

No. 80
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, September 28, 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—present
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—excused
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Tony Stamas of the 36th District offered the following invocation:

Lord, we thank You for this day. We thank You for so many blessings. We thank You for the honor to serve the citizens of this great state. Lord, we pray for Your protection and Your wisdom on this day ahead, that we might hear Your voice, that we might have a servant's heart, and that we might know Your will. We just thank You for these years that we have had to serve. We pray that You would guide us and that we could move forward, Lord, in a manner that would help those around our state, and help our state to grow.

We pray that You watch over the men and women who serve our great nation and their families. We pray for a peaceful heart so that we can hear You. We pray this in Your holy name. Amen.

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

Motions and Communications

Senators Bishop, Cropsey, Kuipers, Pappageorge, Anderson, McManus, Garcia, Sanborn and Hunter entered the Senate Chamber.

Senator Switalski stated that had he been present on September 22 when the votes were taken on the passage of the following bills, he would have voted "yea":

House Bill No. 5473
House Bill No. 5520
Senate Bill No. 1499
Senate Bill No. 1108
Senate Bill No. 1109
Senate Bill No. 1110
Senate Bill No. 1476
Senate Bill No. 1477
Senate Bill No. 1478
Senate Bill No. 1235
Senate Bill No. 1238
Senate Bill No. 1234
Senate Bill No. 1237
Senate Bill No. 1488
House Bill No. 5666
House Bill No. 5716
House Bill No. 5717
House Bill No. 5920
House Bill No. 6038
House Bill No. 6226
House Bill No. 6426
House Bill No. 6427
House Bill No. 5307
House Bill No. 5599
House Bill No. 5654

Senator Switalski stated that had he been present on September 22 when the vote was taken on concurring in the House substitute to the following bill, he would have voted "yea":

Senate Bill No. 884

Senator Switalski stated that had he been present on September 22 when the votes were taken on the disapproval of gubernatorial appointments and reappointments, he would have voted "nay."

Senator Switalski stated that had he been present on September 23 when the vote was taken on concurring in the House substitute to the following bill, he would have voted "yea":

Senate Bill No. 1354

Senator Switalski stated that had he been present on September 23 when the votes were taken on the passage of the following bills, he would have voted “yea”:

House Bill No. 5640

Senate Bill No. 77

Senate Bill No. 1037

Senate Bill No. 1038

House Bill No. 6421

Senator Switalski stated that had he been present on September 23 when the vote was taken on concurring in the House substitute to the following bill, he would have voted “yea”:

Senate Bill No. 1226

Senator Cropsey moved that Senator Patterson be excused from today’s session.
The motion prevailed.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolution be postponed for today:

Senate Resolution No. 172

The motion prevailed.

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

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

The motion prevailed.

Senator Nofs’ statement is as follows:

It is with great sadness, but also tremendous pride, that I stand before you today to pay tribute for a young hero in my district. Senior Airman James A. Hansen, 25, of Athens, Michigan, was killed on Wednesday, September 15, while helping to detonate captured bombs at Joint Base Balad in central Iraq.

Jimmy, as he was known to most, was a 2003 graduate of Athens High School, who by all accounts had a very bright future ahead of him. Jimmy enlisted in the Air Force in 2008, and it wasn’t long before he distinguished himself as being an outstanding airman. In fact, he was promoted early to the rank of senior airman based on his skills, tenacity, and hard work. In 2009, Jimmy was honored as the 46th Test Wing Airfield Management Airman of the Year. Clearly, Jimmy had found a home in the Air Force and was a young man on the move.

Jimmy was well-versed in the concept of service above self. He exemplified the basic core values of the Air Force: Do the right thing and live honorably. I suspect a lot of that had to do with how he was raised. From the hundreds upon hundreds of people from the Athens area and beyond who gathered last week to welcome home their fallen hero, it was clear that Jimmy and his family have had a positive impact on many, many lives.

The history of selfless service, no doubt, played a role in Jimmy’s decision to answer the call to serve his country in the armed forces, and for that, we are eternally grateful. I would now like to read into the record the Special Tribute in honor of Airman Hansen:

“LET IT BE KNOWN, That it is with heavy hearts that we join with the Athens community to honor Senior Airman James Arthur Hansen for his exemplary and dedicated service to his country and his community. It is said that the ultimate sacrifice one can give to country and community is to lay down his or her life in the defense of liberty and freedom. Our nation’s history is filled with examples of brave souls who have done just that. On September 15, 2010, while on active duty in Iraq, Airman Hansen joined the ranks of these honorable men and women who gave their lives for something greater than themselves and for our nation. We will be forever grateful.

The life of Jimmy Hansen is a testament to the hard work, dedication, and commitment. Jimmy, as he was known to most, distinguished himself as an outstanding student, earning membership in the prestigious National Honor Society. Outside the classroom, he excelled as a member of the Athens High School Golf Team. Jimmy was also accepted into the Phi Sigma Kappa Fraternity at Central Michigan University, where he was pursuing his bachelor’s degree.

Service to others was also a distinguishing trait of Jimmy’s. Regardless of how busy his day-to-day life became, he was there to lend a hand to someone in need. He could be counted on to bring his trademark smile and enthusiasm to each new endeavor. In 2008, Jimmy enlisted in the United States Air Force and proudly served as a member of the 46th Operation

Division Support Squadron out of Eglin Air Force Base, Florida. Jimmy quickly became known for his willingness to assist others, learn new things, and take on new challenges. As a testament to his tenacity, despite being deployed to Iraq, Jimmy continued his work toward attaining his bachelor's degree through Central Michigan University's College of Extended Learning.

While taken from us far too soon, Jimmy nevertheless left a positive and lasting impact on his community and those lives that he touched. Today, the people of Michigan stand with the family of Airman Hansen and the entire Athens community to mourn the loss of this outstanding young man and true Michigan hero.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to offer our sincere respect and condolences to the family and friends of Senior Airman James Arthur Hansen. May they find comfort in their faith and their memories of this fine young man and his distinguished service. He will be sincerely missed and long remembered."

We are honored today to have with us the parents of Airman Hansen, Rich and Emily Hansen, and they are in the north Gallery. I respectfully ask for a moment of silence to honor Airman Hansen and that we recognize Mr. and Mrs. Hansen for their sacrifice for the outstanding job they did raising such an upstanding young man.

A moment of silence was observed in memory of Air Force Senior Airman James A. (Jimmy) Hansen.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:14 a.m.

11:39 a.m.

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

The following communications were received:
Department of State

Administrative Rules Notices of Filing

September 13, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-029-LG (Secretary of State Filing #10-09-01) on this date at 4:46 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Part 315. Chromium (VI) in General Industry."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 13, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-028-LG (Secretary of State Filing #10-09-02) on this date at 4:48 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Part 604. Chromium (VI) in Construction."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 22, 2010

In accordance with the provisions of MCL 24.248, this is to advise you that the Department of Energy, Labor, and Economic Growth, Office of Policy and Legislative Affairs filed at 3:37 p.m. on this date, administrative rule (10-09-03E)

for the Department of Energy, Labor, and Economic Growth, entitled “*Health Benefit Plan Reform.*” These rules take effect upon filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 23:
House Bill Nos. 5368 5779 5977 5979 5988 5989 5998 6120 6212 6345 6461

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 27, for her approval the following bills:

Enrolled Senate Bill No. 1152 at 3:30 p.m.
Enrolled Senate Bill No. 1153 at 3:32 p.m.
Enrolled Senate Bill No. 884 at 3:34 p.m.
Enrolled Senate Bill No. 1354 at 3:36 p.m.
Enrolled Senate Bill No. 1014 at 3:38 p.m.
Enrolled Senate Bill No. 1035 at 3:40 p.m.
Enrolled Senate Bill No. 1450 at 3:42 p.m.
Enrolled Senate Bill No. 1451 at 3:44 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, September 23, and are available at the legislative website:

Senate Bill Nos. 1503 1504 1505 1506 1507 1508 1509
House Bill Nos. 6474 6475 6476 6477 6478 6479 6480 6481 6482 6483 6484 6485
House Joint Resolution NNN

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

Senate Bill Nos. 1510 1511
House Bill Nos. 6486 6487 6488 6489 6490 6491 6492 6493

Messages from the Governor

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

Senate Bill No. 1163
The motion prevailed.

The following messages from the Governor were received:

Date: September 23, 2010
Time: 9:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1154 (Public Act No. 164), being

An act to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

(Filed with the Secretary of State on September 23, 2010, at 1:39 p.m.)

Date: September 23, 2010
Time: 9:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1151 (Public Act No. 165), being

An act to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to establish or continue certain funds,

programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(Filed with the Secretary of State on September 23, 2010, at 1:41 p.m.)

Respectfully,
Jennifer M. Granholm
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, Lieutenant Governor Cherry, designated Senator Birkholz as Chairperson.

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

Senate Bill No. 1177, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 317.

Senate Bill No. 1327, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 7 (MCL 125.1657), as amended by 2008 PA 226.

Senate Bill No. 1464, entitled

A bill to amend 1941 PA 359, entitled "An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts," by amending section 2 (MCL 247.62).

Senate Bill No. 1376, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1209, 2519, 3207, 7105, 7411, 7414, 7817, 7821, and 7910 (MCL 700.1209, 700.2519, 700.3207, 700.7105, 700.7411, 700.7414, 700.7817, 700.7821, and 700.7910), sections 1209, 2519, and 7105 as amended and sections 7411, 7414, 7817, 7821, and 7910 as added by 2009 PA 46 and section 3207 as added by 2006 PA 299, by amending the headings of the parts of article VII, by amending the heading of article VIII, and by designating sections 8101 and 8102 as part 1 and sections 8201 to 8206 as part 2 of article VIII and adding headings for those parts.

Senate Bill No. 1378, entitled

A bill to amend 1986 PA 255, entitled "Prepaid funeral and cemetery sales act," by amending section 12 (MCL 328.222), as amended by 2004 PA 21.

Senate Bill No. 1491, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 29 (MCL 791.229), as amended by 1998 PA 512.

Senate Bill No. 1455, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102, 103, 206, 211, 302, 304, 308, 401, 403, 404, 406, 501, 502, 503, 505, 506, 507, 510, 514, 515, 604, 702, 801, 804, and 805 (MCL

450.4102, 450.4103, 450.4206, 450.4211, 450.4302, 450.4304, 450.4308, 450.4401, 450.4403, 450.4404, 450.4406, 450.4501, 450.4502, 450.4503, 450.4505, 450.4506, 450.4507, 450.4510, 450.4514, 450.4515, 450.4604, 450.4702, 450.4801, 450.4804, and 450.4805), section 102 as amended by 2008 PA 566, sections 103, 304, 403, 406, 501, 502, 503, 506, 515, 801, and 804 as amended by 2002 PA 686, section 206 as amended by 2008 PA 567, and sections 302, 308, 401, 404, and 702 as amended by 1997 PA 52, and by adding sections 216, 409, 708, and 709; and to repeal acts and parts of acts.

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

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

Senate Bill No. 1302, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 48 (MCL 400.48), as amended by 1996 PA 423.

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. 1331, entitled

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending sections 3 and 31 (MCL 125.3803 and 125.3831).

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. 1332, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 203 (MCL 125.3102 and 125.3203), section 102 as amended by 2008 PA 12.

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. 403, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 273.

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. 1377, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 16 (MCL 456.536), as amended by 2008 PA 478.

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. 1492, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XI (MCL 771.14), as amended by 2000 PA 279.

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. 1502, entitled

A bill to amend 2008 PA 295, entitled "Clean, renewable, and efficient energy act," by amending section 93 (MCL 460.1093).

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.

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

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

It is a pleasure to recognize the contributions of John Vlasin. John has worked in my office for the last year. He is an exceptional and dedicated employee of the Michigan Legislature as a legislative aide to me. "He helped to ensure accountability and service to more than 230,000 constituents in Senate District 3, which covers parts of Detroit, all of Dearborn, and all of River Rouge. We are grateful to have this opportunity to acknowledge his contributions.

For over a year, John conducted policy research, community outreach, and was responsible for constituent correspondence. He developed an uncanny ability to translate technical information into compassionate dialogue. We wish him well in his endeavors.

A Lansing native, John holds two baccalaureate degrees from Michigan State University and a master's degree in public administration from Western Michigan University. His love of learning is evident in his studies and also in his pastimes. He collects U.S. Civil War documents and is an avid reader of books on the historical U.S. economy and global issues.

John is someone who can be trusted to complete assignments on time and to the best of his ability. He constantly challenges himself to grow and learn more about public policy. Going the extra mile was nothing unusual for him. Whatever it took to complete a job, he did it and was excited for the opportunity.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to honor and commend John R. Vlasin for a job well done on the occasion of his leaving the Office of Senator Irma Clark-Coleman. May he know of our admiration and warmest wishes for a future filled with health and happiness."

I would ask that my colleagues recognize and congratulate this young man on such a wonderful job working as a legislative aide.

By unanimous consent the Senate returned to the order of

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. 185, entitled

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," (MCL 554.601 to 554.616) by adding section 1b.

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

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 463

Yeas—37

Allen
Anderson

Clark-Coleman
Clarke

Jacobs
Jansen

Prusi
Richardville

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: President

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

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

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

Senators Barcia, Basham, Clark-Coleman, George, Gilbert, Gleason, Hardiman, Hunter, Jansen, Jelinek, Kahn, Kuipers, McManus, Nofs, Pappageorge, Prusi, Sanborn, Scott, Stamas and Whitmer were named co-sponsors of the bill.

Senate Bill No. 361, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3) and amended the title to read as follows:

A bill to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” (MCL 208.1101 to 208.1601) by adding section 471.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 464

Yeas—37

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski

Brater
Brown
Cassis
Cherry

Gleason
Hardiman
Hunter

Nofs
Olshove
Pappageorge

Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: President

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

By unanimous consent the Senate proceeded the order of
Conference Reports

Senator McManus submitted the following:

FIRST CONFERENCE REPORT

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

Recommends:

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

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 PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of natural resources and environment for the fiscal year ending September 30, 2011, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT
APPROPRIATION SUMMARY**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions	3,669.5	
GROSS APPROPRIATION		\$ 718,968,400

	For Fiscal Year Ending Sept. 30, 2011
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	\$ 10,521,900
ADJUSTED GROSS APPROPRIATION	\$ 708,446,500
Federal revenues:	
Total federal revenues.....	261,615,200
Special revenue funds:	
Total private revenues	6,509,100
Total other state restricted revenues	399,012,800
State general fund/general purpose.....	\$ 41,309,400
FUND SOURCE SUMMARY	
Full-time equated unclassified positions..... 6.0	
Full-time equated classified positions	3,669.5
GROSS APPROPRIATION	\$ 718,968,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG, land acquisition services to work orders.....	417,000
IDG, MacMullan conference center revenue.....	1,413,100
IDG, MDSP	916,800
IDG, MDOT - Michigan transportation fund	1,132,600
IDT, interdivisional charges.....	2,053,400
IDT, laboratory services	4,589,000
Total interdepartmental grants and intradepartmental transfers	10,521,900
ADJUSTED GROSS APPROPRIATION	\$ 708,446,500
Federal revenues:	
Federal funds.....	261,615,200
Special revenue funds:	
Private funds.....	6,509,100
Aboveground storage tank fees	468,900
Air emissions fees	12,024,000
Aircraft fees.....	274,800
Campground fund.....	282,800
Cervidae licensing and inspection fees	168,100
Clean Michigan initiative - clean water fund.....	3,912,100
Clean Michigan initiative fund.....	26,900
Cleanup and redevelopment fund.....	14,595,600
Commercial forest fund.....	58,600
Community pollution prevention fund	250,000
Electronic waste recycling fund	258,400
Environmental education fund.....	251,500
Environmental pollution prevention fund.....	1,576,700
Environmental protection fund	6,763,000
Environmental response fund	7,947,500
Fees and collections	488,000
Financial instruments.....	5,000,000
Forest development fund	32,957,000
Forest land user charges	592,500
Forest recreation account.....	1,514,300
Game and fish protection fund.....	61,285,200
Game and fish protection fund - deer habitat reserve.....	2,617,500
Game and fish protection fund - fisheries settlement	923,100
Game and fish protection fund - turkey permit fees	1,975,300
Game and fish protection fund - waterfowl fees.....	201,200
Game and fish - wildlife resources protection fund.....	1,339,200
Game and fish protection fund - youth hunting and fishing education and outreach.....	48,700
Great Lakes protection fund.....	1,767,400

	For Fiscal Year Ending Sept. 30, 2011
Groundwater discharge permit fees	\$ 1,574,600
Hazardous materials transportation permit fund	869,700
History fees fund	511,200
Infrastructure construction fund	420,700
Land and water permit fees	2,426,300
Land exchange facilitation fund	5,956,300
Landfill maintenance trust fund	60,000
Mackinac Island state park fund	1,670,200
Mackinac Island state park operation fund	175,400
Marine safety fund	3,798,000
Medical waste emergency response fund	321,300
Metallic mining surveillance fee revenue	36,900
Michigan heritage publications fund	50,000
Michigan natural resources trust fund	3,217,600
Michigan state parks endowment fund	12,007,800
Michigan state waterways fund	24,362,100
Mineral well regulatory fee revenue	207,600
Museum operations fund	535,600
Nonferrous metallic mineral surveillance	23,800
Nongame wildlife fund	727,300
NPDES fees	4,370,700
Off-road vehicle safety education fund	299,500
Off-road vehicle trail improvement fund	4,903,300
Oil and gas regulatory fund	10,550,000
Orphan well fund	2,136,800
Park improvement fund	44,460,700
Permanent snowmobile trail easement fund	700,000
Public swimming pool fund	669,800
Public use and replacement deed fees fund	100,000
Public utility assessments	780,300
Public water supply fees	4,583,900
Publication revenue	80,300
Recreation improvement account	1,512,300
Refined petroleum fund	37,124,200
Revitalization revolving loan fund	89,900
Revolving loan revenue bonds	11,400,000
Sand extraction fee revenue	78,400
Scrap tire regulatory fund	5,496,200
Septage waste contingency fund	40,300
Septage waste program fund	849,600
Settlement funds	2,392,700
Sewage sludge land application fee	1,060,400
Shop fees	19,000
Small business pollution prevention revolving loan fund	143,500
Snowmobile registration fee revenue	1,733,100
Snowmobile trail improvement fund	10,146,000
Soil erosion and sedimentation control training fund	130,300
Solid waste management fund - staff account	5,686,800
Sportsmen against hunger fund	50,000
Stormwater permit fees	3,258,000
Strategic water quality initiatives fund	10,000,000
Trailways fund	30,000
Underground storage tank fees	2,527,500
Waste reduction fee revenue	4,724,200
Wastewater operator training fees	190,000

	For Fiscal Year Ending Sept. 30, 2011
Water analysis fees	\$ 4,062,200
Water pollution control revolving fund	3,422,500
Water quality protection fund.....	100,000
Water use reporting fees.....	589,700
Total other restricted revenues.....	399,012,800
State general fund/general purpose	\$ 41,309,400
Sec. 102. EXECUTIVE OPERATIONS	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions	29.0
Unclassified salaries—6.0 FTE positions.....	\$ 602,300
Executive direction and citizen advisory councils—29.0 FTE positions	3,656,800
Natural resources commission.....	81,600
GROSS APPROPRIATION	\$ 4,340,700
Appropriated from:	
Federal revenues:	
Federal funds	69,400
Special revenue funds:	
Environmental response fund	135,800
Forest development fund	326,000
Forest land user charges	3,700
Forest recreation account.....	6,700
Game and fish protection fund.....	645,700
Game and fish - deer habitat reserve	11,400
Game and fish - turkey permit fees.....	15,300
Game and fish - waterfowl fees	700
Game and fish - wildlife resource	17,600
Land exchange facilitation fund	26,800
Marine safety fund	8,400
Michigan natural resources trust fund.....	19,500
Michigan state parks endowment fund.....	121,300
Michigan state waterways fund.....	185,900
Nongame wildlife fund.....	4,800
Off-road vehicle trail improvement fund.....	46,500
Oil and gas regulatory fund.....	228,000
Park improvement fund	452,300
Recreation improvement account	4,900
Refined petroleum fund.....	399,200
Settlement funds.....	59,800
Snowmobile registration fee revenue	9,300
Snowmobile trail improvement fund	32,500
State general fund/general purpose	\$ 1,509,200
Sec. 103. OFFICE OF THE GREAT LAKES	
Full-time equated classified positions	18.0
Office of the Great Lakes—18.0 FTE positions.....	\$ 2,544,000
GROSS APPROPRIATION	\$ 2,544,000
Appropriated from:	
Federal revenues:	
Federal funds	1,500,800
Special revenue funds:	
Great Lakes protection fund.....	642,000
Settlement funds.....	100,600
State general fund/general purpose	\$ 300,600
Sec. 104. GREAT LAKES RESTORATION INITIATIVE	
Great Lakes restoration initiative	\$ 65,000,000
GROSS APPROPRIATION	\$ 65,000,000

For Fiscal Year
Ending Sept. 30,
2011

Appropriated from:	
Federal revenues:	
Federal funds	\$ 65,000,000
State general fund/general purpose	\$ 0
Sec. 105. DEPARTMENT SUPPORT SERVICES	
Full-time equated classified positions	197.2
Central support services—192.2 FTE positions	\$ 22,018,500
Science and policy—5.0 FTE positions	568,900
Administrative hearings.....	467,200
Automated data processing.....	2,053,400
Building occupancy charges.....	9,560,800
Environmental support projects.....	5,000,000
Gifts and bequests	500,000
Rent - privately owned property.....	2,449,200
GROSS APPROPRIATION	\$ 42,618,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG, land acquisition services to work orders.....	417,000
IDG, MDSP.....	85,700
IDT, interdivisional charges.....	2,053,400
IDT, laboratory services	496,300
Federal revenues:	
Federal funds.....	220,600
Special revenue funds:	
Private funds.....	500,000
Aboveground storage tank fees	55,200
Air emissions fees	1,635,800
Campground fund.....	16,100
Cleanup and redevelopment fund.....	1,371,800
Clean Michigan initiative fund.....	26,900
Environmental pollution prevention fund.....	110,200
Environmental protection fund.....	5,900
Environmental response fund	606,300
Fees and collections	40,800
Financial instruments.....	5,000,000
Forest development fund	2,589,500
Forest land user charges	6,500
Forest recreation account.....	71,600
Game and fish protection fund.....	4,436,900
Game and fish protection fund - deer habitat reserve.....	212,500
Game and fish protection fund - turkey permit fees	134,300
Game and fish protection fund - waterfowl fees.....	900
Game and fish - wildlife resource protection fund	43,800
Great Lakes protection fund.....	87,800
Groundwater discharge permit fees	185,700
Hazardous materials transportation permit fund	37,100
Land and water permit fees.....	303,200
Land exchange facilitation fund	5,766,000
Marine safety fund	337,100
Medical waste emergency response fund	43,000
Metallic mining surveillance fee revenue.....	1,400
Michigan natural resources trust fund.....	1,209,900
Michigan state parks endowment fund.....	237,000
Michigan state waterways fund.....	701,400
Mineral well regulatory fee revenue.....	16,200
Nongame wildlife fund.....	24,100

	For Fiscal Year Ending Sept. 30, 2011
NPDES fees.....	\$ 438,500
Off-road vehicle trail improvement fund.....	26,600
Oil and gas regulatory fund.....	1,003,300
Orphan well fund.....	43,000
Park improvement fund	1,621,400
Public swimming pool fund	68,200
Public use and replacement deed fees fund	100,000
Public utility assessments.....	49,400
Public water supply fees.....	270,400
Recreation improvement account	27,300
Refined petroleum fund.....	1,890,900
Sand extraction fee revenue.....	1,100
Scrap tire regulatory fund.....	200,300
Septage waste program fund	36,200
Settlement funds.....	190,000
Sewage sludge land application fee.....	107,400
Small business pollution prevention revolving loan fund	20,200
Snowmobile registration fee revenue	60,400
Snowmobile trail improvement fund	231,500
Soil erosion and sedimentation control training fund	5,600
Solid waste management fund - staff account.....	618,700
Stormwater permit fees	196,200
Underground storage tank fees.....	233,100
Waste reduction fee revenue.....	388,600
Wastewater operator training fees	6,400
Water analysis fees	373,400
Water use reporting fees.....	9,500
State general fund/general purpose	\$ 5,312,500
Sec. 106. COMMUNICATION AND CUSTOMER SERVICES	
Full-time equated classified positions	176.3
Marketing, education, and technology—123.3 FTE positions	\$ 19,025,700
Historical administration and services—37.0 FTE positions	4,149,500
Special programs (Mann house)—1.0 FTE position	113,200
Thunder Bay national marine sanctuary and underwater preserve—1.0 FTE position.....	140,800
Museum stores—6.0 FTE positions	528,100
Freedom trail commission	22,500
Archives—8.0 FTE positions	768,300
GROSS APPROPRIATION.....	\$ 24,748,100
Appropriated from:	
Federal revenues:	
Federal funds.....	2,870,600
Special revenue funds:	
Private funds.....	1,150,100
Air emissions fees	414,300
Environmental education fund.....	251,500
Forest development fund	70,100
Forest recreation account.....	15,000
Game and fish protection fund.....	7,856,000
Game and fish - youth hunting and fishing education and outreach fund.....	48,700
History fees fund.....	511,200
Land exchange facilitation fund.....	40,300
Marine safety fund	27,000
Michigan heritage publication fund.....	50,000
Michigan natural resources trust fund.....	21,100
Michigan state parks endowment fund.....	51,200

	For Fiscal Year Ending Sept. 30, 2011
Michigan state waterways fund	\$ 121,600
Museum operations fund	535,600
Off-road vehicle safety education fund	52,900
Off-road vehicle trail improvement fund.....	25,000
Park improvement fund	2,350,300
Settlement funds	235,600
Small business pollution prevention revolving loan fund	114,600
Snowmobile registration fee revenue	45,000
Snowmobile trail improvement fund	36,600
Sportsmen against hunger fund	50,000
Waste reduction fee revenue.....	3,937,400
State general fund/general purpose	\$ 3,866,400
Sec. 107. WILDLIFE MANAGEMENT	
Full-time equated classified positions	206.0
Wildlife management—197.0 FTE positions	\$ 28,593,400
Natural resources heritage—9.0 FTE positions.....	1,285,200
State game and wildlife area maintenance	750,000
GROSS APPROPRIATION	\$ 30,628,600
Appropriated from:	
Federal revenues:	
Federal funds	14,627,100
Special revenue funds:	
Private funds.....	114,600
Cervidae licensing and inspection fees	103,000
Forest development fund	67,700
Game and fish protection fund	9,351,700
Game and fish protection fund - deer habitat reserve	2,164,000
Game and fish protection fund - turkey permit fees	1,751,400
Game and fish protection fund - waterfowl fees.....	103,600
Nongame wildlife fund.....	659,300
State general fund/general purpose	\$ 1,686,200
Sec. 108. FISHERIES MANAGEMENT	
Full-time equated classified positions	232.0
Aquatic resource mitigation—2.0 FTE positions	\$ 924,100
Fisheries resource management—170.0 FTE positions.....	19,327,200
Fish production—60.0 FTE positions	8,701,300
Cormorant population mitigation program.....	50,000
GROSS APPROPRIATION	\$ 29,002,600
Appropriated from:	
Federal revenues:	
Federal funds	11,169,900
Special revenue funds:	
Private funds.....	116,700
Game and fish protection fund	16,792,900
Game and fish protection fund - fisheries settlement	923,100
State general fund/general purpose	\$ 0
Sec. 109. WATER RESOURCE DIVISION	
Full-time equated classified positions	352.6
Land and water interface positions—95.0 FTE positions	\$ 11,443,000
Program direction and project assistance—38.1 FTE positions.....	2,703,000
Water withdrawal assessment program—3.0 FTE positions	1,004,500
Expedited water/wastewater permits—3.0 FTE positions	420,700
Fish contaminant monitoring.....	316,100
Groundwater discharge—20.0 FTE positions.....	2,874,800
NPDES nonstormwater program—94.7 FTE positions	11,686,500

	For Fiscal Year Ending Sept. 30, 2011
Surface water—98.8 FTE positions.....	\$ 14,811,900
GROSS APPROPRIATION	\$ 45,260,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MDOT - Michigan transportation fund	1,075,800
Federal revenues:	
Federal funds	13,547,600
Special revenue funds:	
Clean Michigan initiative - clean water fund	3,912,100
Environmental protection fund	2,083,800
Environmental response fund	177,800
Groundwater discharge permit fees	1,310,800
Infrastructure construction fund	420,700
Land and water permit fees	1,989,900
NPDES fees	3,734,500
Refined petroleum fund	425,800
Soil erosion and sedimentation control training fund	122,200
Stormwater permit fees	2,877,400
Water pollution control revolving fund	710,800
Water use reporting fees	576,100
State general fund/general purpose	\$ 12,295,200
Sec. 110. LAW ENFORCEMENT	
Full-time equated classified positions	248.0
Environmental investigations—20.0 FTE positions	\$ 2,681,300
General law enforcement—228.0 FTE positions	28,946,200
GROSS APPROPRIATION	\$ 31,627,500
Appropriated from:	
Federal revenues:	
Federal funds	5,901,900
Special revenue funds	
Aboveground storage tank fees	5,100
Air emissions fees	149,800
Campground fund	2,800
Cervidae licensing and inspection fees	65,100
Cleanup and redevelopment fund	125,900
Environmental pollution prevention fund	10,300
Environmental protection fund	45,100
Environmental response fund	65,000
Fees and collections	3,800
Forest recreation account.....	63,500
Game and fish protection fund	17,352,300
Game and fish protection fund - wildlife resource protection fund.....	1,215,800
Great Lakes protection fund	8,200
Groundwater discharge permit fees	17,200
Hazardous materials transportation permit fund	3,500
Land and water permit fees	36,600
Marine safety fund	1,397,200
Medical waste emergency response fund	4,100
Metallic mining surveillance fee revenue.....	500
Mineral well regulatory fee revenue.....	1,600
NPDES fees	41,300
Off-road vehicle safety education fund	85,200
Off-road vehicle trail improvement fund.....	1,304,000
Oil and gas regulatory fund.....	113,600
Orphan well fund.....	4,100

	For Fiscal Year Ending Sept. 30, 2011
Park improvement fund	\$ 63,500
Public swimming pool fund	5,100
Public water supply fees.....	25,200
Refined petroleum fund.....	290,000
Sand extraction fee revenue.....	500
Scrap tire regulatory fund.....	96,500
Septage waste program fund	3,400
Settlement funds	22,200
Sewage sludge land application fee.....	9,700
Small business pollution prevention revolving loan fund	1,900
Snowmobile registration fee revenue	885,700
Soil erosion and sedimentation control training fund	600
Stormwater permit fees	18,400
Underground storage tank fees.....	21,900
Waste reduction fee revenue.....	45,400
Wastewater operator training fees	600
Water analysis fees	28,200
Water use reporting fees.....	900
State general fund/general purpose	\$ 2,084,300
Sec. 111. RECREATION DIVISION	
Full-time equated classified positions	809.9
MacMullan conference center—15.0 FTE positions	\$ 1,413,100
State parks—631.4 FTE positions.....	48,043,800
State park improvement revenue bonds - debt service.....	1,153,700
Recreational boating—163.5 FTE positions.....	15,357,300
GROSS APPROPRIATION	\$ 65,967,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MacMullan conference center revenue.....	1,413,100
Federal revenues:	
Federal funds	122,400
Special revenue funds:	
Private funds.....	370,300
Michigan state parks endowment fund.....	10,621,400
Michigan state waterways fund.....	15,357,300
Off-road vehicle trail improvement fund.....	257,300
Park improvement fund	37,826,100
State general fund/general purpose	\$ 0
Sec. 112. MACKINAC ISLAND STATE PARK COMMISSION	
Full-time equated classified positions	37.0
Mackinac Island park operations—22.0 FTE positions	\$ 1,532,200
Historical facilities system—15.0 FTE positions	1,846,900
GROSS APPROPRIATION	\$ 3,379,100
Appropriated from:	
Special revenue funds:	
Mackinac Island state park operation fund	175,400
Mackinac Island state park fund	1,670,200
State general fund/general purpose	\$ 1,533,500
Sec. 113. FOREST MANAGEMENT DIVISION	
Full-time equated classified positions	395.0
Forest management and timber market development—177.0 FTE positions.....	\$ 22,813,700
Adopt-a-forest program	25,000
Wildfire protection—122.0 FTE positions	12,115,400
Forest recreation—48.0 FTE positions.....	4,828,300
Minerals management—26.0 FTE positions	2,954,800

	For Fiscal Year Ending Sept. 30, 2011
Cooperative resource programs—12.0 FTE positions	\$ 1,094,800
Forest management initiative—10.0 FTE positions	837,900
Forest fire equipment.....	500,000
GROSS APPROPRIATION	\$ 45,169,900
Appropriated from:	
Federal revenues:	
Federal funds	2,944,600
Special revenue funds:	
Private funds	941,000
Aircraft fees.....	274,800
Commercial forest fund.....	52,100
Forest development fund	28,112,800
Forest land user charges	558,500
Forest recreation account.....	1,297,100
Game and fish protection fund.....	1,768,700
Michigan natural resources trust fund.....	1,604,300
Michigan state parks endowment fund.....	598,300
Michigan state waterways fund.....	455,300
Off-road vehicle safety education fund	6,400
Off-road vehicle trail improvement fund.....	776,300
Recreation improvement fund	345,300
Shop fees	19,000
Snowmobile registration fee revenue	15,100
Snowmobile trail improvement fund	1,703,800
Trailways fund.....	30,000
State general fund/general purpose	\$ 3,666,500
Sec. 114. AIR QUALITY DIVISION	
Full-time equated classified positions	229.0
Air quality programs—229.0 FTE positions	\$ 25,540,000
GROSS APPROPRIATION	\$ 25,540,000
Appropriated from:	
Federal revenues:	
Federal funds	7,164,100
Special revenue funds:	
Air emissions fees	9,256,600
Environmental response fund	114,600
Fees and collections	323,900
Oil and gas regulatory fund.....	116,300
Refined petroleum fund.....	3,026,400
State general fund/general purpose	\$ 5,538,100
Sec. 115. ENVIRONMENTAL RESOURCE MANAGEMENT DIVISION	
Full-time equated classified positions	349.5
Drinking water and environmental health—116.5 FTE positions	\$ 14,777,300
Hazardous waste management program—57.0 FTE positions	6,284,900
Low-level radioactive waste authority—2.0 FTE positions	715,100
Medical waste program—2.0 FTE positions	259,900
Municipal assistance—37.0 FTE positions	5,511,800
Radiological protection program—12.0 FTE positions.....	1,098,200
Scrap tire regulatory program—11.0 FTE positions	1,146,900
Oil, gas, and mineral services—60.0 FTE positions	11,173,600
Sewage sludge land application program—6.0 FTE positions.....	909,000
Solid waste management program—46.0 FTE positions	5,275,100
GROSS APPROPRIATION	\$ 47,151,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MDSP	802,000

	For Fiscal Year Ending Sept. 30, 2011
Federal revenues:	
Federal funds	\$ 15,193,900
Special revenue funds:	
Campground fund	253,900
Electronic waste recycling fund	258,400
Environmental pollution prevention fund	1,353,400
Fees and collections	100,900
Hazardous materials transportation permit fund	816,600
Medical waste emergency response fund	259,900
Metallic mining surveillance fee revenue	34,500
Mineral well regulatory fee revenue	184,400
Nonferrous metallic mineral surveillance	23,800
Oil and gas regulatory fund	8,638,200
Orphan well fund	2,075,400
Public swimming pool fund	578,200
Public utility assessments	715,100
Public water supply fees	2,453,900
Publication revenue	80,300
Refined petroleum fund	576,900
Sand extraction fee revenue	76,500
Scrap tire regulatory fund	1,146,900
Septage waste contingency fund	40,300
Septage waste program fund	395,300
Sewage sludge land application fee	909,000
Solid waste management fund - staff account	4,861,000
Stormwater permit fees	100,300
Strategic water quality initiatives fund	400,000
Wastewater operator training fees	180,800
Water pollution control revolving fund	2,540,000
Waste reduction fee revenue	155,700
State general fund/general purpose	\$ 1,946,300
Sec. 116. REMEDIATION DIVISION	
Full-time equated classified positions	390.0
Contaminated site investigations, cleanup and revitalization—230.0 FTE positions	\$ 24,996,800
Federal cleanup project management—60.0 FTE positions	8,859,600
Laboratory services—59.0 FTE positions	7,656,600
Aboveground storage tank program—8.0 FTE positions	815,100
Underground storage tank program—33.0 FTE positions	3,740,500
Emergency cleanup action	4,000,000
Environmental cleanup support	1,840,000
Refined petroleum product cleanup program	20,000,000
Superfund cleanup	3,000,000
GROSS APPROPRIATION	\$ 74,908,600
Appropriated from:	
Interdepartmental grant revenues:	
IDT, laboratory services	3,938,700
Federal revenues:	
Federal funds	9,747,400
Special revenue funds:	
Private funds	166,400
Aboveground storage tank fees	390,600
Cleanup and redevelopment fund	12,610,700
Environmental protection fund	4,627,100
Environmental response fund	6,586,400
Landfill maintenance trust fund	60,000

	For Fiscal Year Ending Sept. 30, 2011
Public water supply fees.....	\$ 268,000
Refined petroleum fund.....	29,213,500
Revitalization revolving loan fund	89,900
Settlement funds.....	1,705,200
Underground storage tank fees.....	2,054,800
Water analysis fees	3,449,900
State general fund/general purpose	\$ 0
Sec. 117. GRANTS	
Accessibility grants	\$ 1,000,000
Coastal management grants.....	2,000,000
Drinking water program grants	1,330,000
Federal - clean vessel act grants	400,000
Federal - forest stewardship grants.....	3,125,000
Federal - Great Lakes remedial action plan grants	700,000
Federal - land and water conservation fund payments.....	2,566,900
Federal - nonpoint source water pollution grants.....	6,500,000
Federal - rural community fire protection.....	300,000
Federal - urban forestry grants	3,024,000
Game and nongame wildlife fund grants	10,000
Grants to communities - federal oil, gas, and timber payments	3,450,000
Grants to counties - air pollution	83,700
Grant to counties - marine safety	3,647,400
Great Lakes research and protection grants	1,000,000
National recreational trails	3,950,000
Noncommunity water grants.....	1,400,000
Off-road vehicle safety training grants.....	150,000
Off-road vehicle trail improvement grants	2,454,000
Pollution prevention local grants.....	250,000
Radon grants.....	90,000
Recreation improvement fund grants.....	1,100,000
Scrap tire grants	3,700,000
Septage waste compliance grants	400,000
Snowmobile law enforcement grants.....	673,000
Snowmobile local grants program.....	8,004,000
Strategic water quality initiative loans	9,600,000
Trail easements.....	700,000
Water pollution control and drinking water revolving funds	82,943,000
Water quality protection grants	100,000
GROSS APPROPRIATION	\$ 144,651,000
Appropriated from:	
Federal revenues:	
Federal funds.....	100,496,300
Special revenue funds:	
Private funds.....	1,150,000
Community pollution prevention fund	250,000
Great Lakes protection fund.....	1,000,000
Marine safety fund	1,980,000
Nongame wildlife fund.....	10,000
Off-road vehicle safety education fund.....	150,000
Off-road vehicle trail improvement fund.....	2,454,000
Permanent snowmobile trail easement fund.....	700,000
Public water supply fees.....	1,400,000
Recreation improvement fund	1,100,000
Refined petroleum fund.....	83,700
Revolving loan revenue bonds.....	11,400,000

	For Fiscal Year Ending Sept. 30, 2011
Scrap tire regulatory fund.....	\$ 3,700,000
Septage waste program fund	400,000
Snowmobile registration fee revenue	673,000
Snowmobile trail improvement fund	8,004,000
Strategic water quality initiatives fund.....	9,600,000
Water quality protection fund.....	100,000
State general fund/general purpose	\$ 0
Sec. 118. INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 17,451,500
GROSS APPROPRIATION	\$ 17,451,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG, MDSP	29,100
IDG, MDOT - Michigan transportation fund	56,800
IDT, laboratory services	154,000
Federal revenues:	
Federal funds	1,963,600
Special revenue funds:	
Aboveground storage tank fees	18,000
Air emissions fees	567,500
Campground fund.....	10,000
Cleanup and redevelopment fund	487,200
Commercial forest fund.....	6,500
Environmental pollution prevention fund	102,800
Environmental protection fund	1,100
Environmental response fund	261,600
Fees and collections	18,600
Forest development fund	1,790,900
Forest land user charges	23,800
Forest recreation account.....	60,400
Game and fish protection fund	3,081,000
Game and fish protection fund - deer habitat reserve	94,600
Game and fish protection fund - turkey permit fees	74,300
Game and fish protection fund - waterfowl fees	6,000
Game and fish - wildlife resource protection fund	62,000
Great Lakes protection fund.....	29,400
Groundwater discharge permit fees	60,900
Hazardous materials transportation permit fund	12,500
Land and water permit fees	96,600
Land exchange facilitation fund	123,200
Marine safety fund	48,300
Medical waste emergency response fund	14,300
Metallic mining surveillance fee revenue.....	500
Michigan natural resources trust fund.....	362,800
Michigan state parks endowment fund.....	378,600
Michigan state waterways fund.....	562,000
Mineral well regulatory fee revenue.....	5,400
Nongame wildlife fund.....	29,100
NPDES fees.....	156,400
Off-road vehicle trail improvement fund.....	13,600
Off-road vehicle safety education fund	5,000
Oil and gas regulatory fund.....	450,600
Orphan well fund.....	14,300
Park improvement fund	1,447,100
Public swimming pool fund	18,300

	For Fiscal Year Ending Sept. 30, 2011
Public utility assessments.....	\$ 15,800
Public water supply fees.....	166,400
Recreation improvement account	34,800
Refined petroleum fund.....	1,217,800
Sand extraction fee revenue.....	300
Scrap tire regulatory fund.....	352,500
Septage waste program fund	14,700
Settlement funds.....	79,300
Sewage sludge land application fee.....	34,300
Small business pollution prevention revolving loan fund	6,800
Snowmobile registration fee revenue	44,600
Snowmobile trail improvement fund	137,600
Soil erosion and sedimentation control training fund	1,900
Solid waste management fund - staff account.....	207,100
Stormwater permit fees	65,700
Underground storage tank fees.....	217,700
Waste reduction fee revenue.....	197,100
Wastewater operator training fees	2,200
Water analysis fees	210,700
Water pollution control revolving fund	171,700
Water use reporting fees.....	3,200
State general fund/general purpose	\$ 1,570,600

Sec. 119. CAPITAL OUTLAY

(1) STATE PARK AND FOREST AREA IMPROVEMENTS

State parks repair and maintenance.....	\$ 2,700,000
State game and wildlife area infrastructure.....	3,350,000
Deer and waterfowl habitat acquisition.....	900,000
GROSS APPROPRIATION	\$ 6,950,000

Appropriated from:

Federal revenues:

Federal funds.....	4,025,000
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Special revenue funds:

Private funds.....	2,000,000
Game and fish protection - deer habitat.....	135,000
Game and fish protection - waterfowl.....	90,000
Park improvement fund	700,000
State general fund/general purpose	\$ 0

(2) WATERWAYS BOATING PROGRAM

Infrastructure improvements - state projects	\$ 3,600,000
Infrastructure improvements - local projects.....	1,000,000
Boating program, state boating access sites:	
Selfridge, Macomb County, seawall repairs, stormwater management upgrades, new entrance and parking improvements (total authorized cost \$1,800,000; federal share \$1,350,000; state share \$450,000).....	1,800,000
Union Lake, Oakland County, replacement site development including new entrance, parking, launch ramp, maneuver area, and vault toilet facility (total authorized cost \$1,000,000; federal share \$750,000; state share \$250,000)	1,000,000
Multiple locations, new site development and redevelopment (total authorized cost \$1,800,000; federal share \$1,350,000; state share \$450,000)	1,800,000
Naubinway, Mackinac County, breakwater protection, dredging and engineering, phase II (total authorized cost is increased from \$210,000 to \$1,800,000; state share is increased from \$210,000 to \$1,710,000; local share is increased from \$0 to \$90,000)	1,500,000
East Jordan, Charlevoix County, dock demolition and rehabilitation, grading and shoreline protection, concrete walkways, utility upgrades, lighting and landscaping (total authorized cost \$2,058,000; state share \$514,400; local share \$1,543,600)	514,400

	For Fiscal Year Ending Sept. 30, 2011
South Haven, Van Buren County, harbormaster building demolition and replacement (total authorized cost \$1,628,400; state share \$814,200; local share \$814,200)	\$ 814,200
GROSS APPROPRIATION	\$ 12,028,600
Appropriated from:	
Federal revenues:	
Federal funds	5,050,000
Special revenue funds:	
Michigan state waterways fund	6,978,600
State general fund/general purpose	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2010-2011 is \$440,322,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2010-2011 is \$9,491,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

GRANTS

Grants to counties - marine safety	\$ 1,980,000
Off-road vehicle safety training grants	149,900
Off-road vehicle trail improvement grants	450,000
Recreation improvement fund grants	110,000
Snowmobile law enforcement grants	673,100
Noncommunity water grants	1,400,100
Scrap tire grants	500,000
Septage waste compliance program	399,900

CAPITAL OUTLAY

Waterways boating program	\$ 3,828,600
TOTAL	\$ 9,491,600

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

Sec. 203. As used in this act:

- (a) "Commission" means the natural resources commission.
- (b) "Department" means the department of natural resources and environment.
- (c) "FTE" means full-time equated.
- (d) "IDG" means interdepartmental grant.
- (e) "IDT" means intradepartmental transfer.
- (f) "MDOT" means the state transportation department.
- (g) "MDSP" means the department of state police.
- (h) "NPDES" means national pollution discharge elimination system.

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

Sec. 205. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 206. Appropriations of state restricted game and fish protection funds have been made to the following departments and agencies in their respective appropriation acts. The amounts appropriated to these departments and agencies are listed below:

Legislative auditor general	\$ 22,000
Attorney general	827,500
Department of technology, management, and budget	283,200
Department of treasury	1,787,900

Sec. 207. Pursuant to section 43703(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43703, there is appropriated from the game and fish protection trust fund to the game and fish protection

account of the Michigan conservation and recreation legacy fund, \$6,000,000.00 for the fiscal year ending September 30, 2011.

Sec. 208. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of technology, management, and budget for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of technology, management, and budget.

Sec. 209. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2011 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Sec. 210. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 211. The director of the department shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. The department shall not take disciplinary action against an employee for communicating truthfully and factually with a member of the legislature or his or her staff.

Sec. 213. (1) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(2) As used in this section:

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

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

Sec. 214. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 215. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$33,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,500,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 216. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, the refined petroleum product cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

(a) The name and location of the site for which an allocation is made.

(b) The nature of the problem encountered at the site.

(c) A brief description of how the problem will be resolved if the allocation is made for a response activity.

(d) The estimated date that site closure activities will be completed.

(e) The amount of the allocation, or the anticipated financing for the site.

(f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.

(g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 217. (1) The department is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program, the leaking underground storage tank cleanup program, and the refined petroleum product cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173 and 2006 PA 343 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund contained in 2003 PA 173 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 506, 2001 PA 120, 2003 PA 173, 2003 PA 237, 2004 PA 309, 2004 PA 350, 2005 PA 11, 2006 PA 343, and 2007 PA 121 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, and 2003 PA 171 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(6) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2005 PA 154, 2007 PA 121, 2008 PA 247, and 2009 PA 118 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 218. Any permit application that has been submitted to and pending with the department for a period of 2 years or more shall be considered administratively complete effective January 1, 2011.

Sec. 219. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 221. It is the intent of the legislature that, in fiscal years subsequent to the one ending September 30, 2011, revenue from the refined petroleum fund shall be used solely for purposes directly related to leaking underground storage tanks, as it was originally intended.

Sec. 222. (1) Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations subcommittees on environmental quality and natural resources, respectively, and the senate and house fiscal agencies with an annual report on estimated restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2010 and September 30, 2011.

(2) Estimates of restricted fund revenues for the fiscal year ending September 30, 2011 shall be reissued on or before September 30, 2010. These revised revenue estimates shall form the basis for determinations of the number of funded positions authorized in this act.

(3) Part 1 of this act provides authorizations to fund 3,672.5 FTE classified positions during the fiscal year ending September 30, 2011. Line-item appropriations include limitations on the number of payroll hours to be funded, on the basis of 2,088 hours per each FTE position. The department shall report the number of funded FTE positions within 15 days after the effective date of this act. The number of classified employees compensated through each line item is limited by the authorized FTE positions indicated in this act, as adjusted for the number of reported funded FTE positions. The report shall be provided to the house and senate appropriations subcommittees on environmental quality and natural resources, respectively, and the house and senate fiscal agencies.

Sec. 223. Before January 31, 2011, the department, in cooperation with the Michigan state waterways commission, shall provide to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies a list of projects completed by the commission in fiscal year 2009-2010, including the county and municipality in which each project is located.

Sec. 225. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from the department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise. This section does not apply to meetings or to the purchase of excess federal equipment.

Sec. 233. (1) On a quarterly basis, the department shall report on the number of FTEs in pay status by civil service classification to the senate and house appropriations subcommittees on natural resources and environment and the senate and house fiscal agencies.

(2) From the funds appropriated in part 1, the department shall develop, post, and maintain on a user-friendly and publicly accessible Internet website all expenditures made by the department within a fiscal year. The posting must include the purpose for which each expenditure is made. Funds appropriated in part 1 from the federal American recovery and reinvestment act shall also be included on a publicly accessible website maintained by the Michigan economic recovery office. The department shall not provide financial information on its website under this section if doing so would violate a federal or state law, rule, regulation, or guideline that establishes private or security standards applicable to that section.

Sec. 234. The department shall not expend more than \$10,000.00 from the appropriations in part 1 to implement the requirements of section 233.

EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Sec. 301. The department may charge the appropriations contained in part 1, including all special maintenance and capital projects appropriated for the fiscal year ending September 30, 2011, for engineering services provided, a standard percentage fee to recover actual costs. The department may use the revenue derived to support the engineering services charges provided for in part 1.

Sec. 302. The department may charge land acquisition projects appropriated for the fiscal year ending September 30, 2011, and for prior fiscal years, a standard percentage fee to recover actual costs, and may use the revenue derived to support the land acquisition service charges provided for in part 1.

Sec. 303. As appropriated in part 1, the department may charge both application fees and transaction fees related to the exchange or sale of state-owned land or rights in land authorized by part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2101 to 324.2162. The fees shall be set by the director of the department at a rate which allows the department to recover its costs for providing these services.

Sec. 304. For the purposes of administering the museum store as provided in section 7a of 1913 PA 271, MCL 399.7a, the department is exempt from section 261 of the management and budget act, 1984 PA 431, MCL 18.1261.

Sec. 305. As appropriated in part 1, proceeds in excess of costs incurred in the conduct of auctions, sales, or transfers of artifacts no longer considered suitable for the collections of the state historical museum may be expended upon receipt for additional material for the collection. The department shall notify the chairpersons, vice chairpersons, and minority vice chairpersons of the senate and house appropriations subcommittees on natural resources 1 week prior to any auctions or sales. Any unexpended funds may be carried forward into the next succeeding fiscal year.

Sec. 306. As appropriated in part 1, funds collected by the department for historical markers; document reproduction and services; conferences, admissions, workshops, and training classes; and the use of specialized equipment, facilities, exhibits, collections, and software shall be used for expenses necessary to provide the required services. The department

may charge fees for the aforementioned services, including admission fees. As a condition of the expenditure of revenue from admission fees to the Michigan historical museum, admission to the museum shall be free for children under 18 years of age. The department may accept voluntary admissions contributions of \$2.00 for children under 18 years of age. Any unexpended funds may be carried forward into the next succeeding fiscal year.

Sec. 307. From the funds appropriated in part 1 for communications, \$22,500.00 shall be allocated to support the operations of the Michigan freedom trail commission as specified in section 4 of the Michigan freedom trail commission act, 1998 PA 409, MCL 399.84. These funds shall be used to reimburse commission members, to pay for necessary contractual services of the commission, and to hire not more than 1.0 FTE position in the Michigan historical center to support commission operations.

Sec. 308. Within 21 days after the end of the fiscal year ending September 30, 2011, the department shall submit to the senate and house appropriations subcommittees on natural resources a report on all land transactions approved by the commission in the previous fiscal year. For each land transaction, the report shall include the size of the parcel, the county and municipality in which the parcel is located, the dollar amount of the transaction, the fund source affected by the transaction, and whether the transaction is by purchase, public auction, transfer, exchange, or conveyance.

REMEDIATION DIVISION

Sec. 401. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 402. The unexpended funds appropriated in part 1 for emergency cleanup actions and the refined petroleum product cleanup program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2015.

Sec. 403. Effective October 1, 2010, surplus funds not to exceed \$1,000,000.00 in the cleanup and redevelopment trust fund are hereby appropriated to the environmental protection fund.

Sec. 404. Effective October 1, 2010, surplus funds not to exceed \$1,000,000.00 in the community pollution prevention fund are hereby appropriated to the environmental protection fund.

Sec. 405. It is the intent of the legislature to repay the refined petroleum fund for the \$70,000,000.00 that was transferred to the environmental protection fund as part of the resolution for the fiscal year 2006-2007 budget.

Sec. 406. The department shall not expend funds appropriated in part 1 if using operational memoranda or other similar documents that are in draft form to impose regulations on individuals or businesses conducting environmental cleanup projects, except as provided in part 213 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21301 to 324.21331, or when there is written consent between the department and the individual or business.

Sec. 407. Effective October 1, 2010, surplus funds not to exceed \$2,000,000.00 in the solid waste management fund perpetual care account are appropriated to the solid waste management fund staff account.

Sec. 408. The funds appropriated in part 1 for the refined petroleum product cleanup program shall be used to fund cleanup activities on the following sites:

Site Name	County
Paragon Metal Works/Mikado Total	Alcona
Laughing Whitefish Trading Post	Alger
Midway Resort Inc.	Alger
Fennville Feed Supply	Allegan
Country Party Store	Alpena
Butch's Tackle & Marine	Antrim
Pickup Capital of the North	Antrim
Res. Wells Torch Lake Twp.	Antrim
Phil's Bank Union 76	Bay
Lone Pine Party Store	Benzie
Village of Honor Res. Wells	Benzie
Coloma Citgo	Berrien
Frank's Pro Station	Berrien
Randy's Amoco	Berrien
JL Market	Branch
K & H Tire & Alignment	Branch
Baker Oil (E. Michigan)	Calhoun
Logan's Gas & Deli	Calhoun

Indian Lake Mini Super	Cass
Riggs Corner Store	Cass
J.J.'s General Store	Charlevoix
Northern Oil (former)	Charlevoix
Club Road Property	Cheboygan
Cook Corporation Site	Cheboygan
Hostettlers Office Supply	Cheboygan
Mr. Mug's Donut Shop	Chippewa
Park Shell Service	Chippewa
Ackels Car Care	Clinton
State Road Service	Clinton
D&L Fuels	Eaton
Action Auto #10	Genesee
Central Distributing	Genesee
City of Flint Fire Department	Genesee
Fisherman's Landing	Genesee
Sunshine Foods #119 Burton	Genesee
Winegar's Trading Post	Gladwin
4 Corners Site	Grand Traverse
GJ's Party Store	Grand Traverse
Molly's Bye Golly	Grand Traverse
OCT Oil	Grand Traverse
Universal Car Wash II	Grand Traverse
Venture Investments	Grand Traverse
Vlack Hardware (former)	Grand Traverse
Woodland Shop and Go #175	Grand Traverse
KD's Country Store	Gratiot
Pat's Service	Gratiot
Wilson's Grocery	Gratiot
Former Union 76	Hillsdale
North Adams Convenience Store	Hillsdale
Al's Market Port Austin	Huron
Fresh-Up Car Wash	Ingham
Bublitz Oil Full Service Oscoda	Iosco
Firstbank-Winn Branch	Isabella
Bud's Auto Repair	Kalamazoo
Moore's Milwood Service	Kalamazoo
Warner Transport	Kalamazoo
Davis Country Corners	Kalkaska
Starvation Lake General Store	Kalkaska
Taffletown Tavern	Kalkaska
Former Clark #476	Kent
Kountry Korner	Kent
Riverview, N Park, Hubbard St	Kent
Third Base Inc.	Kent
Bass Lake Store	Lake
Chase General Store	Lake
EJ Green	Lapeer
Schardt's Service Station	Lapeer
Rich's Amoco	Leelanau
Lakeland Montessori School	Livingston
Leon Bonner Property	Livingston
The Pit	Livingston
Bob's Standard Service	Luce
Action Auto (former)	Macomb
Joe & Son's Service	Marquette
Altona Christian Books	Mecosta
P.T. Plus - Former Sinclair Bulk Storage	Mecosta

Rinckey's Store	Missaukee
Joey's Service	Montmorency
Mary D's Restaurant	Montmorency
Pointe Bait	Montmorency
Sports Center, Inc.	Montmorency
Strolle Oil	Montmorency
Wyson's General Store	Montmorency
Bennett Pump	Muskegon
Mike's Sunoco	Newaygo
Wesco #14/Triangle Market	Newaygo
Dandy Oil Clarkston	Oakland
Emma Milner Property, Waterford	Oakland
Jenny Enterprises/Wine Basket, Highland	Oakland
Little Caesar's Pizza, Ortonville	Oakland
Wayne Oakland Oil Company	Oakland
Franklin Forge	Ogemaw
Rose City Feed & Tack	Ogemaw
Lowings Auto	Osceola
Neal's Service	Osceola
Ralph's Marathon	Osceola
Don's Marathon	Oscoda
Family Bookshelf	Oscoda
West Otsego Lake Grocery	Otsego
Alice's Restaurant	Presque Isle
Radio Tavern	Presque Isle
Rogers City Area Senior Center	Presque Isle
Big Mac's Market	Roscommon
Charlie's Place	Roscommon
Chapin General Store	Saginaw
Marvin McCray	Saginaw
Decker Service	St. Joseph
Payless SuperAmerica	St. Joseph
Save-U Station (former)	Shiawassee
Imlay City Gas & Oil	Tuscola
Pullman Industries	Van Buren
Ruddell Real Estate	Van Buren
A.S.E. Inc. DBA S & S Shell	Washtenaw
Evellyn Gibbons	Washtenaw
Michigan Center Inc.	Washtenaw
Cal's Car Care, Inc.	Wayne
Jack's Resort	Wexford

WILDLIFE DIVISION

Sec. 501. From the funds appropriated in part 1, the department shall submit annual reports to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies that provide detail about enforcement actions taken to eradicate bovine tuberculosis, the number of infected deer found, new science it is working on to detect bovine tuberculosis, and other relevant information about the department's efforts to address the presence of bovine tuberculosis in this state.

Sec. 502. It is the intent of the legislature that, from the funds appropriated in part 1, the department shall reimburse the department of agriculture for costs incurred for indemnification payments for livestock losses caused by wolves, coyotes, or cougars under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746.

FISHERIES DIVISION

Sec. 601. (1) From the appropriation in part 1 for aquatic resource mitigation, not more than \$758,000.00 shall be allocated for grants to watershed councils, resource development councils, soil conservation districts, local governmental units, and other nonprofit organizations for stream habitat stabilization and soil erosion control.

(2) The fisheries division in the department shall develop priority and cost estimates for all recommended projects.

WATER RESOURCES DIVISION

Sec. 651. From the funds appropriated in part 1 for surface water, \$100,000.00 shall be allocated to support 1 additional FTE position or partial FTE position for the aquatic nuisance control program for the fiscal year ending September 30, 2011. This FTE position shall be in addition to the number of FTE positions that were funded in the fiscal year ending

September 30, 2010. The department shall report to the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies by September 30, 2011 on the use of this funding and the number of permit applications processed by the program in 2011.

Sec. 652. The department shall fund a groundwater dispute resolution process with funds provided in part 1 in such a manner that maintains a strategically selected dispute resolution process given funds available. The department may utilize any and all available resources in providing this process and shall report to the legislature on the need for additional funds.

RECREATION DIVISION

Sec. 701. Pursuant to section 1902(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1902, there is appropriated from the Michigan natural resources trust fund to the Michigan state parks endowment fund an amount not to exceed \$10,000,000.00 for the fiscal year ending September 30, 2011.

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.

Sec. 703. The department shall not alter or halt operations of the ski hill or demolish buildings related to the ski hill, the assistant manager residence, the 3-unit apartment building, or the carpenter's shop and garage in Porcupine Mountains Wilderness State Park. The department shall collaborate with travel Michigan for the marketing and promotion of the ski hill.

FOREST MANAGEMENT DIVISION

Sec. 801. In addition to the funds appropriated in part 1, \$350,000.00 is appropriated to the department to cover costs related to any declared emergency involving the collapse of any abandoned mine shaft located on state land. This appropriation shall not be expended unless the state budget director recommends the expenditure and the department notifies the house and senate committees on appropriations.

Sec. 802. Of the funds appropriated in part 1, the department shall, subject to the forest certification process, prescribe treatment on 63,000 acres, prepare appropriate treatment for not less than 58,000 acres at the current average rate of 12.5 to 15 cords per acre, and offer those cords for sale in 2011, provided that the department shall take into consideration the impact of timber harvesting on wildlife habitat and recreation uses. The department shall, subject to the forest certification process, increase marking or treatment of hardwood timber for sale and harvest by 10% over 2010 levels. In addition, the department shall take into consideration silvicultural analysis and report annually to the legislature on plans and efforts to address factors limiting management of timber. The department shall increase the number of prepared acres if it appears that regional market demand requires increased volumes of harvested timber. The department shall provide quarterly reports on the number of acres treated, pursuant to this section, to the senate and house appropriations subcommittees on natural resources and the standing committees of the senate and house of representatives with primary responsibility for natural resources issues. The department shall complete and deliver these reports no later than 45 days after the end of the fiscal quarter.

Sec. 803. In addition to the money appropriated in this act, the department may receive and expend money from federal sources for the purpose of providing response to wildfires as required by a compact with the federal government. If additional expenditure authorization is required, the department shall notify the state budget office that expenditure under this section is required. The department shall notify the house and senate appropriations subcommittees on natural resources and the house and senate fiscal agencies of the expenditures under this section by November 1, 2011.

Sec. 804. The department shall continue to work cooperatively with horseback riding interests to maximize riding opportunities in the state.

Sec. 805. The department shall spend amounts appropriated in part 1 for forest-related activities to employ or contract for sufficient foresters to mark timber, pursuant to section 802.

Sec. 807. The director of the department shall meet semiannually in a public forum with timber industry representatives including, but not limited to, loggers, mills, pulp and paper, and bioenergy sectors to discuss strategic issues of the timber industry. The dates of these meetings shall be posted on the department website not less than 30 days in advance.

Sec. 808. The department shall develop a strategic plan to incorporate selected state forest campgrounds into the state park system as mini-state parks in order to qualify them for funding from the state recreation passport program. The department shall use both currently open and closed campgrounds in this strategic plan. In order to fully develop this program and to test its viability throughout the state, the department shall first design and implement a pilot program that includes 6 forest campgrounds selected on a broad geographical basis from those forest campgrounds closed by Executive Order No. 2009-22. In making the selection for the pilot program, the department shall select 3 forest campgrounds from the Upper Peninsula and 3 from the Lower Peninsula. The department shall report to the house and senate appropriations subcommittees on natural resources by March 1, 2011 on the design of the pilot program prior to implementation.

LAW ENFORCEMENT

Sec. 901. The appropriation in part 1 for snowmobile law enforcement grants shall be used by the department to provide grants to county law enforcement agencies to enforce part 821 of the natural resources and environmental protection act,

1994 PA 451, MCL 324.82101 to 324.82160, including rules promulgated under that part and ordinances enacted pursuant to that part. The department shall consider the number of enforcement hours and the number of miles of snowmobile trails in each county in allocating these grants. Any funds not distributed to counties revert back to the snowmobile registration fee subaccount created under section 82111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82111. Counties shall provide semiannual reports to the department on the use of grant money received under this section.

GRANTS

Sec. 1001. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1002. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 for grants to communities - federal oil, gas, and timber payments and that do not require additional state matching funds are appropriated for the purposes intended. By November 30, 2010, the department shall report to the senate and house appropriations subcommittees on natural resources, the senate and house fiscal agencies, and the state budget director on all amounts appropriated under this section during the fiscal year ending September 30, 2010.

Sec. 1003. Subject to part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150, from the funds appropriated in part 1 for off-road vehicle trail improvements grants, not less than \$980,000.00 shall be spent on the development of new trails in accordance with the off-road vehicle trail expansion plan submitted to the legislature pursuant to section 807 of article 14 of 2005 PA 154.

CAPITAL OUTLAY

Sec. 1101. The appropriation made in this act for the harbors and docks program is for the purpose of participating with the federal government and assisting political entities and subdivisions of this state in the construction and improvement of recreational boating facilities within this state. Subject to the approval of the state administrative board, this money shall be allocated by the department to the federal government, or to the political entities or local units of government involved in the particular projects. An allocation shall not exceed the state portion as listed with each project description. The department shall take the steps necessary to match federal money available for the construction and improvement of recreational boating facilities within the state, and to meet requirements of the federal government.

Sec. 1102. (1) The director of the department shall allocate lump-sum appropriations to the department made in this act consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

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

Sec. 1103. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

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

A bill to make appropriations for the department of 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.

Michelle McManus
Ron Jelinek
Conferees for the Senate

Michael Lahti
Doug Bennett
Darwin Booher
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the conference report,

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

Roll Call No. 465**Yeas—27**

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

Nays—10

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

Excused—1

Patterson

Not Voting—0

In The Chair: President

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

Protests

Senators Brater, Jacobs, Whitmer, Clark-Coleman and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the first conference report on Senate Bill No. 1161.

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

The motion prevailed.

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

It has been a pleasure working with the good chair of the subcommittee, and I appreciate all of her good-natured communications. Unfortunately, I was not able to sign this conference report. I am continuing to be alarmed by the lack of funding for this department and its programs. There is a very small amount of General Fund support in this department, and when across-the-board cuts are made, small amounts of money are disproportionately affected.

What is going on right now in the former DEQ, the environmental quality side of this department, is that we basically have enough money to issue permits to pollute, but there’s no money for monitoring activities to make sure that people are doing what they said they were doing when they get these permits to discharge toxics into our air and waterways—no money for enforcement action.

Recently, there has been talk of raiding a voter-approved fund that was designed for repair of combined sewer overflow to try to keep alive remediation action at some orphan sites that the department is addressing. There is reason for alarm that even though we are the only state in the United States that is completely surrounded by the Great Lakes, we have in trust not only for our children and grandchildren, but for future generations to keep this water clean. The air that sifts and deposits itself into the water and the pollution that goes into the air is a water quality issue, not to mention a health issue for people breathing the air.

It is very important that we be aware that we are insufficiently funding this department and its programs. There are many fees that are supposed to support the programs that are either expiring or haven't been raised for decades that are not sufficient to maintain the level of monetary enforcement that we need to protect our air and water here in the state of Michigan.

I am grateful the work that has been done has come to some agreements on some issues, like trying to keep some state campgrounds open and also the language that is in there to protect the Refined Petroleum Fund from being raided in future years. There is boilerplate to that effect, and I am grateful for that. I do appeal to future legislators not to continue to raid that fund. I hope in future years we can do a better job of funding this department that is so crucial to maintaining the quality of life and natural resources here in the state of Michigan.

Senator Stamas submitted the following:

FIRST CONFERENCE REPORT

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

Senate Bill No. 1157, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Recommends:

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

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for higher education for the fiscal year ending September 30, 2011, from the funds indicated in this part. The following is a summary of the appropriations in this part:

HIGHER EDUCATION

APPROPRIATION SUMMARY

Full-time equated classified positions	1.0	
GROSS APPROPRIATION		\$ 1,578,278,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION		\$ 1,578,278,500
Federal revenues:		
Total federal revenues.....		4,500,000
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues		30,400,000
State general fund/general purpose		\$ 1,543,378,500

SUBPART A - RESEARCH UNIVERSITIES

Sec. 102. MICHIGAN STATE UNIVERSITY

Operations.....		\$ 283,685,200
Agricultural experiment station		33,243,100
Cooperative extension service		28,672,600
GROSS APPROPRIATION		\$ 345,600,900
Appropriated from:		
State general fund/general purpose		\$ 345,600,900

Sec. 103. UNIVERSITY OF MICHIGAN - ANN ARBOR

Operations.....		\$ 316,254,500
GROSS APPROPRIATION		\$ 316,254,500
Appropriated from:		
State general fund/general purpose		\$ 316,254,500

For Fiscal Year
Ending Sept. 30,
2011

Sec. 104. WAYNE STATE UNIVERSITY

Operations.....	\$	214,171,400
GROSS APPROPRIATION	\$	214,171,400
Appropriated from:		
State general fund/general purpose	\$	214,171,400

SUBPART B - STATE UNIVERSITIES

Sec. 105. CENTRAL MICHIGAN UNIVERSITY

Operations.....	\$	80,132,000
GROSS APPROPRIATION	\$	80,132,000
Appropriated from:		
State general fund/general purpose	\$	80,132,000

Sec. 106. EASTERN MICHIGAN UNIVERSITY

Operations.....	\$	76,026,200
GROSS APPROPRIATION	\$	76,026,200
Appropriated from:		
State general fund/general purpose	\$	76,026,200

Sec. 107. FERRIS STATE UNIVERSITY

Operations.....	\$	48,619,200
GROSS APPROPRIATION	\$	48,619,200
Appropriated from:		
State general fund/general purpose	\$	48,619,200

Sec. 108. GRAND VALLEY STATE UNIVERSITY

Operations.....	\$	61,976,400
GROSS APPROPRIATION	\$	61,976,400
Appropriated from:		
State general fund/general purpose	\$	61,976,400

Sec. 109. LAKE SUPERIOR STATE UNIVERSITY

Operations.....	\$	12,694,200
GROSS APPROPRIATION	\$	12,694,200
Appropriated from:		
State general fund/general purpose	\$	12,694,200

Sec. 110. MICHIGAN TECHNOLOGICAL UNIVERSITY

Operations.....	\$	47,924,200
GROSS APPROPRIATION	\$	47,924,200
Appropriated from:		
State general fund/general purpose	\$	47,924,200

Sec. 111. NORTHERN MICHIGAN UNIVERSITY

Operations.....	\$	45,140,300
GROSS APPROPRIATION	\$	45,140,300
Appropriated from:		
State general fund/general purpose	\$	45,140,300

Sec. 112. OAKLAND UNIVERSITY

Operations.....	\$	50,761,300
GROSS APPROPRIATION	\$	50,761,300
Appropriated from:		
State general fund/general purpose	\$	50,761,300

Sec. 113. SAGINAW VALLEY STATE UNIVERSITY

Operations.....	\$	27,720,700
GROSS APPROPRIATION	\$	27,720,700
Appropriated from:		
State general fund/general purpose	\$	27,720,700

Sec. 114. UNIVERSITY OF MICHIGAN - DEARBORN

Operations.....	\$	24,726,200
GROSS APPROPRIATION	\$	24,726,200

	For Fiscal Year Ending Sept. 30, 2011
Appropriated from:	
State general fund/general purpose	\$ 24,726,200
Sec. 115. UNIVERSITY OF MICHIGAN - FLINT	
Operations.....	\$ 20,898,000
GROSS APPROPRIATION	\$ 20,898,000
Appropriated from:	
State general fund/general purpose	\$ 20,898,000
Sec. 116. WESTERN MICHIGAN UNIVERSITY	
Operations.....	\$ 109,615,100
GROSS APPROPRIATION	\$ 109,615,100
Appropriated from:	
State general fund/general purpose	\$ 109,615,100
SUBPART C - GRANTS AND FINANCIAL AID	
Sec. 117. STATE AND REGIONAL PROGRAMS	
Full-time equated positions	1.0
Higher education database modernization and conversion—1.0 FTE position.....	\$ 105,000
Midwestern higher education compact.....	95,000
GROSS APPROPRIATION	\$ 200,000
Appropriated from:	
State general fund/general purpose	\$ 200,000
Sec. 118. MARTIN LUTHER KING, JR. - CESAR CHAVEZ - ROSA PARKS PROGRAM	
Select student supportive services	\$ 1,956,100
Michigan college/university partnership program	586,800
Morris Hood, Jr. educator development program.....	148,600
GROSS APPROPRIATION	\$ 2,691,500
Appropriated from:	
State general fund/general purpose	\$ 2,691,500
Sec. 119. GRANTS AND FINANCIAL AID	
State competitive scholarships.....	\$ 19,861,700
Tuition grants.....	31,664,700
Robert C. Byrd honors scholarship program.....	1,500,000
Tuition incentive program	37,400,000
Children of veterans and officer’s survivor tuition grant programs	1,200,000
Project gear-up	1,500,000
GROSS APPROPRIATION	\$ 93,126,400
Appropriated from:	
Federal revenues:	
Higher education act of 1965, title IV, 20 USC.....	1,500,000
Higher education act of 1965, title IV, part A	1,500,000
United States department of education, office of elementary and secondary education, gear-up..	1,500,000
Special revenue funds:	
Michigan merit award trust fund.....	30,100,000
Contributions to children of veterans tuition grant program.....	300,000
State general fund/general purpose	\$ 58,226,400

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under this act for fiscal year 2010-2011 is \$1,573,778,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2010-2011 is \$0.

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

Sec. 203. As used in this act, “research university” means a public university classified as a “research university (very high research activity)” under the 2005 classification of institutions of higher education conducted by the Carnegie foundation for the advancement of teaching.

Sec. 208. Unless otherwise specified, public universities receiving appropriations in part 1 shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

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

Sec. 210. It is the intent of the legislature that the funds appropriated in part 1 to state institutions of higher education shall not be used to enter into a lease or to purchase a vehicle assembled or manufactured outside of the United States, and that preference be given to vehicles assembled or manufactured in Michigan.

Sec. 211. The principal executive officer of each public university receiving appropriations in part 1 shall take all reasonable steps to ensure that businesses in deprived and depressed communities compete for and perform contracts to provide services, supplies, or both. Each principal executive officer shall strongly encourage firms with which the university contracts to subcontract with businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. (1) The funds appropriated in part 1 to public universities shall be paid out of the state treasury and distributed by the state treasurer to the respective institutions in 11 equal monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2010. Except for Wayne State University, each institution shall accrue its July and August 2011 payments to its institutional fiscal year ending June 30, 2011.

(2) All public universities shall submit higher education institutional data inventory (HEIDI) data and associated financial and program information requested by and in a manner prescribed by the state budget director. For public universities with fiscal years ending June 30, 2010, these data shall be submitted to the state budget director by October 15, 2010. Public universities with a fiscal year ending September 30, 2010 shall submit preliminary HEIDI data by November 15, 2010 and final data by December 15, 2010. If a public university fails to submit HEIDI data and associated financial aid program information in accordance with this reporting schedule, the state treasurer shall withhold the monthly installments under subsection (1) to the public university until those data are submitted.

(3) A detailed description of procedures utilized to arrive at the amounts appropriated in part 1 shall be submitted to each institution by the senate and house fiscal agencies.

Sec. 213. Funds received by the state from the federal government or private sources for the use of a college or university are appropriated for the purposes for which they are provided. The acceptance and use of federal or private funds do not place an obligation upon the legislature to continue the purposes for which the funds are made available.

Sec. 214. If section 274 of the income tax act of 1967, 1967 PA 281, MCL 206.274, is not repealed and if a public university that receives funds under this act notifies the department of treasury regarding its tuition and fee rates in order to qualify as an eligible institution for the Michigan tuition tax credit under section 274 of the income tax act of 1967, 1967 PA 281, MCL 206.274, the public university shall also submit the notification and applicable documentation of tuition and fee changes to the house and senate fiscal agencies.

Sec. 215. A public university that receives funds under this act shall furnish all program and financial information that is required by and in a manner prescribed by the state budget director or the house or senate appropriations committee.

Sec. 216. A public university receiving funds in part 1 shall cooperate with all measures taken by the state to establish a statewide P-20 education longitudinal data system to comply with the state fiscal stabilization fund provisions of the American recovery and reinvestment act of 2009, Public Law 111-5.

Sec. 218. In an effort to better improve transparency and to further identify effective educational practices, it is the intent of the legislature that a public university receiving an appropriation in part 1 shall develop, post, and maintain a user-friendly and publicly accessible Internet site, with all expenditures made by the university within a fiscal year. The posting must include the purpose for which the expenditure is made. A public university shall not provide financial information on its website under this section if doing so would violate a federal or state law, rule, regulation, or guideline that establishes privacy or security standards applicable to that section. A public university shall not expend more than \$100.00 from the appropriations in part 1 to implement the requirements of this section.

GRANTS AND FINANCIAL AID

Sec. 301. (1) Payments of the amounts included in part 1 for the state competitive scholarship program shall be distributed pursuant to 1964 PA 208, MCL 390.971 to 390.981.

(2) Pursuant to section 6 of 1964 PA 208, MCL 390.976, the department of treasury shall determine an actual maximum state competitive scholarship award per student, which shall be no less than \$1,300.00, that ensures that the aggregate payments for the state competitive scholarship program do not exceed the appropriation contained in part 1 for the state competitive scholarship program. If the department determines that insufficient funds are available to establish a maximum award amount equal to at least \$1,300.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the estimated amount of additional funds necessary to establish a \$1,300.00 maximum award amount.

(3) The department of treasury shall implement a proportional competitive scholarship maximum award level for recipients enrolled less than full-time in a given semester or term.

(4) If a student who receives an award under this section has his or her tuition and fees paid under the Michigan educational trust program, pursuant to the Michigan education trust act, 1986 PA 316, MCL 390.1421 to 390.1442, and still has financial need, the funds awarded under this section may be used for educational expenses other than tuition and fees.

(5) If the department of treasury increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards.

(6) Veterans administration benefits shall not be considered in determining eligibility for the award of scholarships under 1964 PA 208, MCL 390.971 to 390.981.

Sec. 302. (1) The amounts appropriated in part 1 for the state tuition grant program shall be distributed pursuant to 1966 PA 313, MCL 390.991 to 390.997a.

(2) Tuition grant awards shall be made to all eligible Michigan residents enrolled in undergraduate degree programs who apply before July 1, 2010 and who are qualified.

(3) Pursuant to section 5 of 1966 PA 313, MCL 390.995, and subject to subsection (7), the department of treasury shall determine an actual maximum tuition grant award per student, which shall be no less than \$2,100.00, that ensures that the aggregate payments for the tuition grant program do not exceed the appropriation contained in part 1 for the state tuition grant program. If the department determines that insufficient funds are available to establish a maximum award amount equal to at least \$2,100.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the estimated amount of additional funds necessary to establish a \$2,100.00 maximum award amount. By December 15, 2010, and again by February 1, 2011, the department shall analyze the status of award commitments, shall make any necessary adjustments, and shall confirm that those award commitments will not exceed the appropriation contained in part 1 for the tuition grant program. The determination and actions shall be reported to the state budget director and the house and senate fiscal agencies no later than February 15, 2011. If award adjustments are necessary, the students shall be notified of the adjustment by the third Monday in February.

(4) Any unexpended and unencumbered funds remaining on September 30, 2011 from the amounts appropriated in part 1 for the tuition grant program shall not lapse on September 30, 2011, but shall continue to be available for expenditure for tuition grants provided in the 2011-2012 fiscal year under a work project account. The use of these unexpended fiscal year 2010-2011 funds shall terminate at the end of the 2011-2012 fiscal year.

(5) The department of treasury shall continue a proportional tuition grant maximum award level for recipients enrolled less than full-time in a given semester or term.

(6) If the department of treasury increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards for fiscal year 2010-2011.

(7) The department of treasury shall not award more than \$3,000,000.00 in tuition grants to eligible students enrolled in the same independent nonprofit college or university in this state. Any decrease in the maximum grant shall be proportional for all eligible students enrolled in that college or university, as determined by the department.

Sec. 307. The auditor general may audit selected enrollments, degrees, and awards at selected independent colleges and universities receiving awards administered by the department of treasury. The audits shall be based upon definitions and requirements established by the department of treasury, the state budget director, and the senate and house fiscal agencies. The auditor general shall accept the Free Application for Federal Student Aid (FAFSA) form as the standard of residency documentation. The auditor general shall submit a report of findings to the senate and house appropriations committees and state budget director by May 1, 2011.

Sec. 308. The sums appropriated in part 1 for the student financial aid programs shall be paid out of the state treasury and shall be distributed to the respective institutions under a quarterly payment system as follows:

(a) For the state competitive scholarship, tuition incentive, and tuition grant programs, 40% shall be paid at the beginning of the state's first fiscal quarter, 40% at the beginning of the state's second fiscal quarter, 10% at the beginning of the state's third fiscal quarter, and 10% at the beginning of the state's fourth fiscal quarter.

(b) For the Robert C. Byrd honors scholarship program, 50% shall be paid at the beginning of the state's first fiscal quarter and 50% at the beginning of the state's second fiscal quarter.

Sec. 309. The department of treasury shall determine the needs analysis criteria for students to qualify for the state competitive scholarship program and tuition grant program. To be consistent with federal requirements, student wages may be taken into consideration when determining the amount of the award.

Sec. 310. (1) The funds appropriated in part 1 for the tuition incentive program shall be distributed as provided in this section and pursuant to the administrative procedures for the tuition incentive program of the department of treasury.

(2) As used in this section:

(a) "Phase I" means the first part of the tuition incentive assistance program defined as the academic period of 80 semester or 120 term credits, or less, leading to an associate degree or certificate.

(b) "Phase II" means the second part of the tuition incentive assistance program which provides assistance in the third and fourth year of 4-year degree programs.

(c) "Department" means the department of treasury.

(3) A person shall meet the following basic criteria and financial thresholds to be eligible for tuition incentive benefits:

(a) To be eligible for phase I, a person shall meet all of the following criteria:

(i) Apply for certification to the department before graduating from high school or completing the general education development (GED) certificate.

(ii) Be less than 20 years of age at the time of high school graduation or GED completion.

(iii) Be a United States citizen and a resident of Michigan according to institutional criteria.

(iv) Be at least a half-time student, earning less than 80 semester or 120 term credits at a participating educational institution within 4 years of high school graduation or GED certificate completion.

(v) Request information on filing a FAFSA.

(b) To be eligible for phase II, a person shall meet either of the following criteria in addition to the criteria in subdivision (a):

(i) Complete at least 56 transferable semester or 84 transferable term credits.

(ii) Obtain an associate degree or certificate at a participating institution.

(c) To be eligible for phase I or phase II, a person must not be incarcerated and must be financially eligible as determined by the department. A person is financially eligible for the tuition incentive program if that person was Medicaid eligible for 24 months within the 36 months before application. Certification of eligibility may begin in the sixth grade.

(4) For phase I, the department shall provide payment on behalf of a person eligible under subsection (3). The department shall reject billings that are excessive or outside the guidelines for the type of educational institution.

(5) For phase I, all of the following apply:

(a) Payments for associate degree or certificate programs shall not be made for more than 80 semester or 120 term credits for any individual student at any participating institution.

(b) For persons enrolled at a Michigan community college, the department shall pay the current in-district tuition and mandatory fees. For persons residing in an area that is not included in any community college district, the out-of-district tuition rate may be authorized.

(c) For persons enrolled at a Michigan public university, the department shall pay lower division resident tuition and mandatory fees for the current year.

(d) For persons enrolled at a Michigan independent, nonprofit degree-granting college or university, or a Michigan federal tribally controlled community college, or Focus: HOPE, the department shall pay mandatory fees for the current year and a per-credit payment that does not exceed the average community college in-district per-credit tuition rate as reported on August 1, for the immediately preceding academic year.

(6) A person participating in phase II may be eligible for additional funds not to exceed \$500.00 per semester or \$400.00 per term up to a maximum of \$2,000.00 subject to the following conditions:

(a) Credits are earned in a 4-year program at a Michigan degree-granting 4-year college or university.

(b) The tuition reimbursement is for coursework completed within 30 months of completion of the phase I requirements.

(7) The department shall work closely with participating institutions to develop an application and eligibility determination process that will provide the highest level of participation and ensure that all requirements of the program are met.

(8) Applications for the tuition incentive program may be approved at any time after the student begins the sixth grade. If a determination of financial eligibility is made, that determination is valid as long as the student meets all other program requirements and conditions.

(9) Each institution shall ensure that all known available restricted grants for tuition and fees are used prior to billing the tuition incentive program for any portion of a student's tuition and fees.

(10) The department shall ensure that the tuition incentive program is well publicized and that potentially eligible Medicaid clients are provided information on the program. The department shall provide the necessary funding and staff to fully operate the program.

Sec. 311. To enable the legislature and the state budget director to evaluate the appropriation needs of higher education, each independent college and university shall make available to the legislature or state budget director, upon request, data regarding grants for the preceding, current, and ensuing fiscal years.

Sec. 315. By February 15 of each year, the department of treasury shall submit a report to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies for the pre-

ceding fiscal year on all student financial aid programs for which funds are appropriated in part 1. For each student financial aid program, the report shall include, but is not limited to, the total number of awards paid in the preceding fiscal year, the total dollar amount of those awards, and the number of students receiving awards and the total amount of those awards at each eligible postsecondary institution. To the extent information is available, the report shall also include information on the average exam performance, household income, and other demographic characteristics of students receiving awards under each program and historical information on the number of awards and total award amounts for each program.

UNIVERSITY OPERATIONS

Sec. 402. The University of Michigan biological station at Douglas Lake in Cheboygan County is regarded as a unique resource and is designated as a special research reserve. It is the intent of the legislature to protect and preserve the unique long-term research value and capabilities of the biological station area and Douglas Lake. The legislature further intends that no state programs or policies be developed that would have a deleterious impact on the research value of Douglas Lake.

Sec. 426. (1) It is the intent of the legislature that each public university shall develop policies for minimizing the cost of textbooks and course materials used at the university while maintaining quality of education and academic freedom. These policies should require all of the following:

- (a) That faculty members submit lists of required textbooks and course materials for university review.
- (b) That faculty members consider the least costly practices in assigning textbooks and course materials, such as adopting the least expensive edition of a textbook available when educational content is comparable to a more costly edition.
- (c) That the university review any potential financial conflict of interest that may occur if a faculty member requires the purchase of any textbooks or course materials he or she has written.

(2) By February 1, 2011, each public university shall submit a report to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies on the policies developed pursuant to this section.

Sec. 433. (1) Included in part 1 is \$2,982,900.00 for the agricultural experiment station and \$2,645,200.00 for the cooperative extension service for project GREEN. Project GREEN is intended to address critical regulatory, food safety, economic, and environmental problems faced by this state's plant-based agriculture, forestry, and processing industries. "GREEN" is an acronym for generating research and extension to meet environmental and economic needs.

(2) The department of agriculture and Michigan State University, in consultation with agricultural commodity groups and other interested parties, shall develop project GREEN and its program priorities.

(3) Not later than September 30, 2011, a report shall be submitted by Michigan State University to the state budget director, the house and senate appropriations subcommittees on agriculture and on higher education, and the house and senate fiscal agencies for the preceding school fiscal year regarding expenditures and programmatic outcomes of the agricultural experiment station and cooperative extension service. The report shall include, but is not limited to:

- (a) Total funds expended by the agricultural experiment station and cooperative extension service identified by state, local, private, federal, and university fund sources.
- (b) The dollar amount of each project GREEN project and a review of each project's performance and accomplishments.
- (c) The dollar amount of each bioeconomy research and development project and a review of each project's performance and accomplishments.
- (d) The dollar amount and description of all other individual programs and services provided by the agricultural experiment station and cooperative extension service and a review of each project's performance and accomplishments.
- (e) The number of businesses created or that had increased employment and the number of patents generated as a result of work conducted by the agricultural experiment station and cooperative extension service.

Sec. 434. Included in the appropriation in part 1 for Michigan State University is \$80,000.00 for the Michigan future farmers of America association. This \$80,000.00 appropriation shall not supplant any existing support that Michigan State University provides to the Michigan future farmers of America association.

Sec. 436. (1) It is the intent of the legislature that, if any public university increases its resident undergraduate tuition and required fees from academic year 2009-2010 to academic year 2010-2011, then that university shall increase its fiscal year 2009-2010 general fund expenditures for student financial aid by at least the same percentage as the percentage change in resident undergraduate tuition and required fees. It is the intent of the legislature that public universities place an emphasis on increasing the number of institutional financial aid awards that are based on demonstrated financial need.

(2) Each public university shall report the following information to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director by November 1, 2010:

- (a) Actual academic year 2009-2010 and academic year 2010-2011 average tuition and required fee charges for a full-time resident undergraduate student.
- (b) Actual fiscal year 2009-2010 and budgeted fiscal year 2010-2011 total general fund tuition and fee revenue.
- (c) Actual fiscal year 2009-2010 and budgeted fiscal year 2010-2011 total general fund revenue.

(d) Actual fiscal year 2009-2010 and budgeted fiscal year 2010-2011 general fund expenditures for student financial aid.

(e) Actual fiscal year 2009-2010 and budgeted fiscal year 2010-2011 total general fund expenditures.

(f) Actual fiscal year 2009-2010 and projected fiscal year 2010-2011 total fiscal year equated student enrollment.

(3) The state budget director shall, in consultation with the house and senate fiscal agencies, develop a uniform reporting mechanism based on standard definitions for public universities to comply with the reporting requirements of subsection (2).

Sec. 440. All public universities shall submit the amount of tuition and fees actually charged to a full-time resident undergraduate student for academic year 2010-2011 as part of their higher education institutional data inventory (HEIDI) data by August 31, 2010. A public university shall report any revisions for any semester of the reported academic year 2010-2011 tuition and fee charges to HEIDI within 15 days of being adopted.

Sec. 450. (1) For the fiscal year ending September 30, 2011, it is the intent of the legislature that an amount calculated under subsection (2) be allocated for per-student floor funding from the general fund/general purpose unreserved balances at the close of the 2009-2010 fiscal year.

(2) The amount allocated under subsection (1) for per-student floor funding is equal to \$3,775.00 per 2008-2009 fiscal-year-equated student at each university. The number of 2008-2009 students at a university is determined by reference to the higher education institutional data inventory (HEIDI).

Sec. 451. For the fiscal year ending September 30, 2011, it is the intent of the legislature that funds be allocated for unfunded North American Indian tuition waiver costs incurred by public universities under 1976 PA 174, MCL 390.1251 to 390.1253, from the general fund/general purpose unreserved balances at the close of the 2009-2010 fiscal year.

Sec. 460. From the amount appropriated in part 1 to Central Michigan University for operations, \$29,700.00 shall be paid to Saginaw Chippewa Tribal College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253.

Sec. 461. From the amount appropriated in part 1 to Lake Superior State University for operations, \$100,000.00 shall be paid to Bay Mills Community College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253.

Sec. 463. Not later than February 1, 2011, each of the public universities receiving appropriations in part 1 shall submit to the state budget director, members of the house of representatives and the senate, and the house and senate fiscal agencies a report on the number of residents from an eligible county enrolled at the university and the quantifiable increase from the 2009-2010 academic year to the 2010-2011 academic year in outreach efforts to enroll students at the university from an eligible county. As used in this section, "eligible county" means a county in this state that meets both of the following:

(a) Has a population of not less than 700,000 and not more than 1,000,000 according to the most recent federal decennial census.

(b) Does not contain the main campus of a 4-year public university within its boundaries.

Sec. 464. Each public university receiving an appropriation in part 1 shall submit a plan by January 15, 2011 to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies on its process to inform both the private and public sectors regarding research and technology that could be developed commercially.

Sec. 466. Public universities shall coordinate their purchases of goods and services whenever possible. This may include, but is not limited to, group purchases for vehicles, utilities, supplies, electronic equipment, maintenance equipment, books, and contractual services. To the extent possible, the public universities shall use both the "Michigan delivering extended agreements locally" (MiDEAL) purchasing services of the state department of technology, management, and budget that makes state contracts available to local units of government, colleges, and universities and the purchasing services available through the state's membership in the Midwestern Higher Education Compact (MHEC). Not later than January 1 of each year, the presidents council, state universities of Michigan shall submit to the members of the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director a report on group or pooled purchases and the savings achieved by the public universities in the previous fiscal year.

Sec. 469. By November 14, 2010, each public university receiving an appropriation in part 1 shall report the number of undergraduate students who graduated in academic year 2009-2010 and received a Pell grant at any time during their enrollment at that university to the members of the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director.

Sec. 480. (1) It is the intent of the legislature that each public university receiving an appropriation in part 1 do all of the following:

(a) Meet the provisions of section 5003 of the post-911 veterans educational assistance act of 2008, title V of Public Law 110-252, 38 USC 3301 to 3324, including voluntary participation in the yellow ribbon GI education enhancement program established in that act in 38 USC 3317. By October 1 of each year, each public university shall report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the presidents council, state universities of Michigan on whether or not it has chosen to participate in the yellow ribbon GI education

enhancement program. If at any time during the fiscal year a university participating in the yellow ribbon program chooses to leave the yellow ribbon program, it shall notify the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the presidents council, state universities of Michigan.

(b) Establish an on-campus veterans' liaison to provide information and assistance to all student veterans.

(c) Provide flexible enrollment application deadlines for all veterans.

(2) As used in this section, "veteran" means an honorably discharged veteran entitled to educational assistance under the provisions of section 5003 of the post-911 veterans educational assistance act of 2008, title V of Public Law 110-252, 38 USC 3301 to 3324.

Sec. 481. It is the intent of the legislature to consider an appropriation of funds for grants to universities for the purpose of hiring a consultant when a university is exploring the possibility of creating an urban center or core in its community.

STATE AND REGIONAL PROGRAMS

Sec. 490. The funds appropriated in part 1 for higher education database modernization and conversion shall be expended to maintain, coordinate, and improve the higher education institutional data inventory (HEIDI) established under section 1299 of the management and budget act, 1984 PA 431, MCL 18.1299. The advisory committee established under that section shall meet regularly to review data definitions and requirements in order to advise the state budget director regarding changes to those definitions and requirements that would result in more useful and reliable data being provided to state policymakers and university officials.

MARTIN LUTHER KING, JR. - CESAR CHAVEZ - ROSA PARKS PROGRAMS

Sec. 501. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks future faculty program that is intended to increase the pool of academically or economically disadvantaged candidates pursuing faculty teaching careers in postsecondary education. Preference may not be given to applicants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage applications from applicants who would otherwise not adequately be represented in the graduate student and faculty populations. Each public university shall apply the percentage change applicable to every public university in the calculation of appropriations in part 1 to the amount of funds allocated to the future faculty program.

(2) The program shall be administered by each public university in a manner prescribed by the Michigan department of energy, labor, and economic growth. The Michigan department of energy, labor, and economic growth shall use a good faith effort standard to evaluate whether a fellowship is in default.

Sec. 502. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college day program that is intended to introduce academically or economically disadvantaged schoolchildren to the potential of a college education. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Public universities should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) Individual program plans of each public university shall include a budget of equal contributions from this program, the participating public university, the participating school district, and the participating independent degree-granting college. College day funds shall not be expended to cover indirect costs. Not more than 20% of the university match shall be attributable to indirect costs. Each public university shall apply the percentage change applicable to every public university in the calculation of appropriations in part 1 to the amount of funds allocated to the college day program.

(3) The program described in this section shall be administered by each public university in a manner prescribed by the Michigan department of energy, labor, and economic growth.

Sec. 503. (1) Included in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks select student support services program for developing academically or economically disadvantaged student retention programs for 4-year public and independent educational institutions in this state. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) An award made under this program to any 1 institution shall not be greater than \$150,000.00, and the amount awarded shall be matched on a 70% state, 30% college or university basis.

(3) The program described in this section shall be administered by the Michigan department of energy, labor, and economic growth.

Sec. 504. (1) Included in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college/university partnership program between 4-year public and independent colleges and universities and public community colleges, which is intended to increase the number of academically or economically disadvantaged students who transfer from community colleges into baccalaureate programs. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the transfer student population.

(2) The grants shall be made under the program described in this section to Michigan public and independent colleges and universities. An award to any 1 institution shall not be greater than \$150,000.00, and the amount awarded shall be matched on a 70% state, 30% college or university basis.

(3) The program described in this section shall be administered by the Michigan department of energy, labor, and economic growth.

Sec. 505. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks visiting professors program which is intended to increase the number of instructors in the classroom to provide role models for academically or economically disadvantaged students. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Public universities should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) The program described in this section shall be administered by the Michigan department of energy, labor, and economic growth.

Sec. 506. (1) Included in the appropriation in part 1 is funding under the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks initiative for the Morris Hood, Jr. educator development program which is intended to increase the number of academically or economically disadvantaged students who enroll in and complete K-12 teacher education programs at the baccalaureate level. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the teacher education student population.

(2) The program described in this section shall be administered by each state-approved teacher education institution in a manner prescribed by the Michigan department of energy, labor, and economic growth.

(3) Approved teacher education institutions may and are encouraged to use student support services funding in coordination with the Morris Hood, Jr. funding to achieve the goals of the program described in this section.

Sec. 507. Each institution receiving funds under section 503, 504, or 506 shall notify the Michigan department of energy, labor, and economic growth by April 15, 2011 as to whether it will expend by the end of its fiscal year the funds received under section 503, 504, or 506. Notwithstanding the award limitations in sections 503 and 504, the amount of funding reported as not being expended will be reallocated to the institutions that intend to expend all funding received under section 503, 504, or 506.

STUDENT PERFORMANCE REPORTING

Sec. 601. (1) From the amount appropriated in part 1, the public universities shall systematically inform Michigan high schools regarding the academic status of students from each high school in a manner prescribed by the presidents council, state universities of Michigan in cooperation with the Michigan association of secondary school principals.

(2) The Michigan high schools shall systematically inform the public universities about the use of information received under this section in a manner prescribed by the Michigan association of secondary school principals in cooperation with the presidents council, state universities of Michigan.

Sec. 602. From the amount appropriated in part 1, the public universities shall inform Michigan community colleges regarding the academic status of community college transfer students in a manner prescribed by the presidents council, state universities of Michigan in cooperation with the Michigan community college association.

Sec. 603. Public universities shall work with the state community colleges to encourage the transfer of students from the community colleges to the state universities and to facilitate the transfer of credits from the community colleges to the public universities.

GENERAL REPORTS AND AUDITS

Sec. 701. (1) The auditor general shall review higher education institutional data inventory (HEIDI) enrollment data submitted by all public universities and may perform audits of selected public universities if determined necessary. The review and audits shall be based upon the definitions, requirements, and uniform reporting categories established by the state budget director and the house and senate fiscal agencies in consultation with the HEIDI advisory committee. The auditor general shall submit a report of findings to the house and senate appropriations committees and the state budget director no later than July 1, 2011.

(2) Student credit hours reports shall not include the following:

(a) Student credit hours generated through instructional activity by faculty or staff in classrooms located outside Michigan, with the exception of instructional activity related to study-abroad programs or field programs.

(b) Student credit hours generated through distance learning instruction for students not eligible for the public university's in-state main campus resident tuition rate. However, in instances where a student is enrolled in distance education and non-distance education credit hours in a given term and the student's non-distance education enrollment is at a campus or site located within Michigan, student credit hours per the student's eligibility for in-state or out-of-state tuition rates may be reported.

(c) Student credit hours generated through credit by examination.

(d) Student credit hours generated through inmate prison programs regardless of teaching location.

(e) Student credit hours generated in new degree programs after January 1, 1975, that have not been specifically authorized for funding by the legislature, except spin-off programs converted from existing core programs that do all of the following:

(i) Represent new options, fields, or concentrations within existing programs.

(ii) Are consistent with the current institutional role and mission.

- (iii) Are accommodated within the continuing funding base of the public university.
 - (iv) Do not require a new degree level beyond that which the public university is currently authorized to grant within that discipline or field.
 - (v) Do not require funding from the state other than that provided by the student credit hours generated within the program, either before program initiation or within the first 3 years of program operation.
- (3) The auditor general shall periodically audit higher education institutional data inventory (HEIDI) data as submitted by the public universities for compliance with the definitions established by the state budget director in consultation with the HEIDI advisory committee for the HEIDI database.
- (4) "Distance learning instruction" as used in subsection (2) means instruction that occurs solely in other than a traditional classroom setting where the student and instructor are in the same physical location and for which a student receives course credits and is charged tuition and fees. Examples of distance learning instruction are instruction delivered solely through the Internet, cable television, teleconference, or mail.

Sec. 701a. (1) Pursuant to section 701(2)(e), public universities may establish the following degree programs:

(a) Bachelor's degree programs:

Central Michigan University, Integrated Leadership Studies Major, B.S.
 Ferris State University, Allied Health, B.S.
 Ferris State University, Architecture and Sustainability, B.S.
 Ferris State University, Computer Information Technology Systems, B.S.
 Ferris State University, Energy Systems Engineering, B.S.
 Ferris State University, Molecular Diagnostic Program, B.S.
 Grand Valley State University, Diagnostic Medical Sonography, B.S.
 Grand Valley State University, Radiation Therapy, B.S.
 Grand Valley State University, Radiologic and Imaging Services, B.S.
 Grand Valley State University, Supply Chain Management, B.B.A.
 Lake Superior State University, Literature-Creative Writing, B.A.
 Michigan State University, Global Studies in the Arts and Humanities, B.A.
 Oakland University, Actuarial Science, B.S.
 Wayne State University, Construction Management, B.S.
 Wayne State University, Electric Transportation Technology, B.S.
 Western Michigan University, Stage Management, B.F.A.
 Western Michigan University, Theater Design and Technical Production, B.F.A.
 Western Michigan University, Theater Performance, B.F.A.

(b) Master's degree programs:

Central Michigan University, Integrated Science, M.A.
 Eastern Michigan University, Curriculum and Assessment, M.A.
 Michigan Technological University, Applied Cognitive Science and Human Factors, M.S.
 Northern Michigan University, Business Administration, M.B.A.
 Saginaw Valley State University, Master of Arts in Teaching: Urban Teaching, M.A.T.
 University of Michigan-Ann Arbor, Postsecondary Science Education, M.S.
 University of Michigan-Dearborn, Energy Systems Engineering, M.S.E.
 University of Michigan-Dearborn, Program and Project Management, M.S.E.
 Wayne State University, Joint M.D./M.P.H., M.D./M.P.H.

(c) Doctoral degree programs:

Ferris State University, Community College Leadership, Ed.D.
 Michigan Technological University, Applied Cognitive Science and Human Factors, Ph.D.
 University of Michigan-Flint, Curriculum/Educational Leadership, Ed.S.
 Wayne State University, Kinesiology, Ph.D.

(2) The listing of degree programs in subsection (1) does not constitute legislative intent to provide additional dollars for those programs.

(3) When submitting the listing of new degree programs for purposes of section 701(2)(e), the presidents council of state universities shall also provide a listing of degree programs that institutions of higher education will no longer offer in subsequent academic years.

Sec. 702. The principal executive officer of each public university receiving an appropriation under part 1 shall expend a portion of the funds appropriated to that public university to make a report to the auditor general, the senate and house fiscal agencies, and the state budget director within 60 days after the auditor general issues his or her report on the operation of the institution. The public university's report shall specify all of the following:

(a) The recommendations of the auditor general implemented by the public university, including projected dates and resources required, if any, to achieve compliance.

(b) The recommendations of the auditor general not implemented by the public university or implemented by the public university as modified.

(c) The rationale for not implementing a recommendation of the auditor general or of implementing a recommendation as modified.

Sec. 708. The auditor general may conduct performance audits of public universities receiving funds in part 1 during the fiscal year ending September 30, 2011 as the auditor general considers necessary.

Sec. 709. A public university receiving funds under part 1 and also subject to the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381, shall make a copy of all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381, available in electronic Internet format on their websites.

Sec. 714. A public university receiving funds under this act and also subject to the family educational rights and privacy act (FERPA), 20 USC 1232g, 34 CFR part 99, shall, when requested, provide information from the records of a student to any person or persons to whom the student has authorized disclosure on a written consent form pursuant to 34 CFR 99.30.

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

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Tony Stamas
 Thomas M. George
 Liz Brater
 Conferees for the Senate

Joan Bauer
 Bill Caul
 Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the conference report,

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

Roll Call No. 466

Yeas—31

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

Nays—6

Allen	Cropsey	Sanborn	Whitmer
Cassis	Gilbert		

Excused—1

Patterson

Not Voting—0

In The Chair: President

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

Protests

Senators Cassis and Cropsey, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the first conference report on Senate Bill No. 1157.

Senator Cassis' statement is as follows:

It is always admirable when we are able to take corrective action on a budget and provide reductions that are important overall. I congratulate the committee that put this together. However, carve-outs and earmarks still remain. These are carve-outs and earmarks, perhaps well-intentioned, that may not serve this budget well and very possibly have never been evaluated. Over \$5 million continues to be awarded in a subsection known as King-Chavez-Parks competitive grants.

We no longer have the luxury of spending and spending without known outcomes. While it may be well-intentioned, it is time for earmarks and special carve-outs to go. For that reason, I am going to vote "no" on the Higher Education budget.

Senator Cropsey's statement is as follows:

I want to thank Senator Stamas for the hard work he has done on this. I know he worked very diligently to try to keep a section of boilerplate that I had asked him to put in. Unfortunately, at the last vote, it did not stand. I want folks to know what has happened on this. I asked Senator Stamas to put in boilerplate requiring universities to tell how they accommodate a student's religious beliefs in their different programs. I think most universities try to do that.

I am very disappointed in Eastern Michigan University. Let me give you an example that has come to my attention and has been in federal courts. At this point, the federal judge has not seen fit to give relief under the First Amendment of the Constitution. This is the story, most of it is taken from the federal judge's opinion in which he gives this background.

In 2006, Julea Ward applied and was admitted to the master's degree program in counseling at Eastern Michigan University, endeavoring to pursue a degree that would allow her to become a high school counselor. The program requires that students complete not only traditional lecture discussion courses, but also a practicum course which involves actual counseling of real clients in a clinic operated by the university and supervised by university faculty. The practicum course and student handbook require that all students in the program abide by the American Counseling Association Code of Ethics and Standards of Practice and the American School Counselor Association Ethical Standards for School Counselors. The state of Michigan approves CACREP accreditation standards and requires professional counselors and school counselors to be trained in ethics.

Ms. Ward strictly adheres to orthodox Christian beliefs, a fact which she shared in her application to the program. Prior to the events that instigated the litigation in federal court, Ms. Ward openly shared her view of homosexuality as being morally wrong during classroom discussion and in her coursework. For example, Ms. Ward turned in a paper for a class involving the potential for religion-based value conflicts with clients, for which she received a perfect score. Specifically, she wrote, "In situations where the value differences between a counselor and client are not amenable, 'standard practice' requires that the counselor refer his or her client to someone capable of meeting their needs." Although Ms. Ward claims that her professors' disagreeable reactions to her opinions shut down her point of view, she nonetheless received A's in all of her classes. So, evidently, she was right in saying that if you can't counsel a client, refer them to someone else, which I believe is part of the counseling associations' standards.

Ms. Ward enrolled in the practicum in January 2009. The controversy arose when she encountered a client who sought counseling regarding depression but who had previously been counseled about his homosexual relationship. After Ms. Ward reviewed the file approximately two hours before the scheduled appointment, she asked her supervisor, Dr. Callaway, under whose license she was practicing, whether she should refer the client to another counselor because she could not affirm the client's homosexual behavior. Time constraints precluded a full discussion of the conflict, but given her desire not to harm the client, Dr. Callaway opted to cancel the appointment and reschedule it for a later date with a different counselor. As Ms. Ward had written in her paper and during her coursework in which she had received an A, this is what happened. Dr. Callaway later informed Ms. Ward that she would not be assigned any more clients and that she, Dr. Callaway, would be requesting an informal review before herself and the plaintiff's advisor, Professor Dugger, as to whether she had violated

university and ACA policies prohibiting “unethical, threatening, or unprofessional conduct,” an “inability to tolerate different points of view,” “imposing values that are inconsistent with counseling goals,” and “discrimination based on sexual orientation.” Dr. Callaway stated that this informal review was scheduled due to Ms. Ward’s performance in practicum and in order to discuss her obligation to provide counseling based on the client’s values and not those of the counselor. Dr. Dugger insists that during the review, she repeatedly assured Ms. Ward that she was “not incompetent,” which I would take to mean that Ms. Ward was a competent counselor.

At the end of the informal review, Ms. Ward was given the choice of: (1) completing a remediation program as directed; (2) voluntarily leaving the counseling program; or (3) requesting a formal hearing. The remediation program was contingent on “Ms. Ward’s recognition that she needed to make some changes.” Ms. Ward “communicated an attempt to maintain this belief system and those behaviors,” refused to participate in the remediation program, and instead chose to have a formal hearing. I find it very interesting that a student will not change their religious beliefs and, therefore, ask the only remedy for a formal hearing.

A formal hearing was held on March 10, 2009, and was attended by Professors Callaway and Dugger. Others serving on the hearing panel were Professors Ametrano, Francis, and Marx, and student representative Stanifer. During the review, Ms. Ward said that while she objected to counseling homosexual clients on their same-sex relationships, she would counsel them on any other issue; moreover, she refused to affirm any behavior that “goes against what the Bible says.” In addition, Ms. Ward stated that she disagreed with the ACA’s prohibition on reparative therapy, which means therapy targeted at changing a homosexual individual’s sexual orientation, but she would comply with such rules. I would like to see the science that the ACA has on saying they prohibit people from being counseled against their homosexuality, especially if they want to change. Where are the peer-reviewed studies? What about people who have come out of the homosexual lifestyle, or does the ACA not recognize that?

Also during the review, Dr. Francis engaged Ms. Ward in a “theological bout.” The panel asked Ms. Ward whether she viewed her “ ‘brand of Christianity’ as superior to that of other Christians who may not agree with her, like Dr. Francis, a formerly ordained minister.” Ms. Ward was informed in a March 12, 2009, letter that the panel unanimously concluded that she should be dismissed from the counseling program. A part of the letter reads: “I am writing to convey to you the decision of the Formal Review Committee regarding the concerns about your behavior in Counseling 686 Counseling Practicum. It was the unanimous opinion of the committee that clear and convincing evidence was presented that, by your behavior, you have violated the ACA Code of Ethics. Additionally, by your own testimony, you declared that you are unwilling to change this behavior. Your stance is firm despite information provided directly to you throughout your program and discussions you acknowledge having with faculty regarding the conflict between your values that motivate your behavior and those behaviors expected by the profession. Regarding referrals, the ACA recommends that ‘if counselors determine an inability to be of professional assistance to clients, they avoid entering or continuing counseling relationships.’”—which is exactly what Ms. Ward asked for and what the professor did do.

Eastern Michigan University did offer Ms. Ward the option of a remediation program to change her professional conduct, which, had Ms. Ward chosen to accept it, would have led to Mr. Ward obtaining her degree. Eastern Michigan University pointed out that Ms. Ward failed to identify a materially similar case: neither the student who was permitted a temporary referral due to personal trauma nor the Muslim student who completed her academic requirement under accommodation was similarly situated with Ms. Ward in relation to the school’s pedagogical goals, since neither of them failed to fulfill academic requirements, which I find very interesting. Evidently, a Muslim student was able to get their degree in spite of the fact that the university accommodated them.

Though there were some unfriendly and arrogant remarks during the formal hearing after Ms. Ward’s refusal to participate in remediation, there was no evidence that the university maliciously singled out plaintiff from among other similarly situated individuals for discriminatory treatment as a class of one. Ms. Ward has been a student with excellent academic credentials, and her work earned repeated approval from the faculty members—even when she expressed potential difficulties in following the ACA Code of Ethics due to religious reasons in her papers—until she explicitly refused to comply with the academic requirements of the practicum. Both sides’ positions eventually hardened due to the confrontational atmosphere, culminating in the “theological bout” during the formal hearing. Nevertheless, the court does not perceive any maliciousness in defendants’ behavior amounting to a constitutional violation.

If the court recognizes that there was maliciousness going on against Ms. Ward, isn’t that violating her constitutional rights when you have a professional faculty doing this? If this isn’t a constitutional violation, what is, especially when you consider that other Michigan universities seem to accommodate students religious beliefs in this area or other areas? So what do we have? On March 12, 2009, about a year and a half ago, we have a conscientious teacher kicked out of a counseling program at Eastern Michigan University because she refused to violate her religious convictions. If this isn’t a violation of the First Amendment, I don’t know what is.

I would also suggest that as legislators, we should take a look at this and say: Is this not a violation of the Michigan Declaration of Rights and our Constitution that we are sworn to uphold before Almighty God? In particular, Article I in our Declaration of Rights, Section 1: “All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.” I would ask: Where is the equal benefit for Julea Ward?

Section 2: “No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.” I would like to know how we have implemented this in reference to this lady of color who is being discriminated against by the politically-correct thought police at Eastern Michigan University.

Section 4 of our Declaration of Rights: “...The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.” Eastern Michigan University has obviously violated Julea Ward because her privilege of going to the university has been denied, which is, obviously, open to anyone who agrees with the politically-correct thought police in the counseling program at Eastern Michigan University. Engaging in a theological bout as the court said?

Section 5 of our Declaration of Rights: “Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.” But, oh no, we can’t have someone express their religious beliefs that are in contravention of the American Counseling Association standards. What if the standards violate a student’s or professor’s constitutional rights, which we are sworn to uphold as legislators, and also appointees of Eastern Michigan University? Should we stand by the counseling standards or stand by the Constitution?

How important is this issue? What is going to happen to medical students if the medical standards become such that a student must know how to perform an abortion? What if the practicum says that you must perform an abortion? Do you allow a person who has a conscientious objection, who believes he or she should not commit murder, or do you blithely ignore the moral repercussions and the justice of the Almighty God, whom we refer to in our preamble?

That is why I have voted “no” on this to let future legislators know that Eastern Michigan University is trampling over the rights of its students and is trying to shut out evangelical Christians who dare practice their religion—is shutting them out from the counseling program.

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

The motion prevailed.

Senator Brater’s statement is as follows:

I did serve on this conference committee also, and I did sign this report, even though it was a very difficult vote for me. This Higher Education budget does include a 2.8 percent cut to our colleges and universities here in the state of Michigan at a time when it is more important than ever to be investing in higher education. Having affordable access to higher education is a crucial aspect of moving Michigan forward and adapting to the needs of the 21st century economy.

I hope that we can do a better job in the future to avoid cutting the funding for higher education, but this cut is less than the amount that we cut when the bill left the Senate, so it is an improvement. As the good chair of the subcommittee has noted, additional money has been put into financial aid in various categories, which I think is a very positive aspect of this conference report.

I am also pleased to see that language that was in this bill when it left the Senate, which would have adversely affected stem cell research at our great universities in the state of Michigan—language that was approved overwhelmingly by the voters of the state of Michigan—that language has been removed and, therefore, will not serve as a deterrent to that very important, potentially life-saving research going forward here in the state of Michigan, which is a source of not only improved health care in the state of Michigan, but also jobs and federal funding coming into the state.

I do hope that we can do a better job in the future finding the funds that we need to hold higher education harmless and even improve the level of funding that we are directing. We have seen a steady decline in funding for higher education over the last decade or two during which many of us have been serving here in the Legislature. It is with mixed feelings that I supported this conference report, but I do support it as it came out of the conference committee.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 1177

Senate Bill No. 1302

Senate Bill No. 1327

Senate Bill No. 1331

Senate Bill No. 1332

- Senate Bill No. 403
- Senate Bill No. 1464
- Senate Bill No. 1491
- Senate Bill No. 1492
- Senate Bill No. 1455
- Senate Bill No. 1502

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

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

- Senate Bill No. 1302
- Senate Bill No. 1327
- Senate Bill No. 1331
- Senate Bill No. 1332
- Senate Bill No. 403
- Senate Bill No. 1464
- Senate Bill No. 1491
- Senate Bill No. 1492
- Senate Bill No. 1455
- Senate Bill No. 1502
- Senate Bill No. 1486
- Senate Bill No. 1177

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1302, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 48 (MCL 400.48), as amended by 1996 PA 423.

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. 467

Yeas—36

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

Nays—1

Allen

Excused—1

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1327, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 7 (MCL 125.1657), as amended by 2008 PA 226.

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. 468**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1331, entitled

A bill to amend 2008 PA 33, entitled “Michigan planning enabling act,” by amending sections 3 and 7 (MCL 125.3803 and 125.3807).

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. 469**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1332, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 203 (MCL 125.3102 and 125.3203), section 102 as amended by 2008 PA 12.

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. 470**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 403, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967;” (MCL 206.1 to 206.532) by adding section 273.

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. 471

Yeas—37

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1464, entitled

A bill to amend 1941 PA 359, entitled “An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 247.62).

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. 472**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1491, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 29 (MCL 791.229), as amended by 1998 PA 512.

The question being on the passage of the bill,

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

Roll Call No. 473**Yeas—37**

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1492, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14 of chapter XI (MCL 771.14), as amended by 2000 PA 279.

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. 474

Yeas—37

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

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1455, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending sections 102, 103, 206, 211, 302, 304, 308, 401, 403, 404, 406, 501, 502, 503, 505, 506, 507, 510, 514, 515, 604, 702, 801, 804, and 805 (MCL

450.4102, 450.4103, 450.4206, 450.4211, 450.4302, 450.4304, 450.4308, 450.4401, 450.4403, 450.4404, 450.4406, 450.4501, 450.4502, 450.4503, 450.4505, 450.4506, 450.4507, 450.4510, 450.4514, 450.4515, 450.4604, 450.4702, 450.4801, 450.4804, and 450.4805), section 102 as amended by 2008 PA 566, sections 103, 304, 403, 406, 501, 502, 503, 506, 515, 801, and 804 as amended by 2002 PA 686, section 206 as amended by 2008 PA 567, and sections 302, 308, 401, 404, and 702 as amended by 1997 PA 52, and by adding sections 216, 409, 708, and 709; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 475**Yeas—37**

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

Nays—0**Excused—1**

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1502, entitled

A bill to amend 2008 PA 295, entitled “Clean, renewable, and efficient energy act,” by amending section 93 (MCL 460.1093).

The question being on the passage of the bill,

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

Roll Call No. 476**Yeas—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas

Bishop
Brater
Brown
Cassis
Cherry

Gilbert
Gleason
Hardiman
Hunter

McManus
Nofs
Olshove
Pappageorge

Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1486, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13101, 13102, 13104, 13105, 13106, 13107, 13108, 13109, 13110, and 13111 (MCL 333.13101, 333.13102, 333.13104, 333.13105, 333.13106, 333.13107, 333.13108, 333.13109, 333.13110, and 333.13111), sections 13101 and 13102 as amended and sections 13104, 13105, 13106, 13107, 13108, 13109, 13110, and 13111 as added by 2007 PA 149, and by adding sections 13105a and 13112; and to repeal acts and parts of acts.

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. 477

Yeas—34

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Kahn
Kuipers
McManus
Olshove
Pappageorge
Prusi

Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—3

Cassis

Jelinek

Nofs

Excused—1

Patterson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1177, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 317.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

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

“SEC. 20126B. (1) THE PROCESS KNOWN AS HYDRAULIC FRACTURING IS PROHIBITED.

(2) AS USED IN THIS SECTION, “HYDRAULIC FRACTURING” MEANS FRACTURING OF ROCK WITH FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL PRODUCTION.”.

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. 478**Yeas—16**

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

Nays—21

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

Excused—1

Patterson

Not Voting—0

In The Chair: President

Senator Brater offered the following amendment:

1. Amend page 13, following line 21, by inserting:

“SEC. 61506D. (1) PRIOR TO USING A WELL PERMITTED UNDER THIS PART FOR HYDRAULIC FRACTURING, THE OWNER OR OPERATOR OF THE WELL SHALL OBTAIN A PERMIT UNDER PART 31

AND SHALL SUBMIT A NOTICE TO THE DEPARTMENT OF THE PERSON’S INTENT TO UTILIZE THE WELL FOR HYDRAULIC FRACTURING. THE NOTICE SHALL CONTAIN A DESCRIPTION OF ANY CHEMICALS THAT WILL BE INJECTED INTO THE WELL.

(2) AS USED IN THIS SECTION, “HYDRAULIC FRACTURING” MEANS FRACTURING OF ROCK WITH FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL PRODUCTION.”.

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. 479

Yeas—16

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

Nays—21

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

Excused—1

Patterson

Not Voting—0

In The Chair: President

Senator Brater offered the following amendment:

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

“SEC. 3109D. (1) A PERSON SHALL NOT DISCHARGE ANY SUBSTANCE INTO A WELL REGULATED UNDER PART 615 FOR PURPOSES OF HYDRAULIC FRACTURING UNLESS THE PERSON HAS BEEN ISSUED A PERMIT UNDER THIS PART.

(2) AS USED IN THIS SECTION, “HYDRAULIC FRACTURING” MEANS FRACTURING OF ROCK WITH FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL PRODUCTION.”.

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. 480

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

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Nofs

Pappageorge
Richardville
Sanborn
Stamas
Van Woerkom

Excused—1

Patterson

Not Voting—0

In The Chair: President

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

Senator Brater offered the following amendment:

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

“SEC. 20126B. (1) IF GROUNDWATER IN THE VICINITY OF A WELL USED FOR HYDRAULIC FRACTURING IS DETERMINED TO CONTAIN 1 OR MORE HAZARDOUS SUBSTANCES THAT WERE INJECTED INTO THAT WELL WHILE CONDUCTING HYDRAULIC FRACTURING, THERE IS A REBUTTABLE PRESUMPTION THAT THE PERSON CONDUCTING THE HYDRAULIC FRACTURING IS LIABLE UNDER SECTION 20126 FOR THE CONTAMINATION PRESENT IN THE GROUNDWATER.

(2) AS USED IN THIS SECTION, “HYDRAULIC FRACTURING” MEANS FRACTURING OF ROCK WITH FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL PRODUCTION.”.

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. 481

Yeas—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Hunter

Jacobs
Olshove
Prusi
Scott

Switalski
Thomas
Whitmer

Nays—22

Allen
Birkholz

Garcia
George

Jelinek
Kahn

Pappageorge
Richardville

Bishop
Brown
Cassis
Cropsey

Gilbert
Gleason
Hardiman
Jansen

Kuipers
McManus
Nofs

Sanborn
Stamas
Van Woerkom

Excused—1

Patterson

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. 482

Yeas—28

Allen
Barcia
Birkholz
Bishop
Brown
Cassis
Cherry

Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Jansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove

Pappageorge
Prusi
Richardville
Sanborn
Stamas
Switalski
Van Woerkom

Nays—9

Anderson
Basham
Brater

Clark-Coleman
Clarke

Jacobs
Scott

Thomas
Whitmer

Excused—1

Patterson

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Brater and Jacobs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1177.

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

The motion prevailed.

Senator Brater’s first statement is as follows:

I rise to speak on this amendment which is amending a bill that has the laudable goal, if unfunded, of resolving disputes between owners of wells when there are people taking large quantities of water out of an aquifer and adversely affecting a neighbor’s well. We have put a lot of effort into establishing this process of dispute resolution, even though it was defunded and repealed recently.

If we think that the problem of this competitive use of the resources of an aquifer are difficult now, when it is a matter of the quantity that your neighbor is withdrawing from the well, imagine the problems that we could potentially experience if we allow a process called hydraulic fracturing to proceed in this state.

Hydraulic fracturing is a process used for drilling new oil and natural gas wells, and it allows a drill to go down into the shale and drill horizontally. In the process of doing this, chemicals are pumped into the ground where it fractures the rock and allows oil or natural gas to flow to the well.

People in Wyoming and Pennsylvania have suffered the unfortunate consequences of the fracturing fluids contaminating their groundwater. In some areas, people can no longer drink their own well water due to contamination. A recent documentary even showed one family lighting a flame from the toxic brew coming from their kitchen sink faucet.

It is not just a matter of rural residents’ health risk, which we definitely need to be concerned about, but even municipal water supplies can draw their water from an aquifer or watershed that can be affected by this fracturing process. We cannot afford to put our residents’ health at risk or endanger our drinking water supply in the state of Michigan.

In the spirit of the bill before us of protecting people’s water supplies, I am offering this amendment which would prohibit this dangerous practice in Michigan. I encourage your support.

Senator Brater’s second statement is as follows:

This amendment is designed to address the fact that our regulation of using chemicals during hydraulic fracturing in this state are very weak. They are so weak that we cannot even require the disclosure of the chemicals that are being pumped into the ground during this process. Companies currently do not disclose what chemicals they use in any given well, citing proprietary reasons, although oil companies have admitted including chemicals like benzene, toluene, ethylbenzene, and xylene in their fracking mixes. These are all known carcinogens.

This amendment would require the drilling companies to disclose what chemicals they are using, and let the citizens know what chemicals they are potentially being exposed to. This mirrors existing laws requiring the disclosure of toxic chemicals in underground storage tanks.

People have the right to know what sorts of chemicals are being pumped into the ground near the sources of their drinking water. This is a common-sense amendment, and I urge your support.

Senator Brater’s third statement is as follows:

This amendment would require any drilling operation using hydraulic fracturing to obtain a standard groundwater discharge permit. The permitting process creates needed oversight. If a company is going to pump hazardous chemicals into our groundwater, they should at least be subject to the same regulatory oversight that other groundwater discharge activities are subject to.

This amendment is an important step to help protect our citizens and our waters. Thank you, and I urge your support.

Senator Brater’s fourth statement is as follows:

I rise to provide one more opportunity to protect our citizens and our precious waters from the dangers created by hydraulic fracturing or fracking. This amendment says that if a well is contaminated by chemicals that are the same chemicals used in a nearby drilling operation, it is presumed the contamination came from the drilling operation. This is common sense. Chemicals like benzene or toluene don’t just magically appear in the groundwater. They must come from a nearby source.

This amendment would help people suffering from contaminated wells in their attempt to seek redress from the liable drillers. Please join me in helping to protect the waters and the people of the state of Michigan.

Senator Brater’s fifth statement, in which Senator Jacobs concurred, is as follows:

As I said earlier and as the good ranking member of this committee pointed out, this is a very laudable program. Unfortunately, there isn’t money in the budget for it. It is very disingenuous to stand up and say we want to have this protection of the waters of the state of Michigan, and allow neighbors to have dispute resolution when one neighbor is drawing huge quantities of water that are drawing up a neighbors well, but then say we don’t have the fortitude to look at the fees that have not been raised in decades—the fees that polluters pay for the privilege of discharging toxics into the waters of this state. There are a number of other mechanisms that we could have invoked in order to sufficiently fund the

programs of the Department of Natural Resources and Environment. We have failed miserably at funding this department. It is drastically and desperately underfunded.

There are 35 members of the staff who are responsible for these programs, including permitting, enforcement, and monitoring, that have been slashed in this budget. Maybe that is the reform that the good Senator from the 32nd District is referring to. I don't call that reform; I call that deform. The only possible result of it is that we are going to see more pollution, more overuse of the groundwater of the state, and more contamination.

In recent weeks, we have seen proposals to raid Proposal 2 money that was adopted by the voters to use for a specific purpose, which is to address the issue of combined sewer overflows and transfer that money into completing remediation at Part 201 facilities or orphan sites. These are extremely contaminated sites where there is no liable party since we weakened the liability to such an extent that nobody is liable for so many of these sites. We, as taxpayers, are now liable for paying for them. We refuse to charge the fees or pay the revenues or ask for taxes that are going to support these programs, yet we are willing to stand up and say it is OK because we want this program, and we will find the money. I find this to be the height of irresponsibility. I think if we are serious about wanting to fund the programs of the Department of Natural Resources and Environment, then we should be honest enough to say how we are going to fund it.

Furthermore, you have just rejected a series of amendments I offered that gives further meaning to Part 201 in terms of protecting the citizens of this state from this terribly dangerous process of hydraulic fracturing, which has the potential for introducing dangerous carcinogenic chemicals into the drinking water of the residents of this state. I intend to vote "no" on this bill. The basic program that it is purporting to reenact is a good program, but there is no funding for it. There are many other responsibilities that we are not meeting in Part 201.

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

The motion prevailed.

Senator Kahn's statement is as follows:

I rise in support of Senate Bill No. 1177, and I ask for its passage by the body. I would like to reiterate the points I made on General Orders. Senate Bill No. 1177 allows the director of the Michigan Department of Natural Resources and Environment, by order, to declare a groundwater dispute if a complaint cannot be resolved within a reasonable amount of time and certain conditions exist, such as incompatible and irreconcilable use of the same source of groundwater.

My bill is designed to restore the groundwater dispute resolution process, given proper funding becomes available. We are fortunate today to have secured a key amendment to the DNRE budget that will keep open the possibility for restoring this program. I'd like to thank Senator McManus for her help in fashioning this amendment, which will allow DNRE to fund this program to the extent that funds are available. We must ensure an efficient and fair process for our people in such disputes, and this bill will do so.

It is supported solidly by the Michigan Farm Bureau as a proven method of resolving disputes about use of groundwater involving farming operations. It is also consistent with keeping these types of disputes out of court and aiming to find good common-sense solutions to groundwater usage. Under the state's doctrine of riparian water law, Michigan residents are entitled to a reasonable use of the state's water, and this important program helps to maintain that long settled court doctrine.

Earlier, we heard concerns about the funding mechanism. I would like to say that it is incorrect to say that there is no way that our DNRE can fund this program. We have specifically included language in the DNRE budget that will, in fact, allow DNRE to fund it, given that funds are found through the efficiency and reforms available to the department. I will say that they are efficiencies and reforms that have been implemented in the budget for DNRE.

A perfect example of how this program can be implemented without thousands of state General Fund dollars is what happened last month with our own Department of Agriculture Director Koivisto going out on his own accord and mediating a dispute over groundwater in my district. Does the budget provide hundreds of thousands of dollars or even millions of dollars for this program? No, it does not. Can we make it work with fewer resources and a commitment like that of Director Koivisto? Yes, it will do that. It will allow for the right thing for the people of this state. I urge the passage of this bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Gilbert introduced

Senate Bill No. 1512, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 315 (MCL 462.315), as amended by 2001 PA 5.

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

Senators Hunter and Jansen introduced

Senate Bill No. 1513, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 933 (MCL 168.933), as amended by 2003 PA 119, and by adding section 558a.

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

Senators Jansen and Hunter introduced

Senate Bill No. 1514, entitled

A bill to implement the provisions of section 8 of article XI of the state constitution of 1963 relating to certain qualifications of public employees; to require an affidavit affirming the qualifications from applicants for hire or transfer to certain public employment; to prohibit a public employer from hiring or retaining in public employment certain convicted felons; and to prescribe penalties.

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

Senator Birkholz introduced

Senate Bill No. 1515, entitled

A bill to amend 1980 PA 395, entitled "Community convention or tourism marketing act," by amending sections 3 and 6 (MCL 141.873 and 141.876), section 3 as amended by 1996 PA 589.

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

Senators Richardville, Hunter and Whitmer introduced

Senate Bill No. 1516, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 2004 PA 154.

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

Senators Richardville, Hunter and Whitmer introduced

Senate Bill No. 1517, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2005 PA 171.

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

Senators Hunter and Whitmer introduced

Senate Bill No. 1518, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219d.

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

Senators Hunter and Whitmer introduced

Senate Bill No. 1519, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2005 PA 171.

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

Senators Stamas, Richardville, Hunter and Whitmer introduced

Senate Bill No. 1520, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 248 and 249 (MCL 750.248 and 750.249), as amended by 2008 PA 378, and by adding sections 248b and 249b.

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

Senators Stamas, Richardville, Hunter and Whitmer introduced

Senate Bill No. 1521, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16n of chapter XVII (MCL 777.16n), as amended by 2002 PA 321.

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

Senators Kuipers, Richardville, Hunter and Whitmer introduced

Senate Bill No. 1522, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2005 PA 35.

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

Senators Whitmer and Hunter introduced

Senate Bill No. 1523, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 41, 43, and 49 (MCL 55.301, 55.303, and 55.309).

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

Senators Whitmer and Hunter introduced

Senate Bill No. 1524, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11c of chapter XVII (MCL 777.11c), as added by 2002 PA 31.

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

Senators Richardville, Hunter and Whitmer introduced

Senate Bill No. 1525, entitled

A bill to amend 2009 PA 75, entitled "Mortgage loan originator licensing act," by amending sections 3 and 29 (MCL 493.133 and 493.159).

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

House Bill No. 5368, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8501, 8517, and 8520 (MCL 324.8501, 324.8517, and 324.8520), section 8501 as amended by 2008 PA 13, section 8517 as amended by 2008 PA 14, and section 8520 as added by 2006 PA 503, and by adding sections 8512b, 8512f, and 8512g.

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

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

House Bill No. 5779, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Isabella county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyances.

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

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders calendar for consideration today.

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

House Bill No. 5977, entitled

A bill to amend 1957 PA 200, entitled "An act to provide for the creation by 2 or more municipalities of an inter-municipality committee for the purpose of studying area problems; and to provide authority for the committee to receive gifts and grants," by amending section 2 (MCL 123.632).

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

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

House Bill No. 5979, entitled

A bill to amend 2004 PA 530, entitled "Historical neighborhood tax increment finance authority act," by amending section 3 (MCL 125.2843).

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

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

House Bill No. 5988, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 1 (MCL 247.901), as amended by 1991 PA 188.

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

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

House Bill No. 5989, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2009 PA 162.

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

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

House Bill No. 5998, entitled

A bill to amend 1974 PA 338, entitled "Economic development corporations act," by amending section 3 (MCL 125.1603), as amended by 1985 PA 154.

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

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

House Bill No. 6120, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2009 PA 151.

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

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

House Bill No. 6212, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2008 PA 455.

The House of Representatives has passed the bill.

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

House Bill No. 6345, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2 and 12a (MCL 125.2152 and 125.2162a), as amended by 2009 PA 162.

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

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

House Bill No. 6461, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 10 (MCL 207.630), as amended by 2009 PA 156.

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

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the General Orders calendar for consideration today.

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

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Birkholz 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 without amendment, the following bills:

Senate Bill No. 1233, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2007 PA 204.

Senate Bill No. 1236, entitled

A bill to amend 1978 PA 255, entitled "Commercial redevelopment act," by amending sections 3 and 4 (MCL 207.653 and 207.654), as amended by 2008 PA 227.

House Bill No. 6461, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 10 (MCL 207.630), as amended by 2009 PA 156.

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

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

Senate Bill No. 1283, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as amended by 2006 PA 77.

Substitute (S-1).

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

1. Amend page 2, following line 19, by inserting:

"(F) "MOST TECHNOLOGICALLY ADVANCED ULTRASOUND EQUIPMENT AVAILABLE AT THAT LOCATION" MEANS ULTRASOUND IMAGING EQUIPMENT THAT MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

(i) IS CAPABLE OF PROVIDING THE MOST VISIBLY CLEAR IMAGE OF THE GROSS ANATOMICAL DEVELOPMENT OF THE FETUS.

(ii) IS PRESENT IN THE CLINICAL AREA WITHIN A BUILDING WHERE THE PATIENT COUNSELING, PREOPERATIVE PROCEDURES, AND ABORTION ARE TO BE PERFORMED AND THAT IS UNDER THE SUPERVISION AND DISCRETION OF THE ATTENDING PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN TO UTILIZE FOR DIAGNOSTIC OR OPERATIVE PURPOSES." and relettering the remaining subdivisions.

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.

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

Senate Bill No. 1487, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 13 (MCL 125.2663), as amended by 2007 PA 202.

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.

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

House Concurrent Resolution No. 41

Senate Resolution No. 168

Senate Resolution No. 169

Senate Concurrent Resolution No. 48

The motion prevailed.

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

Senate Resolution No. 182

The resolution consent calendar was adopted.

Senator Sanborn offered the following resolution:

Senate Resolution No. 182.

A resolution recognizing October 17-23, 2010, as Credit Union Week and honoring all Michigan credit unions.

Whereas, Credit unions have been organized in Michigan since 1934, and they have a proud tradition of innovation and leadership among the nation's credit unions. The Michigan credit union movement is one of growth, progress, and success; and

Whereas, Michigan credit unions are rooted in the communities in which they serve, whether supporting local charities, offering financial education seminars, or operating student-run credit union branches in schools. They do this voluntarily because as not-for-profit, member-owned, financial cooperatives, credit unions recognize that social responsibility is an integral part of their mission; and

Whereas, Credit unions in Michigan continue to improve the financial literacy of their members and the community, following the credit union philosophy of "people helping people"; and

Whereas, Michigan credit unions remain informed through the assistance of the Michigan Credit Union League, which has focused exclusively on serving its members throughout its history—a commitment that is concisely expressed in its mission statement: "The Michigan Credit Union League will strengthen the credit union community and its image by providing advocacy on important issues, coordinating cooperative initiatives and by providing high-quality solutions that help credit unions success and enrich the lives of their members"; now, therefore, be it

Resolved by the Senate, That we hereby honor Michigan credit unions as they celebrate Credit Union Week, October 17-23, 2010.

Senators Anderson, Basham, Birkholz, Bishop, Brater, Cherry, Clarke, Cropsey, Garcia, Gleason, Hunter, Jacobs, Jansen, Kuipers, McManus, Nofs, Olshove, Pappageorge, Prusi, Richardville, Scott, Stamas, Switalski, Thomas and Van Woerkom were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 46.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and West Shore Community College relative to the West Shore Community College Arts and Sciences Center/Remodeling and Additions.

(For text of resolution, see Senate Journal No. 57, p. 992.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott, George and Garcia 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:

An author once said, "The true test of the American ideal is whether we are able to recognize our failings and then rise together to meet the challenges of our time." We are in danger of failing the people of Michigan if we fail to reform auto insurance before the end of this year.

Families across Michigan are already facing challenges. Many people are searching for work. Many are trying to make ends meet on unemployment checks or smaller paychecks. Many are struggling to keep their homes while others are facing foreclosure. They would appreciate relief from the unfair costs of auto insurance.

We can give them relief if we would only consider and pass the legislation that has been introduced. If families were charged a fair amount for their auto insurance, they would have more money to spend on the necessities, and that would help our economy. If families were charged a fair amount for their auto insurance policies, they would have extra money that could help pay their mortgage. Many Michigan families are doing a balancing act, and it wouldn't take much to push them over the abyss, or pull them back and give them another chance.

Reforming auto insurance so that they pay a fair price for the insurance that we require them to carry could be the thing that pulls them back from the brink. Please join me today. Let's work on auto insurance reform, and give our constituents the relief they are looking for.

Senator George's statement is as follows:

In Ernest Hemingway's novel *The Sun Also Rises*, the main character Mike Campbell is asked how he went bankrupt. His answer, "gradually, then suddenly." As we finish our last budget bills, we need to ask ourselves: Can Michigan avoid this fate?

Just a couple of weekends ago, I met one of my niece's college roommates who touted her recent procurement of a Bridge Card and how it would help her pay her cell phone bill and her Siberian Husky's \$50-per-month food bill. This is a student who has her own car and lives in a nice apartment off campus. She called the Bridge Card program a scam, but one that she was grateful for.

Just yesterday, a local financial planner recounted how so many of his clients with \$500,000 to \$1 million in savings inquire how they can get Medicaid to cover their future nursing home care, enabling them to pass their assets on to their children. Medicaid and welfare, established to help the indigent and disabled, are becoming middle-class entitlements that are gradually driving us to bankruptcy.

Richard Ravitch, the outgoing Lieutenant Governor of New York, a Democrat, earlier this year opined in the *Wall Street Journal* that the federal stimulus has provided significant budget relief to the states, but this aid came with strings attached that required states to continue to spend because it prevented them from tightening eligibility standards for benefits. So, instead of fixing states' budget problems, Ravitch concludes, and I quote: "The federal stimulus has led states to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate."

Last week, Lieutenant Governor Ravitch—he is term-limited and outgoing—issued a plan calling for reform of New York's Medicaid program. It currently covers 1 in 4 New Yorkers, and its \$50 billion annual costs are expected to grow 18 percent annually through 2014. This accounts for a full third of New York's budget. He called it the single largest driver of his state's deficit. He called the program unwieldy, saying it serves "contradictory goals and provides perverse incentives." He has proposed a massive overhaul of New York's program in order to fix his state's structural budget imbalance and to free up resources for education and infrastructure repair.

His logic applies here as well. It is evident that Michigan can no longer afford the social programs that are gradually evolving into middle-class entitlements. It is imperative that the state of Michigan renegotiate its unaffordable social contracts, or we will find ourselves like Hemingway's character going bankrupt "gradually, then suddenly."

Senator Garcia's statement is as follows:

I rise to state my voting intentions for last week. On September 23, I missed Roll Call No. 462. I was away hosting a homeland security task force conference. It was Senate Bill No. 1226, the retirement bill, and I would have voted "yes." I had previously voted "yes" at a different time.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:31 p.m.

3:41 p.m.

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

Committee Reports

The Committee on Education reported
Senate Bill No. 1421, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278b (MCL 380.1278b), as amended by 2010 PA 80.

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

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

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

The Committee on Education reported

Senate Bill No. 1509, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249 (MCL 380.1249), as added by 2009 PA 205.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, September 23, 2010, at 2:30 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, September 23, 2010, at 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Jansen, Switalski and Barcia

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Natural Resources and Environment (SB 1161) submitted the following:

Meeting held on Thursday, September 23, 2010, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators McManus (C), Jelinek and Brater

COMMITTEE ATTENDANCE REPORT

The Conference Committee on General Government (HB 5880) submitted the following:

Meeting held on Tuesday, September 28, 2010, at 8:45 a.m., Room 428, Capitol Building

Present: Senators Pappageorge, Jansen and Cherry

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Higher Education (SB 1157) submitted the following:

Meeting held on Tuesday, September 28, 2010, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas (C), George and Brater

Scheduled Meetings

Conference Committee -

Transportation (HB 5889) - Wednesday, September 29, 8:30 a.m., Room 428, Capitol Building (373-8080)

Finance - Wednesday, September 29, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-1758)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 3:42 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, September 29, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate