, for fire, and for kids in our state. If you buy into this vote, why don’t you just pass the budget bills? Why don’t you just pass the bills and put them into effect?

Finish your work; finish the budget for the people of the state of Michigan. If you have the votes to do this, one-twelfth of next year’s budget, do the whole budget. Stand up and finish your work. Don’t just do a twelfth; don’t just do it piecemeal. If you have the votes to do this awful cut, do your work for the whole year. Don’t call it a continuation budget because that is not what this is. This is a get-out-of-Dodge-free card.

The following bill was read a third time:

#### **Senate Bill No. 252, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11j, 17b, 39a, and 147 (MCL 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), sections 11 and 11j as amended by 2009 PA 73, section 17b as amended by 2007 PA 137, and sections 39a and 147 as amended by 2008 PA 268; and to repeal acts and parts of acts.

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. 476**

**Yeas—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Pappageorge

Patterson  
Richardville  
Sanborn  
Stamas  
Van Woerkom

**Nays—16**

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

**Excused—0****Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

**Protests**

Senators Gleason, Scott, Brater, Jacobs, Clark-Coleman and Prusi, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 252.

Senators Gleason, Scott, Brater, Jacobs and Clark-Coleman moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Gleason’s statement is as follows:

Factually, we have had the same obligation for a number of days whether we were going to consider a shutdown. Just because we have run out of time doesn’t mean that we had a greater responsibility today than we did a month ago to prevent a shutdown. I think we have some serious concerns about this budget and the previous one as well, when we were fighting for our fair share of the stimulus dollars to come to our state and to provide services for our schools and our infrastructure.

One of the telling obligations we had as a state was that we had to maintain that current funding, or we could compromise or jeopardize that stimulus money. Who in this room has put thought into, if we cut our school funding by \$218.00, we may jeopardize the allowance from the federal stimulus money? When we look at what has actually occurred in the last few days with our schools, both parents and students, including the administrators, saying that they can’t live with a \$218.00 reduction in the student allowance, in per-pupil funding.

And, now yet, here we are at the midnight hour saying we are going to do it. We will slide it in, potentially, with a precedent-setting idea. Let’s put a noncontinuation budget before us and give it that same name—a continuation budget. We put our schools in difficult straits many times because of the disparity and the calendar year/fiscal year funding. They look to us in July to make sure that they have the resources available for their day-to-day and monthly obligations up until we make our decisions in October. But to pull the rug out from underneath each and every one of our school districts across this state at this late hour does not make sense. How dare we say that we were willing and honored to take the oath of being a Senator and fully understand and comprehend and undertake our constitutional obligations. And yet, at this late hour, we say “no.” We refuse individually to undertake the responsibility to fund these needed services. How do you answer to your students back home that they can’t make it on the current allowance? Yet, we are going to cut it by \$218.00 today and tomorrow and, by the way, the whole month of October.

Let’s call this what it is. It is not a continuation budget. Under any definition, a continuation tells you that it is the consistency of a current event. This is not a continuation budget. How dare we use that terminology to those whom we represent, particularly the most difficult and hardest to serve schools. The inner-city schools have struggled, and many times we intervene on their day-to-day operations as well. Now we are hurting them in a way unknown to them. They have always lived with the resources we have given them, but we have never hidden behind a continuation budget that is not a continuation budget that slashed these schools \$218.00 per pupil, knowing that they can’t make it today. We have all heard the news that health care is harming our schools financially, and therefore, educationally. Let’s not do this today. Let’s not set a precedent; then in future years, we will use a target effort that our targets that we set months before hand will be utilized as a continuation budget when, indeed, it isn’t.

So let's do the right thing. If you are going to call it a continuation budget, let's do just exactly that—have a continuation budget. So I say we vote this down and, indeed, enact a true continuation budget.

Senator Scott's statement, in which Senator Gleason concurred, is as follows:

I'm going to read you just a few paragraphs from one of my constituents. I have received so many e-mails such as this:

"At no point in my life have I ever been more dissatisfied with government. I have seen much political maneuvering in my short life, but the politics coming out of Lansing are probably the most disastrous acts perpetrated on the state of Michigan. As a parent, as a taxpayer, as a voter, I am utterly fed up with what the legislature is doing.

Isn't there a sane person in Lansing who understands that cutting \$218 per pupil is a death sentence to Michigan public schools? There is no way that any school system in this state will be able to survive the school year facing these cuts. It saddens me to see that the state legislature is about to make draconian cuts to schools in Michigan. This proposed cut is ill-fated to schools in Michigan and is a signal to everyone that Michigan legislators do not care about the future of the state of Michigan.

