

No. 45
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, May 18, 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 not 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—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Pastor Rick Locklear of Woodhaven Free Will Baptist Church of Woodhaven offered the following invocation:

Our Heavenly Father, it is with grateful hearts that we are able to come before You and to make our prayers in this place. I am thankful, Lord, for what You have done in my life in sparing me and for Your grace in all of our lives, and for that we are grateful. I am thankful, Lord, to be born in Detroit and to be raised Downriver. We thank You, Lord, for Your grace to be able to live in this beautiful land.

Lord, as we come before You this morning, we would ask for Your forgiveness where we have failed You. Give unto us, Lord, an obedience that would overcome our sin. Thank You, God, for the people of our great state. We think especially of those who are hurting. We think of the suffering for those who may believe that the light may never shine again; that You would be near unto them, and for that we are grateful, Lord.

We ask, Lord, that our faith would be in You. Give us the desire to do Your will and not ours, and may our love be for Your truth. Give us the longing for righteousness.

We thank You, Lord, that once again You are blessing some of the companies that have built our state. I would ask You, Lord, for the newer industries, some of which are still in their infancy, that You would bless them with a swift development of technologies that would translate into long-term work; that would provide a stable livelihood for the families of this wonderful place.

Now, Lord, for these good people who have gathered here to serve the state, as they deliberate today, we ask that You would be kind to them.

We pray all this in the name of the Father and of the Son and of the Holy Spirit. Amen.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

11:02 a.m.

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

During the recess, Senators Patterson, Gleason, Clarke, Gilbert, Stamas, Allen, Kuipers, Brown, Scott, Cassis, Nofs, Van Woerkom, George, Jelinek, Birkholz, Garcia, McManus, Hardiman, Pappageorge, Jansen, Bishop and Kahn entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

May 14, 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 Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-018-CH (Secretary of State Filing #10-05-02) on this date at 3:31 p.m. for the Department of Community Health, entitled "Board of Optometry."

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

May 14, 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 Education and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-041-ED (Secretary of State Filing #10-05-04) on this date at 3:35 p.m. for the Department of Education, entitled "Career and Technical Education Reimbursed Programs."

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

May 14, 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 #2006-025-LG (Secretary of State Filing #10-05-01) on this date at 3:29 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Insurance Policy Forms - Nonconforming Clauses."

These rules take effect 7 days after 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 official bills were printed on Thursday, May 13, and are available at the legislative website:

House Bill Nos. 6157 6158 6159 6160 6161 6162

The Secretary announced that the following official bills were printed on Monday, May 17, and are available at the legislative website:

Senate Bill Nos. 1336 1337 1338

House Bill Nos. 6163 6164 6165 6166 6167

Messages from the Governor

The following message from the Governor was received:

Date: May 13, 2010
Time: 10:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1138 (Public Act No. 71), being

An act to amend 1879 PA 248, entitled "An act to prevent animals from running at large in certain cities and villages within this state," by amending section 1 (MCL 433.51) and by adding section 13.

(Filed with the Secretary of State on May 13, 2010, at 1:36 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

May 17, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 302 and 721 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.721:

State Board of Accountancy

Mr. Matthew J. Howell, CPA, of 32540 Romsey Road, Franklin, Michigan 48025, county of Oakland, succeeding Stephen Epstein, whose term will expire, is appointed to represent certified public accountants, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Michael J. Swartz, CPA, of 6718 Westridge Drive, Brighton, Michigan 48116, county of Livingston, succeeding Beth Baily, whose term will expire, is appointed to represent certified public accountants, for a term commencing July 1, 2010 and expiring June 30, 2014.

May 17, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 302 and 902 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.902:

Collection Practices Board

Mr. Thomas M. Angelo of 57079 Starcreek Court, Washington, Michigan 48094, county of Macomb, is reappointed to represent professionals, for a term commencing July 1, 2010 and expiring June 30, 2014.

Ms. Daire L. Rendon of 4833 Riverwoods Road, Lake City, Michigan 49651, county of Missaukee, is reappointed to represent professionals, for a term commencing July 1, 2010 and expiring June 30, 2014.

May 17, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Sections 16121 and 17421 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17421:

Michigan Board of Optometry

Mr. Gregory L. Patera, O.D., of 6256 Sunset, Lake Odessa, Michigan 48849, county of Ionia, succeeding Frederick Darin, whose term will expire, is appointed to represent optometrists, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. William D. Dansby of 2972 Briarcliff Drive, East Lansing, Michigan 48823, county of Ingham, is reappointed to represent the general public, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Stephen P. Thompson, O.D., of 3702 Shearwater Lane, East Lansing, Michigan 48823, county of Ingham, is reappointed to represent optometrists, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Kays T. Zair of 2575 Hiller Road, West Bloomfield, Michigan 48325, county of Oakland, is reappointed to represent the general public, for a term commencing July 1, 2010 and expiring June 30, 2014

May 17, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Sections 16121 and 17721 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17721:

Michigan Board of Pharmacy

Mr. Mark H. Cousens of 4933 Fairway Ridge Circle, West Bloomfield, Michigan 48323, county of Oakland, succeeding Pamela Gnodtke, whose term will expire, is appointed to represent the general public, for a term commencing July 1, 2010 and expiring June 30, 2014.

Ms. Dale J. Carlson of 455 West Marshall Street, Apt. 103, Ferndale, Michigan 48220, county of Oakland, is reappointed to represent the general public, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Harvey E. Schmidt, R.Ph., of 1021 Red Mill Drive, Tecumseh, Michigan 49286, county of Lenawee, is reappointed to represent pharmacists, for a term commencing July 1, 2010 and expiring June 30, 2014.

Mr. Devin R. Senneker of 6839 Lake Bluff Drive, N.E., Comstock Park, Michigan 49321, county of Kent, is reappointed to represent the general public, for a term commencing July 1, 2010 and expiring June 30, 2014.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

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 Clark-Coleman as Chairperson.

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

House Bill No. 5885, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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:

House Bill No. 5884, entitled

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5885

House Bill No. 5884

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

The following bill was read a third time:

House Bill No. 5885, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The 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. 240

Yeas—38

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

Nays—0

Excused—0

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 of the bill.

The following bill was read a third time:

House Bill No. 5884, entitled

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 2, line 25, by striking out "48.0" and inserting "49.0".
2. Amend page 2, line 25, by striking out "5,472,500" and inserting "5,348,000".
3. Amend page 4, line 6, by striking out "1,710,200" and inserting "1,834,700" and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 35, line 12, by striking out all of section 408.

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

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 241

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator Anderson offered the following amendments:

1. Amend page 13, line 19, by striking out “295,653,600” and inserting “300,153,600”.
2. Amend page 15, line 6, by striking out “20,123,200” and inserting “24,623,200” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 50, following line 2, by inserting:

“Sec. 833. (1) The \$4,500,000.00 general fund/general purpose revenue appropriated in part 1 for workforce training programs subgrantees shall be used for the no worker left behind program to be allocated for the following purposes as determined by the department:

(a) To provide adult basic education, remedial education, or other training for individuals not ready for postsecondary education, in order to prepare these individuals for postsecondary training and new careers.

(b) To increase the capacity of community colleges and other public associate’s degree-granting institutions in this state to provide education and training to individuals receiving assistance under the program. Funding shall be provided to these educational institutions based on a competitive bidding process. The department shall establish criteria for awarding grants pursuant to a competitive bidding process.

(c) To provide individuals with direct training in in-demand occupations, as determined by local workforce investment boards. These funds shall be distributed to local Michigan works! agencies based on demonstrated need. In distributing these funds, the department shall ensure funds are used for individuals who are ready for training in in-demand occupations and for whom training slots are available. The Michigan works! agencies may prioritize the training programs provided under this subdivision that are accessible by persons displaced from manufacturing and related automobile industry jobs. Any Michigan works! agency receiving these funds shall reserve a portion, or otherwise assure that it has sufficient resources, to pay for the full course of approved training for each individual served.

(2) No later than March 1, the department shall submit a report to the senate and house of representatives standing committees on appropriations, the fiscal agencies, and the state budget office on the distribution of the \$4,500,000.00 general fund/general purpose appropriation. The report shall include:

- (a) The total amount distributed under subsection (1)(a) and (c) by Michigan works! agency.
- (b) The total amount distributed under subsection (1)(b) by community colleges.
- (c) The balance remaining in the work project account.

(3) The \$4,500,000.00 general fund/general purpose revenue appropriated in part 1 for the no worker left behind program is designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for expenditure until September 30, 2012.”

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 242

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator Scott offered the following amendment:

1. Amend page 31, line 20, by striking out all of section 341.

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. 243

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator Scott offered the following amendment:

1. Amend page 35, line 5, by striking out all of section 406.

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. 244

Yeas—15

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

Nays—22

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

Excused—0**Not Voting—1**

Whitmer

In The Chair: President

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

Roll Call No. 245**Yeas—23**

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

Nays—15

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

Excused—0**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 of the bill.

Protest

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5884 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott’s statement is as follows:

This is the last DELEG budget that I will be working on, so I would just like to take a moment to thank the chair of the subcommittee for his stewardship of this budget these last few years. With the difficulties Michigan has faced, the budget process has not been an easy one. We have not always agreed on every line item or piece of boilerplate. Even with our disagreements, the subcommittee has rarely been disagreeable, and I appreciate your willingness to work with us to address our concerns.

But today is one of those times when we are not in agreement, and I will be voting “no” on this budget. Given the insurance rate charged to my constituents and others around the state, it is remarkable the Legislature would seek to eliminate the position of a person whose sole purpose is to protect their interest.

I remain opposed to the inclusion of boilerplate prohibiting funds on ergonomics guidelines and that puts an end to credit scoring in setting insurance rates. I also find it interesting that general funds are eliminated for No Worker Left Behind, but general funds could be found for fire service fees. The Governor and the House each separately recommended a revenue source for the Bureau of Fire Services.

With the number of concerns I have, I could not in good conscience support this budget. I ask you to support me on this.

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

The motion prevailed.

Senator Anderson’s statement is as follows:

My amendment would restore funding for No Worker Left Behind to the original recommendation. Months and months have gone by with the state’s unemployment rate still holding as the worst in the country, but my Senate Republican colleagues have yet to take up any significant legislation to address the state’s economic struggles. They refuse to take up bills like Hire Michigan First, which would place a hiring preference on Michigan workers for state-funded projects, and continue to ignore legislation that would extend unemployment benefits to workers in state-approved training programs.

By cutting funding for No Worker Left Behind in the Department of Energy, Labor, and Economic Growth budget today, Senate Republicans are again turning their backs on displaced workers who need the state’s help the most. No Worker Left Behind helps unemployed and underemployed workers get the training needed for new careers in high-demand occupations. It helps cover tuition costs, as well as other expenses, for up to two years of training for those who qualify. During that time, workers also have access to resources that will help them in their job search efforts. Since the program was launched in August of 2007, more than 102,000 workers have entered training. The most recent data available shows that 72 percent of workers who have completed training during the program or through the program have obtained jobs.

As Michigan continues to have the highest unemployment rate in the nation, we need to do everything we can to support our displaced workers and get them back on the job. If our state is to compete in this new knowledge-based economy, we need to fund successful programs such as No Worker Left Behind that directly contribute to a highly-skilled workforce and help make Michigan an attractive place to do business.

Instead, folks on the other side of the aisle are continuing their shortsightedness, and Michigan workers are paying the price. By cutting state funding for this successful program, Senate Republicans are leaving our workers behind instead of getting the education and training they need to move forward.

I would remind everyone that last week, we had two folks who were here who have been able to get into the program, and they are success stories. I think we, as a Senate and as leaders in this state, need to continue supporting those folks who are unemployed and underemployed.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Clark-Coleman as Chairperson.

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

House Bill No. 5880, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, state, technology, management, and budget, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2011; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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. 1164, entitled

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

Substitute (S-2).

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

1. Amend page 8, line 23, by striking out all of line 23 and inserting:

“State trunkline operations—836.7 FTE positions	\$	112,604,500
Contract operations.....		123,474,100”.

2. Amend page 11, line 25, by striking out “374,600” and inserting “468,200”.

3. Amend page 11, line 26, by striking out “6,900,000” and inserting “7,250,000”.

4. Amend page 12, line 20, by striking out “150,500” and inserting “56,900”.

5. Amend page 40, line 23, after “Transfer” by striking out “\$15,527,500.00” and inserting “\$15,877,500.00” and adjusting the subtotals, totals, and section 201 accordingly.

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

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

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

House Bill No. 5880

Senate Bill No. 1164

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

The following bill was read a third time:

House Bill No. 5880, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, state, technology, management, and budget, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2011; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,

Senator Anderson offered the following amendments:

1. Amend page 32, line 2, by striking out “26,500,000” and inserting “72,672,000”.

2. Amend page 32, line 17, by striking out “26,500,000” and inserting “72,672,000” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.
 Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 246**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 32, line 21, by striking out “278,793,000” and inserting “323,494,400”.
2. Amend page 32, line 22, by striking out “109,003,700” and inserting “114,740,700”.
3. Amend page 32, line 25, by striking out “990,840,300” and inserting “1,041,278,700” and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 119, line 22, after “lesser of” by striking out “95%” and inserting “101.0%”.
5. Amend page 120, line 3, after “and” by striking out “\$278,793,000.00” and inserting “\$323,793,000.00”.
6. Amend page 120, line 4, by striking out “\$881,836,600.00” and inserting “\$926,538,000.00”.
7. Amend page 120, line 4, after “then” by striking out “subtracting 0.05” and inserting “adding 0.01”.
8. Amend page 120, line 6, by striking out all of section 955 and inserting:

“Sec. 955. The funds appropriated in part 1 for county revenue sharing shall be distributed by the department to eligible counties pursuant to the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921.”.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 247**Yeas—16**

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

Nays—22

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

Excused—0**Not Voting—0**

In The Chair: Richardville

Senator Cherry offered the following amendments:

1. Amend page 3, line 22, by striking out “66,860,700” and inserting “66,844,200”.
2. Amend page 6, line 7, by striking out “27,686,000” and inserting “27,669,500” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 248**Yeas—15**

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

Nays—22

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

Excused—0**Not Voting—1**

Barcia

In The Chair: Richardville

Senator Basham offered the following amendments:

- 1. Amend page 28, following line 14, by inserting:
 “Public-private partnership investment—2.0 FTE positions..... 1,476,500”.
- 2. Amend page 29, following line 8, by inserting:
 “Public-private partnership investment fund 1,476,500”

and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 113, following line 7, by inserting:

“Sec. 925. (1) A public-private partnership investment fund is created in the department of treasury. Public-private partnership investments shall include, but are not limited to, all of the following:

- (a) Capital asset improvements including buildings, land, or structures.
- (b) Energy resource exploration, extraction, generation, and sales.
- (c) Financial and investment incentive opportunities.
- (d) Infrastructure construction, maintenance, and operation.
- (e) Public-private sector joint ventures that provide economic benefit to an area or to the state.

(2) The state treasurer and the state budget director shall determine whether or not a specific public-private partnership investment opportunity qualifies for funding from the fund created under subsection (1).

(3) Investment development revenue, including a portion of the proceeds from the sale of any public-private partnership investment designated in subsection (1) shall be deposited into the fund created in subsection (1) and shall be available for administration, development, financing, marketing, and operating expenditures associated with public-private partnerships, unless otherwise provided by law. Public-private partnership investments authorized in subsection (1) are authorized for public or private operation or sale consistent with state law. Expenditures from the fund are authorized for investment purposes as designated in subsection (1) to enhance the marketable value of each investment.

(4) An annual report shall be transmitted to the senate and house of representatives appropriations committees, the senate and house fiscal agencies, and the state budget office not later than December 31 of each year. This report shall detail both of the following:

- (a) The revenue and expenditure activity in the fund for the preceding fiscal year.
- (b) Public-private partnership investments as identified under subsection (1).”.

The question being on the adoption of the amendments,

Senator Basham requested the yeas and nays.

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

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

Roll Call No. 249

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

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. 250**Yeas—21**

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

Nays—17

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

Excused—0**Not Voting—0**

In The Chair: Richardville

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

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

The motion prevailed.

Senator Basham's statement is as follows:

This is exciting for me because I heard the chairman of the committee previously speaking about restoring the funding for a department that my colleague wanted to take the funding away from. So three years ago, the public-private partnership office in the Department of Treasury was created, and it included, but was not limited to, capital assets improvements for buildings, land, or structures; energy resource expiration or extraction or generation of sales, financial, and investment incentive opportunities; infrastructure construction, maintenance, and operation; public-private sector joint ventures; and provide economic benefit to an area or to the state.

It is interesting that my colleagues across the aisle are always talking about smaller government, letting the private sector or the entrepreneurs fund projects, and then this office oversees those projects and actually determines what's a viable project relative to public-private partnerships. So the very comments that they are making, like they just made in the last amendment that Senator Cherry had, would be all the reasons why they should support my amendment.

So knowing full well that you can't have it both ways, you can't have small government without some kind of oversight and a Treasury Department to oversee that. So if we want this state to move forward with private investment dollars, you have to have an office to do that, plus this is premature. You know, we are talking about eliminating an office where there is no public-private partnerships for—you know, we are talking about DRIC—of course, moving forward. There has not even been a vote on that yet. So why do you want to eliminate an office when you have not even had a vote on the issue that is going to be before us, probably, later on today.

So I think it is premature to eliminate it. My amendment restores the funding for the public-private partnership office in the Department of Treasury. I would encourage members to support it and would ask for a record roll call vote.

The following bill was read a third time:

Senate Bill No. 1164, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2011; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Basham offered the following amendment:

- 1. Amend page 31, line 23, after "Crossing." by striking out the balance of the section.

The question being on the adoption of the amendment,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 251

Yeas—15

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

Nays—23

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

Excused—0

Not Voting—0

In The Chair: Richardville

Senator Anderson offered the following amendments:

- 1. Amend page 29, line 9, after "Sec. 324." by inserting "(1)".
- 2. Amend page 29, following line 16, by inserting:

"(2) Whenever practical, signs designed in compliance with the uniform manual of traffic control devices shall be appropriately placed at the work zone by the state transportation department or road authority having jurisdiction over the work zone notifying operators of vehicles of the increased fines and penalties provided by this section for the protection and safety of construction workers and the public."

The question being on the adoption of the amendments,

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 252

Yeas—16

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Thomas
Whitmer

Nays—22

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Excused—0

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. 253

Yeas—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—17

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Garcia
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Thomas
Whitmer

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protests

Senators Switalski, Cherry, Jacobs, Whitmer and Garcia, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1164.

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

The motion prevailed.

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

I appreciate one of the choices made by the committee and embodied in this bill, and that’s that we don’t really want to leave \$500 million in federal funds on the table. The Governor’s budget did not include the matching \$84 million to do that. So the committee made the decision that, yes, we’ve got to find \$84 million to draw down that \$500 million in fed. But we have to ask the question: Why can’t we make our match? And the reason we can’t make our match is because transportation taxes in this state are out-of-date.

It’s because people are driving more fuel-efficient cars, because there’s a recession on, and because the consumer has moved toward hybrid and electric cars that pay little or no gas tax. The transportation taxes, both registration fees and gas taxes, are not bringing in what they used to bring in. That’s why we can’t make our match.

So how are we going to fix that? Should we modernize our transportation taxes? That would seem to be the logical thing to do. That would deal with our structural problem of not being able to raise enough to match the federal funds. But instead, we have chosen in this bill to rob other funds like maintenance on our roads funds and transportation economic development funds for new roads that will provide new jobs and new industries. That is how we are going to get our match. That is a one-time, shortsighted approach to a structural problem.

Most of us have been here for 12 or 14 years. Shouldn’t we leave a legacy of problems fixed and not kick the can down the road for a house of 50-plus, brand-new members to fix? Isn’t that what the responsible thing would be to do? But instead, we are going to take \$40 million out of maintenance. I just ask, why would we not do a permanent fix like establish diesel parity which is worth \$40 million rather than take \$40 million out of maintenance?

It is not a tax increase. It’s the elimination of a discount. It’s taxing fair at parity. Why would we not do that, a permanent structural fix, rather than a one-time steal from other funds and degrade the maintenance of our roads? Because we are not making that choice, I will vote “no.”

Senator Garcia’s statement is as follows:

I would like to commend the chairman of the committee for the work that he did. It was a very difficult task, and I appreciate the fact that he was able to resolve one of the issues that I had in the budget.

But as I took a look at it, there are a number of folks from my district who had a number of very serious concerns about the bill. Basically, the fact that we continue to take money from the Comprehensive Transportation Fund to pay for other department items bothers me. I am especially concerned about some of the items with Work First, van pooling, and the special services that would take away opportunities for people to work who need work; also for the impact it would have on senior citizens trying to get to doctor visits or just basic things like shopping for groceries.

So while I commend the chairman for putting together a very difficult bill, I felt compelled to vote “no” against it for those reasons.

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

The motion prevailed.

Senator Basham’s statement is as follows:

Again, this restores language that has been removed that eliminates the department, and it deals with next year’s budget when, in fact, the vote for the DRIC has not been taken yet. We don’t want to actually hold the—it would actually, this legislation if it’s in the bill as presented, it would allow no one in MDOT to speak. It would allow no staff—they could not talk about or work on the study. They couldn’t do anything relative to the DRIC. It would prohibit the next batch of legislators from dealing with this most important issue. I heard that even the Republican Legislature in Ohio supports the DRIC. But it is a shame that the members of this body don’t support the most important issue that we will probably ever deal with in our legislative career.

This is about direct jobs—10,000. It’s about \$1 billion annually in commerce to this country—going across another bridge. It’s about ignoring a study that has taken seven years to get us to this point. It just doesn’t make sense to eliminate something that only benefits the state of Michigan. It’s not a Republican issue. It’s not a Democratic issue. It’s a jobs issue; it’s a homeland security issue; it’s a commerce issue. It’s an issue that if we don’t deal with it here in Michigan, there will be additional capacity in Buffalo, New York. They currently have 14 lanes. We have four lanes in the busiest bridge in North America; privately-owned, 80-something years old. It’s a bridge that needs to be re-decked. There are 26 international border crossings in this country, 24 of them publicly-owned.

Again, this would actually kill the DRIC project if this language stays in. So my amendment just removes this language. I encourage members to support my amendment.

Senator Hardiman's first statement is as follows:

I, certainly, appreciate the previous speaker's passion on the DRIC issue, but I would just point out a couple of things. The language in the budget for this year calls for the DRIC issue to be decided now. So the language for next year—and I would actually read this: “The department shall not make any expenditure, commit to an expenditure, or bind the state to an expenditure related to the Detroit River International Crossing (DRIC) unless the legislature has enacted specific enabling legislation to allow for the construction of the DRIC.” The Legislature has not yet approved the DRIC, and until we do, the department should not be expending anymore taxpayer dollars on this issue.

This does not settle the DRIC issue, and this simply speaks to funding. This is an appropriations bill. I think the language that we have is very appropriate. I would urge rejection of this amendment.

Senator Hardiman's second statement is as follows:

I do rise to speak in favor of the Transportation budget. This budget clearly sets and meets two vital policy goals. No. 1, this budget will meet our federal funding match for our state highway system. It matches the 475 million federal dollars that were left on the table. The Governor proposed a budget that left \$475 million on the table. That's about half a billion federal dollars that are critical for Michigan. It will help us improve our roads, but also it is a matter of economic development. It is my hope that if we pass more reforms that even the cuts that are in this budget will lessen the severity of those cuts.

The second goal is that this budget does not raise fuel taxes but makes very difficult choices. There have been many calls for higher fuel taxes. I think that this is the wrong direction at this point in time. Michigan needs a new way of governing and a new way of attracting private investment and jobs. Raising a tax at this time sends the wrong message on both accounts.

This budget also preserves other programs such as bus capital and operations. We did make several very difficult cuts along the way, but we tried to focus on areas with fund balances or unspent funds. I do not minimize the difficulty of these cuts, but we have a choice before us.

I would ask that we keep in mind the two goals of this bill: meeting the federal match and doing it without raising taxes. These are the kinds of goals people want us to make and to do the hard work of reform. I ask members to support this budget as a step in that direction.

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. 1227, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 4, 6, 7, 8, 25, 26, 41, 42, 43a, 43b, 43c, 61, 81, 86, and 87 (MCL 38.1304, 38.1306, 38.1307, 38.1308, 38.1325, 38.1326, 38.1341, 38.1342, 38.1343a, 38.1343b, 38.1343c, 38.1361, 38.1381, 38.1386, and 38.1387), section 4 as amended by 2008 PA 354, sections 6 and 7 as amended by 1995 PA 272, sections 8, 25, and 26 as amended by 1997 PA 143, section 41 as amended by 2007 PA 15, section 42 as amended by 1996 PA 268, section 43a as amended by 2007 PA 111, sections 43b and 81 as amended by 1989 PA 194, section 43c as amended by 1998 PA 213, and section 61 as amended by 2006 PA 158, and by adding sections 41b, 43e, 43f, and 81c and article 7.

(For Conference Report, see Senate Journal No. 44, p. 779.)

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on May 17, 2010.

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

The motion prevailed.

Senate Bill No. 1204, entitled

A bill to amend 1980 PA 395, entitled “Community convention or tourism marketing act,” by amending section 2 (MCL 141.872), as amended by 1993 PA 224.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 9, after “the” by striking out the balance of the subdivision and inserting “**PRESIDENT OF THE MICHIGAN STRATEGIC FUND.**”.

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

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 amendment made to the bill by the House,

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

Roll Call No. 254

Yeas—31

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

Nays—6

Bishop	Kuipers	Richardville	Sanborn
Brown	McManus		

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1092, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 12 (MCL 125.2692), as amended by 2002 PA 745.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 2, after “**LAW.**” by inserting “**FOR FISCAL YEAR 2009-2010 ONLY.**”

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

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 amendment made to the bill by the House,

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

Roll Call No. 255**Yeas—25**

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

Nays—12

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

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

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

By unanimous consent the Senate proceeded to the order of

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

The motion prevailed.

Senators Cassis, Allen, Cropsey and Jansen offered the following resolution:

Senate Resolution No. 159.

A resolution offered as a memorial for Ernie Harwell, former radio and television broadcaster for the Detroit Tigers.

Whereas, The recent passing of Ernie Harwell has deeply saddened those whom he touched throughout his career in broadcasting. In remembrance of him and as an expression of our condolences to his family, we join in offering this resolution as a symbol of our respect. He was an outstanding American sportscaster, a devoted husband, dear friend, and model citizen of the city of Novi. He enriched countless lives and will be genuinely missed; and

Whereas, Ernie Harwell was born in 1918 and raised in Georgia but found his way to Michigan in 1960. He spent 55 years broadcasting Major League Baseball, beginning with the Atlanta Crackers in 1943, and moved to the majors with the Brooklyn Dodgers in 1948. Harwell had a 42-year run as the voice of the Detroit Tigers. He was known for his low-key delivery, Southern accent, and conversational style. Ernie Harwell received more awards and honors than can possibly be listed, including induction into nine halls of fame, topped by winning the Ford C. Frick Award in 1981, enshrinement in the broadcasters' wing of the Baseball Hall of Fame in Cooperstown, New York, and in January 2009,

the American Sportscasters Association ranked Harwell 16th on its list of Top 50 Sportscasters of All Time. Harwell also holds the distinction of being the only announcer to be acquired in a trade; and

Whereas, The passing of Ernie Harwell has left an unfillable void. We extend our condolences to those who are suffering from his loss, especially his family, colleagues, fans, and friends. His wife Lulu of 68 years, his sons Bill and Gray, and his twin daughters Carolyn and Julie can be justifiably proud of his outstanding contributions. We are grateful for the legacy of exemplary service he has left for us that will be long remembered; now, therefore, be it

Resolved by the Senate, That we hereby celebrate the life and memory of Ernie Harwell. May his family, friends, colleagues, and fans allow us to share in their sorrow and their joy as we commend with pride Ernie Harwell's lasting memory. May his family know of our deepest respect for his spirit and contributions on behalf of all Michigianians; and be it further

Resolved, That a copy of this resolution be transmitted to the Harwell family in remembrance of this great citizen of Michigan and as a token of our esteem.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey moved that the rule be suspended.

The question being on the motion to suspend the rule,

Senator Cropsey moved that further consideration of the resolution be postponed for today.

The motion prevailed.

Senators Patterson, Kuipers, Cropsey, Brown, Nofs, Richardville, Birkholz, Kahn, Barcia, Olshove, Thomas, Jelinek, Stamas, Gilbert, Allen, Hardiman, Pappageorge, Sanborn, Switalski, McManus, Hunter, Jansen, Scott, Van Woerkom, Clarke, Prusi and Garcia offered the following resolution:

Senate Resolution No. 160.

A resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.

Whereas, Due in large part to the unregulated efforts of private enterprise over the past 25 years, the development of the Internet has dramatically transformed the way Michigan citizens work, live and learn. The deployment of efficient, fast, and reliable broadband networks through-out Michigan has created thousands of jobs and economic benefits for local economies; and

Whereas, In order to encourage the growth and development of the Internet, the Federal Communications Commission (FCC) has historically followed a policy to refrain from regulating broadband Internet services as common carrier services under Title II of the Communications Act of 1934. As a result, the United States has been at the forefront of technological, business, and social innovation on the Internet; and

Whereas, On May 6, 2010, the Chairman of the FCC announced a proposal to reclassify broadband Internet services as common carrier services so that they can be more tightly regulated, together with a proposal to forbear from imposing certain common carrier obligations on broadband Internet providers; and

Whereas, It is the judgment of the Michigan Senate that using monopoly-era provisions of Title II of the Communications Act of 1934 to regulate the Internet will slow investment in Michigan's Internet broadband infrastructure and jeopardize future job growth; now, therefore, be it

Resolved by the Senate, That we memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey moved that the rule be suspended.

The question being on the motion to suspend the rule,

Senator Cropsey moved that further consideration of the resolution be postponed for today.

The motion prevailed.

Senators Kuipers, Patterson, Cropsey, Kahn, Richardville, Barcia, Birkholz, Nofs, Olshove, Thomas, Jelinek, Stamas, Gilbert, Brown, Hardiman, Pappageorge, Sanborn, Switalski, McManus, Allen, Scott, Clarke, Hunter, Jansen, Van Woerkom, Prusi and Garcia offered the following concurrent resolution:

Senate Concurrent Resolution No. 41.

A concurrent resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.

Whereas, Due in large part to the unregulated efforts of private enterprise over the past 25 years, the development of the Internet has dramatically transformed the way Michigan citizens work, live and learn. The deployment of efficient, fast, and reliable broadband networks through-out Michigan has created thousands of jobs and economic benefits for local economies; and

Whereas, In order to encourage the growth and development of the Internet, the Federal Communications Commission (FCC) has historically followed a policy to refrain from regulating broadband Internet services as common carrier services under Title II of the Communications Act of 1934. As a result, the United States has been at the forefront of technological, business, and social innovation on the Internet; and

Whereas, On May 6, 2010, the Chairman of the FCC announced a proposal to reclassify broadband Internet services as common carrier services so that they can be more tightly regulated, together with a proposal to forbear from imposing certain common carrier obligations on broadband Internet providers; and

Whereas, It is the judgment of the Michigan Senate that using monopoly-era provisions of Title II of the Communications Act of 1934 to regulate the Internet will slow investment in Michigan's Internet broadband infrastructure and jeopardize future job growth; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey moved that the rule be suspended.

The question being on the motion to suspend the rule,

Senator Cropsey moved that further consideration of the resolution be postponed for today.

The motion prevailed.

House Concurrent Resolution No. 57.

A concurrent resolution to memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934.

Whereas, Due in large part to the unregulated efforts of private enterprise over the past 25 years, the development of the Internet has dramatically transformed the way Michigan citizens work, live and learn. The deployment of efficient, fast, and reliable broadband networks through-out Michigan has created thousands of jobs and economic benefits for local economies; and

Whereas, In order to encourage the growth and development of the Internet, the Federal Communications Commission (FCC) has historically followed a policy to refrain from regulating broadband Internet services as common carrier services under Title II of the Communications Act of 1934. As a result, the United States has been at the forefront of technological, business, and social innovation on the Internet; and

Whereas, On May 6, 2010, the Chairman of the FCC announced a policy to reclassify broadband Internet services as common carrier services so that they can be more tightly regulated, with a proposal to forbear from imposing certain common carrier obligations on broadband Internet providers; and

Whereas, It is the judgment of the Michigan House of Representatives that using monopoly-era provisions of Title II of the Communications Act of 1934 to regulate the Internet will slow investment in Michigan's Internet broadband infrastructure and jeopardize future job growth; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President, the Congress, and the Federal Communications Commission of the United States to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; and be it further

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

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey moved that the rule be suspended.

The question being on the motion to suspend the rule,

Senator Cropsey moved that further consideration of the resolution be postponed for today.

The motion prevailed.

Introduction and Referral of Bills

Senators Hardiman and Jansen introduced

Senate Bill No. 1339, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 12 (MCL 423.212).

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

House Bill No. 4580, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1310b.

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 Education.

House Bill No. 6008, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

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 Education.

House Bill No. 6009, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1229 (MCL 380.1229), as added by 1995 PA 289.

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 Education.

House Bill No. 6010, entitled

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending section 3a (MCL 15.323a), as amended by 1996 PA 203.

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 Education.

Statements

Senators 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:

Recently, there have been allegations made that I would like to address. During my time in Lansing serving the people of my district, there have been several issues that I have been proud of—proud of my work, proud to work on an effort to grow jobs and make Michigan a better place for our people. These include creating jobs for Hemlock Semiconductor, Morley Brothers, and Dow Corning, to give a few examples.

Unfortunately, while there are countless issues in legislative accomplishments that I am proud of, there is a recent incident that I am not proud of, and frankly, I am embarrassed. Last Thursday night after a long session of more than 12 hours, as members would note, I exchanged words with my staffer that I regret. I have since apologized to him. I have told him I am sorry for my choice of words that evening.

I also want to take this opportunity to apologize to my fellow Senate Republican and Democrat colleagues, to my Senate staff, and to this body. It is true that I am a passionate person. I am passionate about what I believe in. I am passionate about the work that I do here and for the working families and residents of Saginaw and Gratiot Counties.

Unfortunately, on Thursday, I let some of that passion get in the way. I regret the tone I took, the words I used, and I am truly sorry that this exchange occurred.

Last week, we made a difficult but necessary reform for Michigan residents. It took the form of a \$3.1 billion savings over ten years for Michigan schools and for our students. My goal today is to renew my efforts and refocus my energy and passion on those issues of making Michigan a better place for our working families, for our people, and for job providers. That is what the people of my district elected me to do, and to this I remain committed to doing so.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:
Meeting held on Thursday, May 13, 2010, at 8:30 a.m., Room 210, Farnum Building
Present: Senators Hardiman (C), Kahn, Jansen, Scott and Barcia

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Public School Employees Retirement (SB 1227) submitted the following:
Meeting held on Thursday, May 13, 2010, at 11:10 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Gilbert (C), Jansen and Cherry

Scheduled Meetings

Appropriations -

Subcommittee -

Community Health Department - Thursday, May 27, 1:00 p.m., Room 110, Capitol Building (373-2768)

Campaign and Election Oversight - Wednesday, May 19, 12:00 noon, Room 405, Capitol Building (373-1725)

Economic Development and Regulatory Reform - Wednesday, May 19, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Thursday, May 20, 11:00 a.m., Room 110, Farnum Building (373-1758)

Natural Resources and Environmental Affairs - Wednesday, May 19, 1:00 p.m., Room 110, Farnum Building (373-3447) (CANCELED)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 1:13 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, May 19, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

