

No. 27
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, March 24, 2010.

10:00 a.m.

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

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

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

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

Pastor Steven Campbell of Bethesda Temple of Detroit offered the following invocation:

Heavenly Father, we thank You for this opportunity that You have given us on this day. We thank You for how You have allowed us to be here in this place. First of all, God, we want to thank You for life, health, and strength on this morning. We ask You, God, to look upon us on this day, and we ask You to direct us and to guide us into Your perfect will. We ask You, God, to look upon our economical situation right now, and we ask You to lead us and to guide us, God, that we may be instructed by You.

Your word says a good man's steps are ordered by You. Father, as we go forth, we pray, God, that every decision that is made we pray that it may be a blessing not only to our country, but to our state and local communities. We ask You right now, God, to look upon those who are needy, those who are poor, those who are desolate, and we ask You, God, to meet every need of mankind.

Father, we know that You are a supplier of all of our needs. We ask You, God, to give us direction. We know there is hope only in You, and without You we can't do anything. We ask You, God, to lead those who are in office and that You would bless them, and give them decisions to be in Your perfect and divine will.

God, help us today because we know that if we don't look unto You, we will be miserable. Father, we want to thank You today, God, and we ask You to lead men and women everywhere into Your perfect will. Guide us, God. We ask You, God, to bless us to pray earnestly that Your will may be done. We ask You to meet our needs, and we are going to be careful to praise You and thank You.

In the righteous name of Jesus, in Jesus' name, we pray. Amen.

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

Motions and Communications

Senators Thomas, Basham, Van Woerkom, Jansen, Birkholz, Barcia, Pappageorge, McManus and Clarke entered the Senate Chamber.

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

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

House Bill No. 5937

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:11 a.m.

11:54 a.m.

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

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Appropriations - Senator Gilbert replacing Senator Garcia.

The standing appointment was approved, a majority of the members serving voting therefor.

The Secretary announced that the following official bill was printed on Tuesday, March 23, and is available at the legislative website:

Senate Bill No. 1241

Messages from the Governor

The following message from the Governor was received on March 23, 2010, and read:

EXECUTIVE ORDER No. 2010-3

Department of Treasury Michigan Economic Growth Authority

Executive Reorganization

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

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

WHEREAS, when creating the Michigan Economic Growth Authority, the Michigan Legislature determined that it was in the public interest to promote private investment and to encourage job creation, and job upgrading for residents of this state;

WHEREAS, reorganization of the membership of the Michigan Economic Growth Authority and enhanced transparency and accountability measures are necessary to assure public confidence in the activities of the Michigan Economic Growth Authority and its continued effectiveness in attracting and retaining jobs in this state;

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

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

I. DEFINITIONS

As used in this Order:

A. "Board of Directors" or "Board" means the members of the Michigan Economic Growth Authority provided for under Section 4 of the Michigan Economic Growth Authority Act 1995 PA 24, MCL 207.804, and Executive Order 2006-13, MCL 125.1991.

B. "Michigan Economic Growth Authority" or "Authority" means the authority created under the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.801 to 207.810, and transferred to the Michigan Strategic Fund under Executive Order 1999-1, MCL 408.40.

C. "Michigan Strategic Fund" means the public body corporate and politic created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005.

II. MICHIGAN ECONOMIC GROWTH AUTHORITY

A. The position as a voting member and Chairperson of the Board of Directors of the Michigan Economic Growth Authority designated for the President of the Michigan Strategic Fund or his or her designee under Executive Order 2006-13, MCL 125.1991, is abolished. After the effective date of this Order, the President of the Michigan Strategic Fund shall serve as an ex officio, non-voting member of the Board.

B. The position as a member of the Board designated for the Director of the Department of Transportation under Section 4(2)(d) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(d), is transferred from the Director of the Department of Transportation to the State Budget Director or his or her designee from within the State Budget Office.

C. The designation as Chairperson of the Authority is transferred to the State Treasurer or his or her designated representative from within the Department of Treasury. The State Treasurer, or his or her designated representative from within the Department of Treasury, shall continue to serve as a member of the Michigan Economic Growth Authority.

D. The Board of the Authority may elect a Vice-Chairperson.

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

III. OPERATIONS OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY

A. A majority of the voting members of the Board of the Authority serving constitutes a quorum for the transaction of the business of the Authority. The Board Authority shall act by a majority vote of the serving and voting members of the Board.

B. Members of the Authority Board of Directors may be present in person at a meeting of the Authority or, if authorized by the bylaws of the Authority, by use of telecommunications or other electronic equipment if a quorum of the Authority Board of Directors is present at the meeting.

C. The Authority shall meet at the call of the Chairperson or as may be provided by the Board. Meetings may be held anywhere in this state at a location accessible to the general public.

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

E. Members of the Board of Directors of the Authority shall serve without compensation, but may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

IV. IMPLEMENTATION OF TRANSFERS

A. The President of the Michigan Strategic Fund shall provide executive direction and supervision for the implementation of all transfers under this Order.

V. MISCELLANEOUS

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

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

C. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective 60 days after the filing of this Order.

[SEAL]

Given under my hand this 23rd day of March, in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

March 23, 2010

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment and reappointment to office under Section 2 of 1964 PA 183, MCL 830.412:

State Building Authority Board of Trustees

Ms. Carol A. Walters of 2955 Morrow Lane, Milford, Michigan 48381, county of Oakland, succeeding John Clark, whose term has expired, is appointed to represent the general public, for a term commencing March 23, 2010 and expiring August 21, 2013.

Mr. Ehrlich J. Crain of 10909 Edlie Circle, Detroit, Michigan 48214, county of Wayne, is reappointed to represent the general public, for a term expiring August 21, 2013.

March 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 5 of the Shared Credit Rating Act, 1985 PA 227, MCL 141.1055:

Michigan Municipal Bond Authority Board of Trustees

Ms. Roberta L. Jameson of 901 Abbey Road, East Lansing, Michigan 48823, county of Ingham, succeeding Elaine Madigan, who has resigned, is appointed to represent public officials or employees with expertise in the state's infrastructure needs, for a term commencing March 23, 2010 and expiring at the pleasure of the Governor.

March 23, 2010

I respectfully submit to the Senate, pursuant to Section 6 Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 1905 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.1905:

Michigan Natural Resources Trust Fund Board

Mr. Robert Garner of 7020 East 48 Road, Cadillac, Michigan 49601, county of Wexford, is reappointed to represent the general public, for a term expiring October 1, 2013.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

March 23, 2010

Due to errors on the January 25, 2007 letter filed with your office pursuant to Section 3 of Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.973, please be advised of the following corrections appearing in **bold** print:

Board of Mechanical Rules

Mr. Gary J. Van Ochten of 368 East Nebobish Road, Essexville, Michigan 48732, county of Bay, succeeding Roger W. Lane, whose term has expired, representing energy producing utilities, for a term commencing January 25, 2007 and expiring October 1, **2011**.

Mr. Charles H. Wash of 26720 Greenleaf, Roseville, Michigan 48066, county of Macomb, succeeding Thomas Jaenicke, whose term has expired, representing the general public, for a term commencing January 25, 2007 and expiring October 1, **2011**.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations.

Messages from the House

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1094, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 714 (MCL 168.714), as amended by 1990 PA 7.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1095, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 644e (MCL 168.644e), as amended by 2003 PA 302.

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

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

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

The Senate agreed to the full title.

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

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 Scott 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. 1152, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

1. Amend page 79, line 23, by striking out all of section 1420.
2. Amend page 117, line 1, by striking out all of section 1831.
3. Amend page 120, following line 1, by inserting:

“Sec. 1841. The department, in cooperation with the office of state budget, shall research and report to the legislature on the fiscal impact of federal health reform legislation. This report shall be provided to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by October 1, 2010.”.

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

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

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

Senate Bill No. 1152

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

The following bill was read a third time:

Senate Bill No. 1152, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 86, line 22, after “(c)” by striking out “One hundred” and inserting “Fifty”.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 142

Yeas—16

Anderson
 Barcia
 Basham
 Brater

Cherry
 Clark-Coleman
 Clarke
 Gleason

Hunter
 Jacobs
 Olshove
 Prusi

Scott
 Switalski
 Thomas
 Whitmer

Nays—21

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 16, line 10, by striking out “56,063,700” and inserting “53,063,700”.
2. Amend page 16, line 17, by striking out “9,071,023,900” and inserting “9,068,023,900”.
3. Amend page 16, line 21, by striking out “\$9,467,846,000” and inserting “\$9,464,846,000”.
4. Amend page 16, line 24, by striking out “6,201,017,900” and inserting “6,199,044,200”.
5. Amend page 16, line 25, by striking out “751,239,300” and inserting “751,019,200”.
6. Amend page 17, line 3, by striking out “1,611,131,100” and inserting “1,608,131,100”.
7. Amend page 17, line 4, by striking out “\$699,247,900” and inserting “\$701,441,700” and adjusting the subtotals, totals, and section 201 accordingly.
8. Amend page 97, line 4, after “provided” by striking out “by Medicaid HMOs” and inserting “through a state-based private health care program”.
9. Amend page 97, line 22, after “any” by striking out “HMO or dental care corporation” and inserting “HMO, dental care corporation, or any other entity”.
10. Amend page 97, line 25, after “corporation” by striking out “means that term” and inserting a comma and ““health care corporation”, “insurer”, and “prudent purchaser agreement” mean those terms”.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 143**Yeas—16**

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

Nays—21

Allen	George	Kahn	Patterson
Birkholz	Gilbert	Kuipers	Richardville
Bishop	Hardiman	McManus	Sanborn

Brown
Cassis
Cropsey

Jansen
Jelinek

Nofs
Pappageorge

Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 4, line 17, by striking out “230,216,900” and inserting “283,912,600”.
2. Amend page 5, line 2, by striking out “\$2,610,380,600” and inserting “\$2,664,076,300”.
3. Amend page 5, line 13, by striking out “\$912,860,400” and inserting “\$966,556,100” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 144

Yeas—17

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Patterson
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—20

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Nofs

Pappageorge
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

- 1. Amend page 12, following line 8, by inserting:
 “Early childhood collaborative secondary prevention 524,000”.
- 2. Amend page 12, line 16, by striking out “\$28,000,800” and inserting “\$28,524,800”.
- 3. Amend page 12, line 22, by striking out “\$3,573,300” and inserting “\$4,097,300” and adjusting the subtotals, totals,

and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 145

Yeas—17

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

- 1. Amend page 7, line 5, by striking out all of line 4.
- 2. Amend page 7, line 7, by striking out “617,000” and inserting “1,117,000”.
- 3. Amend page 7, line 11, by striking out “\$18,006,300” and inserting “\$12,592,700”.
- 4. Amend page 7, line 19, by striking out “10,681,800” and inserting “5,268,200”.
- 5. Amend page 9, line 1, by striking out “11,975,200” and inserting “13,725,200”.
- 6. Amend page 9, line 3, by striking out “1,764,100” and inserting “2,119,000”.
- 7. Amend page 9, line 9, by striking out “\$68,532,700” and inserting “\$70,637,600”.
- 8. Amend page 9, line 15, by striking out “7,501,400” and inserting “9,606,300”.
- 9. Amend page 10, following line 22, by inserting:
 “Local health services 100,000”.
- 10. Amend page 10, line 26, by striking out “\$48,102,800” and inserting “\$48,202,800”.
- 11. Amend page 11, following line 4, by inserting:
 “Total other state restricted revenues 100,000”.
- 12. Amend page 11, line 11, by striking out “13,739,500” and inserting “14,565,700”.
- 13. Amend page 11, line 12, by striking out “4,968,900” and inserting “5,867,100”.
- 14. Amend page 11, line 13, by striking out “1,772,900” and inserting “2,578,100”.

- 15. Amend page 11, line 19, by striking out “2,058,100” and inserting “4,656,500”.
- 16. Amend page 11, line 21, by striking out “\$25,632,700” and inserting “\$30,760,700”.
- 17. Amend page 11, line 27, by striking out “697,700” and inserting “5,825,700”.
- 18. Amend page 12, line 13, by striking out “602,100” and inserting “1,707,300”.
- 19. Amend page 12, following line 13, by inserting:
 “School health and education program—1.0 FTE position..... 405,500”.
- 20. Amend page 12, line 16, by striking out “\$28,000,800” and inserting “\$29,511,500”.
- 21. Amend page 12, following line 21, by inserting:
 “Total other state restricted revenues 1,505,200”.
- 22. Amend page 12, line 22, by striking out “\$3,573,300” and inserting “\$3,578,800”.
- 23. Amend page 15, line 20, by striking out “\$1,326,346,200” and inserting “\$1,327,921,700”.
- 24. Amend page 16, line 17, by striking out “9,071,023,900” and inserting “9,072,599,400”.
- 25. Amend page 16, line 21, by striking out “\$9,467,846,000” and inserting “\$9,469,421,500”.
- 26. Amend page 17, line 3, by striking out “1,611,131,100” and inserting “1,607,706,600”.
- 27. Amend page 17, line 4, by striking out “\$699,247,900” and inserting “\$704,247,900” and adjusting the subtotals, totals, and section 201 accordingly.
- 28. Amend page 61, line 12, by striking out all of section 652.

The question being on the adoption of the amendments,
 Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 146

Yeas—18

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

Nays—19

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

- 1. Amend page 16, line 9, by striking out “3,758,014,000” and inserting “3,764,953,300”.
- 2. Amend page 16, line 17, by striking out “9,071,023,900” and inserting “9,077,963,200”.
- 3. Amend page 16, line 21, by striking out “\$9,467,846,000” and inserting “\$9,474,785,300”.

4. Amend page 16, line 24, by striking out “6,201,017,900” and inserting “6,205,857,200”.

5. Amend page 17, line 4, by striking out “\$699,247,900” and inserting “\$701,347,900” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 147**Yeas—17**

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 16, line 9, by striking out “3,758,014,000” and inserting “3,783,457,900”.

2. Amend page 16, line 17, by striking out “9,071,023,900” and inserting “9,096,467,800”.

3. Amend page 16, line 21, by striking out “\$9,467,846,000” and inserting “\$9,493,289,900”.

4. Amend page 16, line 24, by striking out “6,201,017,900” and inserting “6,218,761,800”.

5. Amend page 17, line 4, by striking out “\$699,247,900” and inserting “\$706,947,900” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 148**Yeas—16**

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Thomas
Whitmer

Nays—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 4, line 18, by striking out “32,054,900” and inserting “40,000,000”.
2. Amend page 4, line 25, by striking out “77,421,200” and inserting “78,496,800”.
3. Amend page 5, line 2, by striking out “\$2,610,380,600” and inserting “\$2,619,401,300”.
4. Amend page 5, line 8, by striking out “1,495,945,900” and inserting “1,501,880,600”.
5. Amend page 5, line 13, by striking out “\$912,860,400” and inserting “\$915,946,400”.
6. Amend page 16, line 12, by striking out “104,856,800” and inserting “139,198,700”.
7. Amend page 16, line 17, by striking out “9,071,023,900” and inserting “9,105,365,800”.
8. Amend page 16, line 21, by striking out “\$9,467,846,000” and inserting “\$9,502,187,900”.
9. Amend page 16, line 24, by striking out “6,201,017,900” and inserting “6,223,611,400”.
10. Amend page 17, line 4, by striking out “\$699,247,900” and inserting “\$710,996,300”.
11. Amend page 50, line 14, by striking out “\$32,054,900.00” and inserting “\$40,000,000.00” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 149

Yeas—16

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—21

Allen
Birkholz

George
Gilbert

Kahn
Kuipers

Patterson
Richardville

Bishop
Brown
Cassis
Cropsey

Hardiman
Jansen
Jelinek

McManus
Nofs
Pappageorge

Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Senator Jacobs offered the following amendment:

1. Amend page 120, following line 1, section 1841, after “by” by striking out “October 1, 2010” and inserting “October 1, 2015”.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 150

Yeas—16

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Nays—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

Protests

Senator George, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Jacobs to Senate Bill No. 1152 and moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator George’s statement is as follows:

I rise to speak in opposition to this amendment. If adopted, it would push back the date of receiving the critical information as to how the federal expansion is going to affect the state’s budget, and the sooner we get this information, the better off we will be. While I was sitting at my desk, I found an editorial online in the *Wall Street Journal* that speaks to this very issue and says that this Medicaid expansion “runs the risk of breaking all 50 state budgets by permanently expanding Medicaid.”

Again, it will require us to cover as many as 25 percent more than our current Medicaid load. There is going to be a huge encumbrance attached to that, and the sooner we know, the better off we will be; the better off the next Legislature and administration will be able to prepare. The sooner we get this estimate, the better off we are going to be.

It really puts us in the position of facing another budgetary cliff, much like the cliff that we face with the fall-off of the federal stimulus money. Here is another federal situation, a provision that says here is the solution to cover the uninsured: You cover them. You cover 25 percent more Medicaid patients. We will help you pay for it for a couple of years, and then we are going to stop and you are on your own.

So we need to know where that cliff is and how big it is before we jump off of it. October 1, 2015, will be too late. We will already be dropping in midair. I would like to know how big the cliff is now, rather than when I am falling.

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. 151

Yeas—21

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

Nays—16

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Cherry, Whitmer, Jacobs, Clark-Coleman, Basham, Clarke, Brater, Scott, Prusi and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1152.

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

The motion prevailed.

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

Every year when we do this budget, I always go in with hope that we might actually be providing the care that we need to provide to the citizens of our state, but every year, I am disappointed. This year, I am even disappointed more. At a time when people need care and they are faced with some of the most difficult times that they have ever had to face, we are ignoring them. The children, the elderly, the sick, the poor, and the disabled, they are being shortchanged by this budget and are being eliminated from services. No one in this state should be abandoned because they are unable to care for themselves, and every year we distribute state dollars, we always turn to those who are vulnerable and have been taking services away from them.

I can’t lend my support for this budget for the following reasons. Some were in amendments like women’s access to care by cutting another 4 percent from Medicaid physician reimbursements. It cuts \$5.9 million from the Healthy Michigan Fund, and it gets cut in half. Loss of this funding can be life-threatening. It cuts \$57.5 million from community mental health and Medicaid funding. Even though the chair just said it is 5 percent of the total budget, it is 20 percent of what has been allocated to spending, and remember, it got cut even more the year before.

This budget eliminates Medicaid coverage for 19- and 20-year-olds and for caretakers, again, leaving 40,000 to 50,000 without health insurance. It weakens the safety net for families losing jobs and benefits. Again, it also eliminates the \$524,000 from the zero-to-three secondary prevention programs. Just to go back for one second to the 19- and 20-year-olds and caretaker relatives, we heard from the chair twice that the Governor proposed elimination of that, and she did about five years ago. She realized after she did it how important those programs were, and she never proposed it again. She learned from her mistakes, recognized them, and changed the budget to reflect that.

It is the health of our state that we are gambling on today. In fact, those are just the amendments that I did, but this budget also cuts all elderly services by 8 percent. It cuts so many things that we didn’t even address in the amendments that I did because I would have had to rewrite the bill. I am hopeful that the House will do that because that is the only hope we have.

Last year, I said this and I am going to say it again because it bears repeating. I hope that you will all pay attention to it. Hubert Humphrey reminded us, “It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the disabled.” It is time that we remember that and remember that this budget, of all of our budgets, impacts the daily lives of people more than any other. It relates to the health of the citizens of our state, and it protects those who are at the bottom and need protection. We have failed them today.

I am not going to lend my support to this budget. I am going to vote “no” on this budget. I hope members will defeat this budget, although I doubt that is going to happen. I can count votes, and I know that I am in the minority. It is a sad state of affairs when we can’t even take care of those in this state who need it the most.

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

House Bill No. 4382

The motion prevailed.

The following bill was read a third time:

House Bill No. 4382, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” (MCL 169.201 to 169.282) by adding section 57a.

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. 152

Yeas—37

Allen
Anderson

Clark-Coleman
Clarke

Jansen
Jelinek

Prusi
Richardville

Barcia	Cropsey	Kahn	Sanborn
Basham	George	Kuipers	Scott
Birkholz	Gilbert	McManus	Stamas
Bishop	Gleason	Nofs	Switalski
Brater	Hardiman	Olshove	Thomas
Brown	Hunter	Pappageorge	Van Woerkom
Cassis	Jacobs	Patterson	Whitmer
Cherry			

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

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

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

“An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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 Scott 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. 1115, entitled

A bill to amend 1987 PA 230, entitled “Municipal health facilities corporations act,” by amending section 306 (MCL 331.1306), as amended by 1998 PA 62, and by adding section 308.