At no time in Michigan history have we ever witnessed this type of betrayal. Education is the most important function of state government and the state is going to cut funding to students. At a time when we should be expanding the funding of schools, Michigan is going to cut. How could this be? The state legislators are betraying the future of the state of Michigan; betraying the citizens who elected them; betraying the hundreds of thousands of school children who will lose out on a proper education."

We have the opportunity to get a budget in this week and to put the dollars in what we need for our school system. We are worst than Third World countries; they do care about their children.

Senator Brater's statement, in which Senators Hunter and Cherry concurred, is as follows:

I rise to express my reasons for voting "no" on this so-called continuation budget. It is true that we need to keep this government functioning. It is true that we need to put in place funding for K-12 education in this state in a prompt and timely manner. However, the bill before us is not the only way to do that.

First of all, it does not have to be based on the assumption that we are going to solve this problem through all cuts and not looking at the revenue side of the picture or some type of tax restructuring that would reflect our current economic realities. Pretty much, we are operating based on self-inflicted wounds at this point. In this Legislature, we know that there are tools in terms of loophole closures, in terms of repealing outdated tax expenditures that are no longer relevant to our current economy. We have had various proposals for targeted ways of raising revenues.

We know those are on the table, so it is totally irresponsible to put this budget before us that is jeopardizing the quality of education for the children of the state of Michigan; that is jeopardizing our future, and then take off for the weekend shirking our responsibility when we should be here working seriously to put the revenues in place so that we don't have to be adopting a budget based on 25 percent revenue decrease. Two hundred and eighteen dollars in cuts—which is what this is per pupil—which is what this budget assumes that you are asking us to vote for, is not a responsible thing to vote for.

So I think that we have the solutions at our disposal. We have the processes in place. We could stay here in Lansing and work across the aisle in a way that we know we are going to have to do eventually. We have had plenty of time to do this over many months now. We know that we have had this problem for many, many months, so to wait till the last minute and put this type of budget before us is like putting a gun to the head of the public education system here in Michigan. I know that I am hearing desperate calls for help from my school officials in my district. I am sure you are all hearing the same.

So let's stay here, let's get serious, and let's fix this problem.

Senator Jacobs' statement is as follows:

The Majority Floor Leader indicated that this was a deal that was struck by our Senate leadership and our House leadership. I don't remember hearing anything about our Senate Democratic leadership. This budget does not reflect our priorities. It doesn't reflect the priorities of the people in my district who are calling me, writing me, and sending me e-mails. In fact, we are creating a very bad precedent for this Legislature. Our job is to get the people's work done. There is plenty of time. I can count on one hand the number of times that we were even in session this summer.

We were all ready to roll up our sleeves and do the work. To be put up against the wall, to have to make decisions that truly devastate our districts is shameful. The people of Michigan deserve so much better than this. I ask my colleagues, let's get the work done. Let's stay through the weekend. Let's do whatever we need to do to do this. Senator Brater said we have the solutions at hand. There are ways we can do this. Let's get the work done.

Senator Clark-Coleman's statement is as follows:

I am willing to stay here. I am willing to get it done. Are you?

Senator Prusi's statement is as follows:

The Majority Leader reminded us that on June 26, the Republicans with, admittedly, very little help passed a budget that he calls balanced. We have some question of whether or not that was a balanced budget that left this chamber on June 26. Subsequent to that, we met 16 days in the proceeding 90 days to continue the work on the budget. Just because one party passes a budget doesn't make it a budget. It doesn't constitute a compromise when it is all your way and no one else's suggestions, no one else's solutions are incorporated into the possible budget solutions. To call that budget a budget—wishing does not make it so.

We stand ready. We have solutions. We have potential compromises. We have offered up significant cuts in various departmental budgets, but we will not accept a budget that trashes the priorities that the people of the state of Michigan sent us here to defend—the early childhood program, the scholarship programs, the public safety that is funded through our revenue sharing program, and the medical care and Medicaid that funds the health care of the indigent and the elderly in this state.

We will not accept a budget that continues to trash and decimate those priorities. I will agree with the Majority Leader; you did send a budget out of here. Why should we be asked to accept that budget as though it were gospel from on high. We will not accept a budget that trashes those priorities. This caucus will continue to stand for those principles that we have been speaking about all summer long and into the fall.

Senators Prusi, Cherry, Jacobs, Clark-Coleman, Anderson, Brater, Gleason, Basham, Scott and Hunter, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 831 and 252.

Senator Prusi moved that the statement he made during the discussion of Senate Bill No. 831 be printed as his reasons for voting “no.”

The motion prevailed.

Senator Prusi's statement, in which Senators Cherry, Jacobs, Clark-Coleman, Anderson, Brater, Gleason, Basham, Scott and Hunter concurred, is as follows:

While I fully understand the nature and the necessity of this bill, I cannot understand why we are passing a continuation budget when the issues that are before us are clear. We have been working on these issues since February. The options and solutions are before us. We have vehicle bills to solve some of the revenue problems. We have the solution in hand. We have five days before the government shutdown. The House has posted session for Saturday and Sunday, yet, here we are in a rush to kick the can down the road and to prolong this agony.

I see absolutely no need for us to pass continuation budgets when we have solutions clearly before us. All we need to do is stick around here and debate them. Conference committees can be meeting. Conference reports can be put before us. We can do our work without having to worry about going until Halloween in order to get a budget passed here.

I encourage a “no” vote on this continuation budget. I encourage this body to stay in this chamber instead of fleeing off to Mackinac Island to play politics and to party. I think we have work before us, and for us to abrogate our responsibilities for the nature of what this weekend contains for some members, I think, is unsuitable for this body. I would prefer that we would stay here, continue our work; do the work that the people sent us here to do; and get a budget passed by next Wednesday.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

I guess sometimes I am amazed at the words that fly around in this body. The leadership here in the Senate—Republican leadership—along with the chairman of the Appropriations Committee, came to agreement with the leadership in the House—Democratic leadership—the Speaker of the House and the chairman of the Appropriations Committee in the House came together in a bipartisan agreement. That leadership realizes that the state of Michigan's budget is in a tough situation. They also realize that the revenues have not come into the state as we would have wished.

Much of our state government will be facing a 9 percent to 12 percent cut. The chairman of the Appropriations Committee, who also heads up the K-12 subcommittee, was able to come up with a budget of around 2.5 percent to 3 percent cut for K-12 education, which, when you consider what the rest of state government is doing, is really amazing. I would like to commend him for that.

Let's face it. If the House of Representatives and the Senate don't pass full-year budgets by Wednesday night at midnight, the government will shut down. Therefore, we need to have some budgets in place to keep things open for another month, and let's have it based upon what we believe that the revenues are. We do have a continuation budget that is based upon the economic realities of the state of Michigan.

What you have in front of you is what I hope we don't have to do, which is to pass a continuation budget and set it on the Governor's desk, but it may become necessary to do so. You have a choice here. Are we going to have a backup

plan—we have a five-day problem—and make sure that government doesn't shut down? Are we going to say, "Take a flying leap," and shut down government?

It is not an easy choice to say that we are going to pass a 2.5 percent or 3 percent cut to schools. We are going to pass a cut to the rest of state government. It is not an easy choice, but it is a whole lot better than closing things down. That is your choice. For me, I think we ought to keep the government going. I would urge everyone to vote for this bill not because it is a bill that people like, but because it could be a necessity that we will have to face.

Senator Bishop's statement is as follows:

I just wanted to make something perfectly clear and remind the folks here about history because back in June—June 26—this chamber—Senate Republicans—moved a balanced budget over to the House. We opened a dialog, a discussion in our Appropriations Committee and had an open and vibrant discussion about the future of our state and our budget. We moved that from the Appropriations Committee into the Senate for a full and open debate. We moved that budget over to the House, frankly, with very little help from the other side. We did it because we believe that, No. 1, we have a constitutional responsibility to balance a budget; and No. 2, that we have a responsibility to have a discussion in the open and that it be transparent for all to see. Our budget has been done and has been on the Internet for all to see since that date in June.

To suggest that we are somehow shirking our duty by standing here today and passing a continuation budget is ridiculous. This discussion about staying here over the weekend is opportunistic and political, and we all know it. We have been here every day since June 26 to get this thing done, and all of a sudden, you want to accelerate this and finish it this weekend. Well, as soon as we see progress and as soon as we see a plan to get that done, we will be the first to be here, the first to check in, and the first to deliver the votes to make sure that that happens because we believe that we do have a constitutional responsibility; that it is our responsibility to ensure that this government does not shut down. But quit with the ridiculous suggestions that somehow we are not here for the purpose of balancing this budget this weekend and that somehow something is going to get done.

We have got to rely on our friends across the Capitol to provide us with some help in this process as well. It goes true for the Governor. The Governor has to step up and lead, and it shouldn't be the last weekend before the budget deadline. I just want to make it clear that the fact that we are here today less than a week away from our budget deadline without a budget is not because we have not had leadership. This Republican leadership put a budget on the table and got it done. We are prepared to stay here as long as we have to to make sure that happens.

I hope that in future when we talk about leadership, we will not try to revise history to suggest that somehow, somehow the Senate has not lead because Senate Republicans have stepped up, and it is about time we get this job done. So if you want to close this budget agreement right now, get your House to vote on it. Get your Governor to lead, and let's get it done. Until then, quit the rhetoric.

Senator Cassis' statement is as follows:

We are going to be providing a tribute to a very special man. It is indicative of how both sides of the aisle, Republicans and Democrats, can come together in valuing a very special individual who has served this Senate so well. Senator Prusi, Senator Gretchen Whitmer, Senator Mickey Switalski, Senator Mike Bishop, our Majority Leader, Senator Ron Jelinek, and myself, we are all here to honor Jay Wortley.

As many of you know, he has made a career out of being in public service to our great state. We have relied on his many talents over the years in conference committees, consensus revenue estimating committees, and just the opportunity of calling him up with some much-needed requests for advice or information. He has always been there for us. He has given us the very best information to be able to do our jobs. For that, we are extremely, extremely grateful. On top of that, he is just a very good, sincere human being who has made it a pleasure for all of us to know him as our friend.

This tribute we present to you today, knowing that you are not going far, just over to Treasury—new opportunity, a new journey in life. We respect your decision, but you need to know that we all will miss you. You have been a great, great deal of support to all of us.

Senator Prusi's statement is as follows:

It is weird to be speaking on this side of the aisle after my previous remarks under Protests. Putting all of that aside, all of us are well aware that just because our names are on the ballots and we have a nameplate on our desks does not make us the ultimate work producers here in this chamber. All of us rely on the staff in our office, our central staff, and our nonpartisan staff. Without the talents of people like Jay and others in his agency, we would all be fumbling and bumbling even worse than we are today.

Jay, we really appreciate the work that you have provided, the service and the support that you have given to the Senate over the years. Like Senator Cassis, all of us are truly going to miss your talents and miss your personality because you are a really nice guy. We want to thank you and wish you well in the future.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Brown, Pappageorge, George, Kahn, Richardville, Patterson, Stamas and Cassis introduced

**Senate Bill No. 877, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 221 (MCL 18.1221), as amended by 1999 PA 8.

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

Senator Kahn introduced

**Senate Bill No. 878, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3157 (MCL 500.3157).

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. 4182, entitled**

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 7 and 8 (MCL 12.257 and 12.258), section 7 as amended by 2009 PA 62 and section 8 as amended by 2008 PA 102.

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

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

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 11:16 a.m.

11:24 a.m.

The Senate 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 11:25 a.m.

11:38 a.m.

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

**Recess**

Senator Cropsey moved that the Senate recess until 3:00 p.m.

The motion prevailed, the time being 11:39 a.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 3:01 p.m.

3:11 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  
**Motions and Communications**

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Sunday, September 27, at 3:00 p.m.

The motion prevailed.

### Committee Reports

The Committee on Agriculture and Bioeconomy reported

**House Bill No. 5127, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.745) by adding section 46.  
With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz and Gleason

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 Agriculture and Bioeconomy submitted the following:

Meeting held on Thursday, September 24, 2009, at 9:00 a.m., Room 110, Farnum Building

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

Excused: Senator Whitmer

The Committee on Finance reported

**House Bill No. 4191, entitled**

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

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

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**House Bill No. 4629, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, September 24, 2009, at 1:10 p.m., Room 110, Farnum Building

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

Excused: Senators Pappageorge and Whitmer

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Military and Veterans Affairs (SB 250) submitted the following:

Meeting held on Thursday, September 24, 2009, at 9:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

**Scheduled Meetings**

**Commerce and Tourism** - Sunday, September 27, 4:00 p.m., and Tuesday, September 29, 2:30 p.m., Room 100, Farnum Building (373-2413)

**Conference Committees -**

**Environmental Quality/Natural Resources (HB 4446)** - Tuesday, September 29, 2:00 p.m., Room 426, Capitol Building (373-8080)

**Human Services (SB 248)** - Sunday, September 27, 2:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Legislative Retirement Board of Trustees** - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 3:12 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Sunday, September 27, 2009, at 3:00 p.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