Substitute (S-1).

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

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

Senate Bill No. 1161, entitled

A bill to make appropriations for the department of natural resources and environment for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds and accounts; to require

reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 20, line 15, by striking out “39,370,900” and inserting “20,000,000”.

2. Amend page 21, line 10, by striking out “48,929,500” and inserting “29,558,600” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 38, line 5, by striking out all of section 221 and inserting:
 “Sec. 221. It is the intent of the legislature that in fiscal years subsequent to the one ending September 30, 2011, that revenue from the refined petroleum fund shall be used solely for purposes directly related to leaking underground storage tanks, as it was originally intended.”.

4. Amend page 42, following line 16, by inserting:
 “Sec. 702. The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies if it intends to reduce operations or reduce recreation opportunities in any state park or recreation area.”.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 1161

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

The following bill was read a third time:

Senate Bill No. 1161, entitled

A bill to make appropriations for the department of natural resources and environment for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Brater offered the following amendments:

1. Amend page 20, line 15, by striking out “20,000,000” and inserting “39,370,900”.

2. Amend page 21, line 10, by striking out “29,558,600” and inserting “48,929,500” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 38, line 5, by striking out all of section 221 and inserting:
 “Sec. 221. It is the intent of the legislature that all refined petroleum fund money will be used for the purpose of administering programs to address leaking underground storage tanks and other groundwater concerns.”.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 153

Yeas—17

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

Nays—20

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

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

Roll Call No. 154**Yeas—24**

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

Nays—13

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

Excused—1

Garcia

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Brater, Scott, Jacobs and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1161.

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

The motion prevailed.

Senator Brater’s statement, in which Senators Scott, Jacobs and Whitmer concurred, is as follows:

We have before us a budget for the newly-formed Department of Natural Resources and Environment. These programs combined have undergone a 72 percent reduction in General Fund support since 2002. We here in the state of Michigan live in the only state completely surrounded by the Great Lakes. We are surrounded by four of the five Great Lakes. We have an obligation to our children, grandchildren, and future generations to protect the air, water, and earth of this great state. We need clean water to drink; we need clean air to breathe.

We are not accomplishing that in this budget. Although I supported this bill coming out of committee because I was hopeful that it would at least protect the leaking underground storage tank fund, we have now robbed this budget even of that protection. We have a number of problems looming in this budget. One is the air fees program, and we are currently funding this program below federal requirements. We will be challenged on our failure to meet those requirements. If we don’t renew these air fees at the proper level, we will be in danger not only of not properly protecting the citizens of the state of Michigan from breathing in particulate matter that is harmful to our health, but will also be in danger of losing federal highway funds. We know that with the condition of the Michigan roads, we cannot afford to lose highway dollars, so let’s not do that.

The leaking underground storage tank fund is expiring December 2010. Not only have we continued to raid this fund, but we also are going to need to renew this program by the end of this year. The Clean Michigan Initiative dollars are completely exhausted. If we don’t do something to go to the voters and ask for more funding for this program, we will have basically wasted a lot of the money that we have already invested in this program because we have a number of toxic facilities and toxic sites where we have invested remediation dollars. We have put in wells to draw out the contaminated material. Filtration systems will be shut down and will allow this pollution to migrate through the groundwater into neighboring sites. We really need to pay attention to the lack of funding in that program and many others as well.

I used to say in this budget that we were putting enough money into it to fund the permitting but not the monitoring and compliance. With this budget year, we are not even putting in enough money to fund the permitting. All of us are concerned about people in the business community, and if that is the case, you should be very concerned that the budget you are about to vote on is not going to properly fund that level of permitting. People are concerned about expediting the permit process and making sure that permits are issued in a timely manner, but this department is not going to be able to do that with this level of funding.

Even though this budget is funded close to the Governor’s recommendation, the Governor had to offer us a balanced budget, and the budget that she offered was not sufficient to fund these programs properly. The budget before us today certainly does not do that. I ask for a “no” vote on this budget.

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

The motion prevailed.

Senator Basham’s statement is as follows:

I am going to be supporting the Brater amendment. If the Brater amendment is not in the bill, I will be opposing the bill. I will tell you why. We are going to be taking \$19 million for this year’s cleanup. In the past, we have taken over half the money out of the LUST fund. We are the third state behind California and Florida relative to the amount of leaking underground storage tanks that have not been cleaned up. That is not a legacy that we want to leave to our children and grandchildren.

We lied to the general public when we told them if they give the state of Michigan seven-eighths of one cent of every gallon of gasoline, we will put that money in boilerplate, and we will use it specifically for cleaning up leaking underground storage tanks. So what do we do? We pull it out of that fund that we said would always be there in boilerplate and put it in the transportation fund. Then we pulled it out of that fund and put it in the General Fund and use it to shore up the state’s budget.

We cannot cut our way into prosperity. We have priorities in this state. We need to deal with some of these issues. I would support a revenue increase, rather than taking money from funds that we promised the general public would stay in boilerplate and would be used specifically for what they were intended.

I will be supporting the Brater amendment and opposing this bill if the Brater amendment is not in it.

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 Scott as Chairperson.

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

Senate Bill No. 1163, 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 2009 PA 203 and section 17b as amended by 2007 PA 137.

Substitute (S-1).

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

1. Amend page 60, following line 6, by inserting:

"(25) IF SENATE BILL NO. 884 OF THE 95TH LEGISLATURE IS ENACTED INTO LAW NOT LATER THAN SEPTEMBER 30, 2010, THEN THE BASIC FOUNDATION ALLOWANCE UNDER SUBSECTION (1) FOR 2009-2010 AND FOR 2010-2011 IS INCREASED BY \$10.00 AND THE \$20.00 AMOUNT IN SUBSECTION (3)(A) AND SUBSECTION (26)(H) SHALL BE CONSIDERED TO BE \$3.00 FOR THOSE FISCAL YEARS, AND EACH DISTRICT'S FOUNDATION ALLOWANCE OR PUBLIC SCHOOL ACADEMY'S PER PUPIL ALLOCATION CALCULATED UNDER THIS SECTION FOR THOSE FISCAL YEARS SHALL BE ADJUSTED ACCORDINGLY. HOWEVER, IF THAT BILL IS ENACTED BY THAT DATE BUT THE REVENUE RESULTING FROM THAT ENACTMENT FOR A FISCAL YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY, IS NOT SUFFICIENT TO FULLY FUND THE ADJUSTMENTS UNDER THIS SUBSECTION AND THE PAYMENTS CALCULATED UNDER SECTION 20J FOR THAT FISCAL YEAR, THEN THOSE ADJUSTMENTS AND PAYMENTS FOR THAT FISCAL YEAR SHALL BE PRORATED ON AN EQUAL PER PUPIL BASIS ACCORDING TO THE AMOUNT OF THE REVENUE THAT RESULTS FROM THAT ENACTMENT FOR THAT FISCAL YEAR." and renumbering the remaining subsection.

2. Amend page 64, following line 10, by inserting:

"Sec. 20j. (1) Foundation—SUBJECT TO SUBSECTION (5), IF SENATE BILL NO. 884 OF THE 95TH LEGISLATURE IS ENACTED INTO LAW NOT LATER THAN SEPTEMBER 30, 2010, THEN FOUNDATION allowance supplemental payments for 2008-2009 to districts that in the 1994-95 state fiscal year had a foundation allowance greater than \$6,500.00 shall be calculated under this section FOR 2009-2010 AND FOR 2010-2011.

(2) The SUBJECT TO SUBSECTION (5), THE per pupil allocation to each district under this section FOR EACH FISCAL YEAR shall be AN AMOUNT EQUAL TO THE PRODUCT OF the difference between the basic foundation allowance for the 1998-99 state fiscal year and \$7,204.00 less \$271.00 minus the dollar amount of the adjustment from the 1998-99 state fiscal year to 2007-2008 in the district's foundation allowance, TIMES 50%.

(3) If a district's local revenue per pupil does not exceed the sum of its foundation allowance under section 20 plus the per pupil allocation under subsection (2), the total payment to the district calculated under this section FOR EACH FISCAL YEAR shall be the product of the per pupil allocation under subsection (2) multiplied by the district's membership excluding special education pupils. If a district's local revenue per pupil exceeds the foundation allowance under section 20 but does not exceed the sum of the foundation allowance under section 20 plus the per pupil allocation under subsection (2), the total payment to the district calculated under this section shall be the product of the difference between the sum of the foundation allowance under section 20 plus the per pupil allocation under subsection (2) minus the local revenue per pupil multiplied by the district's membership excluding special education pupils. If a district's local revenue per pupil exceeds the sum of the foundation allowance under section 20 plus the per pupil allocation under subsection (2), there is no payment calculated under this section for the district.

(4) Payments to districts shall not be made under this section. Rather, the calculations under this section shall be made and used to determine the amount of state payments under section 22b.

(5) IF SENATE BILL NO. 884 OF THE 95TH LEGISLATURE IS ENACTED INTO LAW NOT LATER THAN SEPTEMBER 30, 2010 BUT THE REVENUE RESULTING FROM THAT ENACTMENT FOR A FISCAL YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY, IS NOT SUFFICIENT TO FULLY FUND THE PAYMENTS CALCULATED UNDER THIS SECTION AND THE ADJUSTMENTS CALCULATED UNDER SECTION 20(25) FOR THAT FISCAL YEAR, THEN THOSE PAYMENTS AND ADJUSTMENTS FOR THAT FISCAL YEAR SHALL BE PRORATED ON AN EQUAL PER PUPIL BASIS ACCORDING TO THE AMOUNT OF THE REVENUE THAT RESULTS FROM THAT ENACTMENT FOR THAT FISCAL YEAR." and adjusting the totals in sections 11 and 22b and enacting section 1 accordingly.

3. Amend page 160, line 4, after “170.” by inserting “**A DISTRICT MAY APPLY FOR A WAIVER UNDER SUBSECTION (9) FROM THE REQUIREMENTS OF THIS SUBDIVISION.**”.

4. Amend page 165, line 26, after “department” by inserting a comma and “**INCLUDING A 4-DAY SCHOOL WEEK**”.

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

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

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

Senate Bill No. 1163

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

The following bill was read a third time:

Senate Bill No. 1163, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 11, 11a, 11d, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99i, 101, 104, 107, 147, 166b, and 166c (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611d, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622e, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1632l, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699i, 388.1701, 388.1704, 388.1707, 388.1747, 388.1766b, and 388.1766c), sections 3, 11a, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 98, 99, 99i, 104, 107, and 147 as amended and section 11d as added by 2009 PA 121, sections 6, 11, 94a, and 101 as amended and section 166c as added by 2009 PA 203, and section 166b as amended by 2008 PA 219, and by adding section 92; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Switalski offered the following amendment:

1. Amend page 188, following line 7, by inserting:

“Enacting section 4. This amendatory act does not take effect unless Senate Bill No. 1148 of the 95th Legislature is enacted into law.”.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 155

Yeas—12

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

Nays—25

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

Excused—1

Garcia

Not Voting—0

In The Chair: President

Senator Switalski offered the following amendment:

1. Amend page 188, following line 7, by inserting:

“Enacting section 4. This amendatory act does not take effect unless Senate Bill No. 1073 of the 95th Legislature is enacted into law.”.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 156**Yeas—14**

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

Nays—23

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

Excused—1

Garcia

Not Voting—0

In The Chair: President

Senator Switalski offered the following amendment:

1. Amend page 188, following line 7, by inserting:

“Enacting section 4. This amendatory act does not take effect unless Senate Bill No. 888 of the 95th Legislature is enacted into law.”.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 157**Yeas—10**

Basham
Clark-Coleman
Clarke

Gleason
Hunter
Olshove

Scott
Switalski

Thomas
Whitmer

Nays—27

Allen
Anderson
Barcia
Birkholz
Bishop
Brater
Brown

Cassis
Cherry
Cropsey
George
Gilbert
Hardiman
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Prusi
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: President

Protests

Senators Jelinek, Pappageorge and Cassis, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Switalski to Senate Bill No. 1163.

Senator Jelinek moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Jelinek’s statement, in which Senators Pappageorge and Cassis concurred, is as follows:

Even though these may be worthy ideas and worthy bills, these should not be tie-barred to a budget bill. They should go through the scrutiny of committee. I would urge a “no” vote on this amendment.

Senator Whitmer offered the following amendment:

1. Amend page 188, following line 7, by inserting:

“Enacting section 4. This amendatory act does not take effect unless Senate Bill No. 84 of the 95th Legislature is enacted into law.”.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 158**Yeas—16**

Anderson
Barcia

Cherry
Clark-Coleman

Hunter
Jacobs

Scott
Switalski

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Thomas
Whitmer

Nays—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: President

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. 159

Yeas—20

Allen
Birkholz
Bishop
Brown
Cassis

Cropsey
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Nofs

Pappageorge
Richardville
Sanborn
Stamas
Van Woerkom

Nays—17

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Patterson
Prusi

Scott
Switalski
Thomas
Whitmer

Excused—1

Garcia

Not Voting—0

In The Chair: President

Senator Pappageorge offered to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 11, 11a, 11d, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 20j, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99i, 101, 104, 107, 147, 166b, and 166c (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611d, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1622e, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1632l, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699i, 388.1701, 388.1704, 388.1707, 388.1747, 388.1766b, and 388.1766c), sections 3, 11a, 11g, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 32l, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64, 65, 74, 81, 98, 99, 99i, 104, 107, and 147 as amended and section 11d as added by 2009 PA 121, sections 6, 11, 94a, and 101 as amended and section 166c as added by 2009 PA 203, section 20j as amended by 2008 PA 561, and section 166b as amended by 2008 PA 219, and by adding section 92; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Switalski asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Switalski’s first statement is as follows:

This amendment will tie-bar the budget bill to a substitute to a brilliant Senator Patterson bill that places a cap on superintendent wages. We all know how shy and retiring Senator Patterson is, and he doesn’t want to get up and speak about his own bill, but I think it is so good and I like it so much that I want to tie-bar this budget bill to it. We have to do a lot of reforms, and we’ve got to make some cuts. I think this is a very reasonable thing to do. The cuts should be felt all the way through education. I hope members will support this tie-bar that will require a cap on superintendent wages.

Senator Switalski’s second statement is as follows:

It is true, imitation is the sincerest form of flattery. Once again, I have been borrowing the brilliant ideas from my colleagues from across the aisle and offering them as my own in these amendments, but I give them full credit. These are very good ideas. This amendment tie-bars a substitute to a Birkholz bill that would restrict administrative costs to no more than 28 percent. This is part of the Republican package of reforms. I think it is a very legitimate reform. We have to drive resources into the classroom, and this is a way to do that. I hope that all members will support this. It is the type of thing that we should be doing when we are looking at reforms.

Senator Switalski’s third statement is as follows:

This one is actually one of my own bills. I have to take credit for this one. It is a tie-bar to an election consolidation bill that would restrict elections to August and November. Let me add that my two worthy colleagues—great minds think alike—Senators McManus and Brown have offered similar legislation to consolidate elections. I commend them for these ideas. We all are thinking along the same lines, that schools are wasting resources and government is wasting resources by holding duplicative, low-turnout elections. We should consolidate them to August and November. This tie-bar would do that. I hope members will vote for more efficient government and support my amendment.

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 5937, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer

of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 2003 PA 23.

Senate Bill No. 1222, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2008 PA 472.

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

Senate Concurrent Resolution No. 35

The motion prevailed.

Senator Allen offered the following resolution:

Senate Resolution No. 132.

A resolution to urge inclusion of an addendum to address aquatic invasive species in the Great Lakes Water Quality Agreement.

Whereas, For nearly 40 years, the Great Lakes Water Quality Agreement between the United States and Canada has provided a binational vision for water quality in the Great Lakes with a common set of goals. The agreement has allowed the two countries to coordinate efforts to clean up, restore, and maintain water quality of this shared natural resource; and

Whereas, The Great Lakes Water Quality Agreement needs to be updated for the twenty-first century. The agreement has not been amended in over 20 years and, with changes, could provide even better protection for the Great Lakes over the next 40 years. New issues, new approaches, and new expectations for participation and accountability have fundamentally altered the landscape for managing Great Lakes water quality; and

Whereas, An amended agreement must address the pressing issue of aquatic invasive species. Few issues are of greater importance to the Great Lakes. Aquatic invasive species are clearly a form of biological pollution and well within the scope of the agreement's purpose. Protecting the Great Lakes from aquatic invasive species requires the full cooperation and coordination of U.S. and Canadian authorities. The Great Lakes Water Quality Agreement is a perfect vehicle to achieve these ends; and

Whereas, An annex on aquatic invasive species should provide clear regional goals and objectives for preventing new invasions and eradicating or controlling new invaders. It must establish a framework for the states and provinces to work together in concert with the respective federal governments for the benefit of the entire region. Once established in one jurisdiction, aquatic invasive species can spread throughout the Great Lakes, affecting all the other jurisdictions. An annex that ensures a coordinated and concerted effort is necessary to protect the Great Lakes from aquatic invasive species; now, therefore, be it

Resolved by the Senate, That we urge inclusion of an addendum to address aquatic invasive species in the Great Lakes Water Quality Agreement; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Secretary of State and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Barcia, Brater, Cherry, Clarke, Cropsey, Jacobs, Kuipers, Nofs, Olshove, Pappageorge, Richardville and Switalski were named co-sponsors of the resolution.

Senator Brater offered the following resolution:

Senate Resolution No. 133.

A resolution to urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin.

Whereas, The Great Lakes states ratified the Great Lakes-St. Lawrence River Basin Water Resources Compact to prevent harmful and unnecessary water diversions from the Great Lakes. The compact establishes strict standards and a regional approval process that must be met prior to new diversions from the lakes to communities outside the basin; and

Whereas, The first request to divert water to a community outside the Great Lakes Basin is imminent. The city of Waukesha, Wisconsin, has stated its intention to apply for an 18.5-million-gallon per-day diversion of water from Lake Michigan to meet its current drinking water needs and future economic growth; and

Whereas, There are concerns that the Waukesha proposal may not go far enough to meet the standards required by the compact for approving a diversion. The compact envisions a limited exception for diversions when the public need is great in communities bordering the Great Lakes Basin, and every effort has been made to minimize the need for Great Lakes water, including the implementation of significant water conservation measures. It is not clear if the city of Waukesha proposal truly represents the minimum diversion necessary to meet the city's needs; and

Whereas, The review of the proposed Waukesha diversion will provide precedent for future water diversion proposals and approvals. The Great Lakes governors represented on the Great Lakes-St. Lawrence River Basin Water Resources Council's interpretation of the compact will set the standard for future diversion proposals and approvals. The council must carefully consider how it will apply the compact standards, particularly what constitutes sufficient water conservation measures and how communities outside the basin account for these water conservation measures and future growth in determining how much water needs to be diverted; now, therefore, be it

Resolved by the Senate, That we urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin; and be it further

Resolved, That copies of this resolution be transmitted to the Great Lakes-St. Lawrence River Basin Water Resources Council, the Office of the Governor, and the Office of the Great Lakes.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Barcia, Basham, Cherry, Clarke, Cropsey, Jacobs, Nofs, Olshove, Richardville and Switalski were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

This resolution that Senator Brater is sponsoring—I'm sponsoring the concurrent resolution—is a resolution to ask the Great Lakes-St. Lawrence River Basin Water Resources Council to carefully scrutinize the proposed diversion by Waukesha, Wisconsin. When we passed the Great Lakes Compact, we envisioned that eventually requests would come for diversions. This is the first request for a diversion. They have applied for an 18.5 million-gallon per-day diversion of water from Lake Michigan to meet their current drinking water needs, as well as their future economic growth.

When we passed the Great Lakes Compact, we knew that this would be the first diversion request. Waukesha, Wisconsin, sits on the Great Divide. Approximately half of the city is in the Great Lakes Basin; the other half is over the basin. This is a huge issue for us, and it will be precedent-setting as to the decision-making process.

We are not saying that they do not need water. Our concern is that in their request, they do not address the need for conservation. We feel that it is very important in meeting the requirements of the Great Lakes Compact that any request for a diversion not only ask for what they feel they need, but also address the issue of water conservation in the future.

We request that the council carefully consider how it will apply all of the compact standards, particularly what constitutes sufficient water conservation measures and how communities outside the basin account for these water conservation measures and their future growth in determining how much water from our Great Lakes Basin should be diverted. I ask for the adoption of this resolution before us.

Senator Brater's statement is as follows:

It is an honor to stand up and be counted as part of the resolution in this package with the good chair of the committee on natural resources, who has worked so hard on this issue of protecting the Great Lakes from water withdrawals. As she said, Waukesha's application represents the first out-of-basin request for a diversion since passage of the Great Lakes Compact. This, therefore, would be a precedent-setting event, and many people are watching it closely.

It is clear in the compact that any proposed diversion should be one that could not be reasonably avoided through efficient use and conservation of existing water supplies, and any such diversion would be limited to quantities reasonable for the purposes for which that diversion is proposed.

Some stakeholders have already weighed in with concerns that the Waukesha proposal does not meet these requirements that are needed to justify diversion. This diversion could potentially set a precedent, and it is critically important that the Great Lakes Water Resources Council take a careful look at the application for this proposed diversion.

I think it is also an opportunity for us here in Michigan to look at our conservation measures and strengthen them because all of us, even within the basin, this community of Waukesha is kind of an unusual situation because it straddles the Great Lakes watershed. I believe it is the Mississippi River watershed. Those of us completely within the Great Lakes watershed are in a slightly different category when it comes to use of the water. Even so, I think it would be a good opportunity and reminder here for all of us to be looking at strengthening our conservation standards.

So we urge with this resolution that council scrutinize the proposal carefully and live up to the standards set in the Great Lake Compact.

Senators Kahn, McManus, Cropsey, Allen, Pappageorge, Barcia and Basham offered the following resolution:

Senate Resolution No. 134.

A resolution to urge the United States Supreme Court to clarify that the right to bear arms applies to individuals.

Whereas, Article I, Section 6 of the Michigan Constitution clearly affirms a right for individuals to bear arms. This provision prescribes that the primary purpose of the right to bear arms is not related solely to hunting but clearly allows Michigan citizens to be able to protect one's self, family, and possessions from the private lawlessness of other persons or potential tyranny of governments; and

Whereas, The Second Amendment of the United States Constitution also provides for the right of an individual to bear arms. The primary purpose of this individual right to bear arms is to enable an individual to protect one's self, family, and possessions and to protect the general private uses of firearms in activities such as hunting and other sporting activities. However, persons arguing recently before the U.S. Supreme Court are trying to restrict the application of the phrase "the right to bear arms"; and

Whereas, The U.S. Supreme Court recently heard arguments in *McDonald v. City of Chicago*. The city of Chicago's handgun ban, enacted in 1982, is one of the most restrictive bans in the United States. Those who support the ban assert the right to bear arms is not the same as the fundamental rights of freedom of speech or religion. They maintain that the right to bear arms applies to state militia, not individuals; and

Whereas, However, those who support the Second Amendment argue that the right to bear arms is an individual and fundamental right, overriding, in many cases, the power of the states. In addition, studies demonstrate that firearms in the hands of law-abiding citizens deter criminals and reduce the crime rate. Firearms can also encourage recreational and sporting activities. Finally, an armed citizenry cannot only serve to restrict a tyrannical government at home, but also prevent invasion from abroad; now, therefore, be it

Resolved by the Senate, That we urge the United States Supreme Court to clarify that the right to bear arms applies to individuals; and be it further

Resolved, That copies of this resolution be transmitted to members of the United States Supreme Court.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Hunting, Fishing and Outdoor Recreation.

The motion prevailed.

Senators Kuipers and Nofs were named co-sponsors of the resolution.

Senators Birkholz and Allen offered the following concurrent resolution:

Senate Concurrent Resolution No. 37.

A concurrent resolution to urge inclusion of an addendum to address aquatic invasive species in the Great Lakes Water Quality Agreement.

Whereas, For nearly 40 years, the Great Lakes Water Quality Agreement between the United States and Canada has provided a binational vision for water quality in the Great Lakes with a common set of goals. The agreement has allowed the two countries to coordinate efforts to clean up, restore, and maintain water quality of this shared natural resource; and

Whereas, The Great Lakes Water Quality Agreement needs to be updated for the twenty-first century. The agreement has not been amended in over 20 years and, with changes, could provide even better protection for the Great Lakes over the next 40 years. New issues, new approaches, and new expectations for participation and accountability have fundamentally altered the landscape for managing Great Lakes water quality; and

Whereas, An amended agreement must address the pressing issue of aquatic invasive species. Few issues are of greater importance to the Great Lakes. Aquatic invasive species are clearly a form of biological pollution and well within the scope of the agreement's purpose. Protecting the Great Lakes from aquatic invasive species requires the full cooperation and coordination of U.S. and Canadian authorities. The Great Lakes Water Quality Agreement is a perfect vehicle to achieve these ends; and

Whereas, An annex on aquatic invasive species should provide clear regional goals and objectives for preventing new invasions and eradicating or controlling new invaders. It must establish a framework for the states and provinces to work together in concert with the respective federal governments for the benefit of the entire region. Once established in one jurisdiction, aquatic invasive species can spread throughout the Great Lakes, affecting all the other jurisdictions. An annex that ensures a coordinated and concerted effort is necessary to protect the Great Lakes from aquatic invasive species; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge inclusion of an addendum to address aquatic invasive species in the Great Lakes Water Quality Agreement; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Secretary of State and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Anderson, Barcia, Basham, Brater, Cherry, Clarke, Cropsey, Jacobs, Kuipers, Nofs, Olshove, Pappageorge, Richardville and Switalski were named co-sponsors of the concurrent resolution.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

At a recent meeting, a combined hearing between the Hunting, Fishing and Outdoor Recreation Committee and our Natural Resources and Environmental Affairs Committee, we heard testimony on what is fondly known in Michigan as the flying fish, the Asian carp. In that hearing, we had an officer from the International Joint Commission come and testify as to their work in that area and what they have been doing. They noted that there is one error in our joint work between all of these multi and international organizations that are working on the invasive species issue. That is an omission between the Great Lakes Water Quality Agreement between Canada and the United States to address aquatic invasive species.

Since the Great Lakes Water Quality Agreement with Canada will be updated soon because it has not been updated in the 21st century and has not been amended in over 20 years, in this concurrent resolution before you, we are asking them to look at a binational vision that includes the issue of invasive species. So we ask them to address the issue of aquatic invasive species when they soon meet to update the Great Lakes Water Quality Agreement. I urge the adoption of this concurrent resolution before us.

Senator Birkholz offered the following concurrent resolution:

Senate Concurrent Resolution No. 38.

A concurrent resolution to urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin.

Whereas, The Great Lakes states ratified the Great Lakes-St. Lawrence River Basin Water Resources Compact to prevent harmful and unnecessary water diversions from the Great Lakes. The compact establishes strict standards and a regional approval process that must be met prior to new diversions from the lakes to communities outside the basin; and

Whereas, The first request to divert water to a community outside the Great Lakes Basin is imminent. The city of Waukesha, Wisconsin, has stated its intention to apply for an 18.5-million-gallon per-day diversion of water from Lake Michigan to meet its current drinking water needs and future economic growth; and

Whereas, There are concerns that the Waukesha proposal may not go far enough to meet the standards required by the compact for approving a diversion. The compact envisions a limited exception for diversions when the public need is great in communities bordering the Great Lakes Basin, and every effort has been made to minimize the need for Great Lakes water, including the implementation of significant water conservation measures. It is not clear if the city of Waukesha proposal truly represents the minimum diversion necessary to meet the city's needs; and

Whereas, The review of the proposed Waukesha diversion will provide precedent for future water diversion proposals and approvals. The Great Lakes governors represented on the Great Lakes-St. Lawrence River Basin Water Resources

Council's interpretation of the compact will set the standard for future diversion proposals and approvals. The council must carefully consider how it will apply the compact standards, particularly what constitutes sufficient water conservation measures and how communities outside the basin account for these water conservation measures and future growth in determining how much water needs to be diverted; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Great Lakes-St. Lawrence River Basin Water Resources Council to scrutinize carefully the proposed diversion at Waukesha, Wisconsin; and be it further

Resolved, That copies of this resolution be transmitted to the Great Lakes-St. Lawrence River Basin Water Resources Council, the Office of the Governor, and the Office of the Great Lakes.

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

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Anderson, Barcia, Basham, Brater, Cherry, Clarke, Cropsey, Jacobs, Nofs, Olshove, Pappageorge, Richardville and Switalski were named co-sponsors of the concurrent resolution.

Statements

Senators Scott, Basham, Anderson, Clark-Coleman and Switalski 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:

Aristotle said, "We become just by performing just actions and brave by performing brave actions." We can be both just and brave by reforming auto insurance. We can be just by creating a fair system that does not prey on people because of where they live or how much money they make. We can be brave by taking on the auto insurance industry that continues to think there is nothing wrong with these practices.

I've said it before and I'll say it again: No one is trying to do away with auto insurance. My constituents and the people across this state I have heard from have never said that they do not want to buy auto insurance. They simply want to pay a fair price for a good product. And right now many, many Michigan citizens are not paying a fair price. Our constituents have waited long enough. It's time that we give them what they want: fair and affordable auto insurance.

Senator Basham's statement is as follows:

I was at a bill signing last week on March 18 and missed a couple of votes. If I had been here, I would have voted "yes" on Senate Bill No. 1117. I would have voted "yes" on House Bill No. 5752. I would have voted "yes" on House Bill No. 4221. I would have voted "yes" on House Bill No. 4222.

Also it is with sadness that I am here to inform my colleagues that former State Representative Tom Kelly, from the city of Wayne, has passed away today.

A moment of silence was observed in memory of former State Representative Thomas Kelly.

Senator Anderson's statement is as follows:

Although the partisan tirade against emergency unemployment assistance by Republican Senator Jim Bunning made a lot of headlines recently, legislators from both parties were ultimately able to work together to reach a compromise that put the needs of the American people ahead of politics. A couple of weeks ago, five Republican U.S. Senators crossed the aisle and voted for a \$15 billion job creation bill proposed by their Democratic colleagues. Thanks in part to their support, the HIRE Act was signed into law by President Obama last week. The bill gives incentives to companies who hire unemployed American workers, giving our citizens priority for jobs here in the United States.

This bipartisanship recognizes that job creation can't wait. Anything that will help address the high unemployment rate needs to happen as soon as possible. I would hope that we would all take note of the bipartisan actions at the federal level, as rare as they are, and take similar steps here in the State Senate that would create jobs for Michigan workers.

Hire Michigan First would give Michigan workers priority for jobs created within Michigan, using Michigan tax dollars to help put people to work right now and taking a big step in the direction of repairing our state's economy. Our counterparts in Washington were able to put partisan politics aside to focus on jobs. We should be doing the same here for our people in Michigan. It is time to take that step, and put the needs of Michigan workers ahead of political gamesmanship. I urge my colleagues to take up Hire Michigan First and other legislation to create jobs in this state.

Senator Clark-Coleman's statement is as follows:

It is my pleasure—I have a young lady here whom I have been mentoring for some time. She is doing some internship work for me. She is here today, and she has been watching government and how it works. This is a very special young lady. She is in my district. She attended a grade school in my district, and now she has gone on to high school. She is attending Cass Technical High School. This young lady is—we have some Cass Technical High School alumni here—carrying a 3.8 GPA at Cass Tech, which is quite a feat.

Now many of you might not know this young lady, and I would ask her to please stand. Here name is Kierra Bell. She is a little, tiny thing. She is a mighty young lady. This is the young lady whom you may have seen on TV. You may have seen articles written about her. You may have seen her on YouTube. This is the young lady who dressed down the City Council person, Monica Conyers, when she misbehaved. She instructed her that she is an adult, and she should not be calling the City Council president Shrek.

So she just felt like grownups don't do that. She went before the council and she dressed up and she dressed her down. So as a result, she was interviewed both locally as well as nationally. But I have been mentoring her, and we have been exchanging letters and all.

So she is here today. I would like my colleagues here on the Senate floor to please recognize Ms. Kierra Bell. She is going to be a lawyer. I think she will do very well as a lawyer. I think she is very assertive, and she knows how to be assertive. So I would ask my colleagues to please welcome Kierra Bell here today.

Senator Switalski's statement is as follows:

It is good that we stand up for somebody who stands for decency and calls us to account.

I just want to stand up for somebody else. I am so sad to hear the news about Tom Kelly from my good friend Senator Basham. Tom was a great guy. When a lot of us came in as freshmen, Tom was in his last term and was a great mentor; just a pure quality individual; just a tireless fighter for libraries. We used to call him the bishop. He was a good Irishman, and he will be sorely missed.

Committee Reports

The Committee on Finance reported

House Bill No. 5937, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 2003 PA 23.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 24, 2010, at 9:04 a.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
Meeting held on Tuesday, March 23, 2010, at 4:17 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Nofs, Stamas, Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
Meeting held on Wednesday, March 24, 2010, at 8:30 a.m., Room 100, Farnum Building
Present: Senators Allen (C), Nofs and Stamas
Excused: Senators Clarke and Hunter

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, March 25, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, March 25, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

General Government - Thursday, March 25, 1:00 p.m., Room 210, Farnum Building (373-2768)

Hunting, Fishing and Outdoor Recreation - Thursday, March 25, 1:00 p.m., Room 100, Farnum Building (373-1777)

Michigan Law Revision Commission - Wednesday, March 31, 12:00 noon, Legislative Council Conference Room, 3rd Floor, Boji Tower (373-1212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 3:08 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 25, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate