

No. 61
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Thursday, June 24, 2010.

10:00 a.m.

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

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

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—excused
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

Senator Alan L. Cropsey of the 33rd District offered the following invocation:

Today, I am taking the 33rd Psalm and personalizing it using a New Living translation:

“Lord, your word holds true, and we can trust everything you do.

You love whatever is just and good; your unfailing love fills the earth.

You merely spoke, and the heavens were created.

You breathed the word, and all the stars were born.

You assigned the sea its boundaries and locked the oceans in vast reservoirs.

Lord, the whole world should fear you and let everyone stand in awe of you.

For when you spoke, the world began! It appeared at your command.

You frustrate the plans of the nations and thwart all their schemes.

But your plans stand firm forever; your intentions can never be shaken.

What joy for the nation whose God is you, Lord, whose people you have chosen as your inheritance.

You look down from heaven and see the whole human race.

From your throne you observe all who live on the earth.

You made their hearts, so you understand everything they do.

The best-equipped army cannot save a king, nor is great strength enough to save a warrior.

We can't count on our warhorses to give us victory—for all its strength, it cannot save us.

But you, Lord, watch over those who fear you, those who rely on your unfailing love.

You rescue us from death and keep us alive in times of famine.

We put our hope in you, Lord. You are our hope and our shield.

In you our hearts rejoice, for we trust in your holy name.

Let your unfailing love surround us, Lord, for our hope is in you alone.”

Amen.

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

Motions and Communications

Senators Pappageorge, Richardville, Bishop and Garcia entered the Senate Chamber.

Senator Cropsey moved that the Committee on Government Operations be discharged from further consideration of the following concurrent resolution:

House Concurrent Resolution No. 51.

A concurrent resolution to decry the atrocities taking place in Darfur and to urge the President and Congress to take all steps possible to alleviate the suffering and bring about a lasting political settlement in the region.

The motion prevailed, a majority of the members serving voting therefor, and the concurrent resolution was placed on the order of Resolutions.

Senator Thomas moved that Senators Barcia, Gleason and Brater be temporarily excused from today's session.

The motion prevailed.

Senator Thomas moved that Senator Hunter be excused from today's session.

The motion prevailed.

The following communications were received and read:

Office of the Senate Majority Leader

June 23, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5880, the Senate appoints the following members to sit on the conference committee:

Senator John Pappageorge

Senator Mark Jansen

Senator Deborah Cherry

Thank you for your prompt consideration of this matter.

June 23, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5882, the Senate appoints the following members to sit on the conference committee:

Senator Bill Hardiman

Senator Roger Kahn

Senator Martha Scott

Thank you for your prompt consideration of this matter.

June 23, 2010

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5889, the Senate appoints the following members to sit on the conference committee:

Senator Bill Hardiman

Senator Alan Cropsey

Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

Sincerely,
 Senator Michael D. Bishop
 Majority Leader
 State Senate, 12th District

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 Wednesday, June 23:

House Bill Nos. 4627 6038 6223 6226

The Secretary announced that the following official bills were printed on Wednesday, June 23, and are available at the legislative website:

Senate Bill Nos. 1396 1397

House Bill Nos. 6274 6275 6276 6277 6278 6279 6280 6281 6282

Messages from the House

Senator Gleason entered the Senate Chamber.

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1343, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 240.

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

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

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

The Senate agreed to the full title.

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

Senator Barcia entered the Senate Chamber.

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

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

House Bill No. 4404

House Bill No. 6235

Senate Bill No. 1166

The motion prevailed.

The following bill was read a third time:

House Bill No. 4404, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4t (MCL 205.54t), as amended by 2004 PA 173.

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. 329

Yeas—31

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

Nays—5

Cherry	Jacobs	Switalski	Whitmer
Clark-Coleman			

Excused—2

Brater	Hunter
--------	--------

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.

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

"An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement

thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

Senator Brater entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 6235, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 409 (MCL 208.1409), as amended by 2008 PA 572.

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. 330

Yeas—36

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
Cherry	Jacobs	Patterson	Whitmer

Nays—1

Cassis

Excused—1

Hunter

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.

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

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of 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. 331

Yeas—35

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

Nays—2

Cassis	Patterson
--------	-----------

Excused—1

Hunter

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 198, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4o (MCL 205.94o), as amended by 2004 PA 172.

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

The House of Representatives has passed the bill as substituted (H-1), 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 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. 332**Yeas—30**

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

Nays—7

Brater	Clark-Coleman	Scott	Whitmer
Cherry	Jacobs	Switalski	

Excused—1

Hunter

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn 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. 4986, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 4 and 9 (MCL 207.774 and 207.779), section 4 as amended by 2009 PA 16 and section 9 as amended by 2005 PA 340.

Substitute (S-4).

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. 4726, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 2004 PA 362.

Substitute (S-1).

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

1. Amend page 5, line 18, after "court" by striking out "may" and inserting "**SHALL**".

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 proceeded to the order of

Introduction and Referral of Bills

Senators Garcia, Nofs, Prusi and Cropsey introduced

Senate Bill No. 1404, entitled

A bill to create the Michigan intelligence operations center for homeland security and the advisory board for the center; and to prescribe their powers and duties.

The bill was read a first and second time by title and referred to the Committee on Homeland Security and Emerging Technologies.

Senators Cassis, Jansen, Bishop, Hardiman, George and Gilbert introduced

Senate Bill No. 1405, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 457 (MCL 208.1457), as added by 2008 PA 86.

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

House Bill No. 6223, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 5 (MCL 213.55), as amended by 2006 PA 439.

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 Judiciary.

Statements

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

The motion prevailed.

Senator Cropsey's statement is as follows:

Last year, we did the Transportation budget, and the DRIC was one of the key components coming to an agreement on the language in the boilerplate. It was a key component in getting that budget passed last year. I just wanted to thank the Senator from the 8th District for putting out the letter from Wilbur Smith Associates, where they basically tried to explain why the department has not abided by the boilerplate that was agreed to in the Majority Leader's office last year and that this body passed and the other body passed and that the Governor signed.

I think it is critical to note when we take a look at the boilerplate, Section 384 of the Transportation budget last year, once again, we have spent over 40 million taxpayer road dollars to get this done, and it is not done. The boilerplate said, "The department may continue with preliminary legal, financial, traffic and revenue study, permitting, engineering, and other ancillary work for the Detroit River International Crossing (DRIC) so that it can solicit from the private sector requests for proposals for public-private partnerships to construct the bridge, plaza, and related infrastructure. The department shall submit proposals to the legislature by May 1, 2010. Those activities associated with the DRIC project shall not bind the state in any way to construction."

What is interesting to note is that the department, instead of having requests for proposals that they gave to the Legislature, solicited requests for proposals of interest instead of requests for proposals. By this time, May 1, or I should say seven weeks ago, we should have had on our desks as legislators requests for proposals from the private sector on how they would propose to build the DRIC bridge. This is supposed to be something fairly concrete to have in hand so that we would know what the plans are; what was going to be done. The department has not given me a single proposal from anyone in the private sector on how to build the bridge. From what I understand, I don't think any of you have either. Why is that important? Because we were supposed to make a decision once and for all if are we going to do the DRIC bridge. We don't even have proposals in front of us.

Another part of this that is so interesting is the proposals would have to be built upon in the investment grade traffic study that the good Senator from the 8th District points out to us. This is not an investment grade study that we have been given. It is really a refreshed study of the 2008 Canadian study instead of an investment grade traffic study. Also on the investment grade traffic study, it was “to provide a detailed traffic projection for the ensuing 10 years, taking into account projected infrastructure modifications, expansions, and improvements announced.” They failed to take this into account. They did not do the modifications, expansions, and improvements.

Have there been changes made since the 2008 Canadian study? Yes, there have. It has been announced about the Detroit Intermodal Freight Terminal (DIFT). It has also been announced about a Detroit River Tunnel Project, both of which will take a sizeable chunk of commercial traffic off of that road corridor. We don’t have the information in front of us because we were not given an investment grade traffic study upon which the different entities would then be able to construct their proposals.

The department spent \$287,000 on a preliminary study when we had asked for an investment grade traffic study, which in other states, Wilbur Smith has done for \$1 million. We gave the department up to \$2.5 million to do the investment grade traffic study and get the request for proposals out there, and then get them on our desks. I do not have an investment grade traffic study, and I don’t have a single proposal from the private sector on how this is supposed to be done. The department has failed to do its job. It needs to be held accountable.

Senator Scott’s statement is as follows:

Eleanor Roosevelt once said, “What you don’t do can be a destructive force.” If we do not act on auto insurance reform this year, then we will condemn Michigan’s hardworking citizens to many more years of unfair, unaffordable auto insurance rates. For many, the economy will never improve for them because unless we act, any pay increases they might see will be eaten up by auto insurance rates.

Not that long ago, the MCCA was forced to give refunds to drivers across Michigan because they had such a huge surplus of funds. Now we can act to again create fairness in this system. People will pay a fair price for a product. Because we require drivers to buy insurance, we must make sure that it is fair and affordable.

This is not an insurmountable problem, and we have legislation that will help create fairness if we just work on it and vote it into law. If we don’t do this now, then it may be years before anyone takes up this fight again. We should not leave office without fixing this one problem that affects all of our constituents.

Senator Allen’s statement is as follows:

I rise today because of some chilling news that was reported yesterday that should serve as a warning that our natural resources and our way of life are in danger. By now, we have all heard of the Asian carp that are threatening to enter the Great Lakes ecosystem through the Chicago canal system. It was reported that one of the carp was discovered beyond the electronic barrier that the federal government is relying on to stop these fish from entering the Great Lakes.

My hope is this news will prompt serious action on the part of the administration to prevent these carp from advancing any further. Unfortunately, thus far, the Obama Administration provided little more than lip service to prevent these fish that represent such a real threat to our Great Lakes fisheries from entering Lake Michigan. The time for half measures and temporary fixes is over. The administration in Washington needs to find an answer before Great Lakes fisheries are completely destroyed.

Asian carp have no known predators. They breed rapidly, and they are voracious eaters. Because of this, fisheries experts have predicted that once they reach the Great Lakes, they will spread rapidly and decimate the food sources that our current Great Lakes fish rely upon to survive.

Commercial fishing is a critical part of our state’s economy, and this has the potential to devastate it. Fishing is also an important component to our tourism industry. Anglers from around the country flock to Michigan to fish for one of our marquee sport fish, whether that is walleye, trout, or salmon. If the carp are allowed to enter the Great Lakes, the populations of these traditional sport fish would likely be destroyed. These carp are also known for their erratic behavior, including leaping several feet into the air, putting boaters at risk.

The boating and fishing industries contribute billions to our state economy. But fishing and boating are more than just an important part of our economy. It is woven into our cultures and traditions. Whether it is a family spending time together on the lakes or tribal fishing heritage that is still critical to Michigan’s numerous tribes, residents of this state have been fishing and spending time on the Great Lakes since long before the canals in Chicago that now threaten that tradition were built.

I would like to thank my colleagues for supporting Senator Birkholz and myself in adopting resolutions last month to urge the Obama Administration to find a solution to this Asian carp threat and to permanently separate the Chicago canal system from Lake Michigan.

Today, I again urge the President to stop protecting his home state of Illinois who wants these canals to stay open at the expense of the other Great Lakes states and Ontario who have all urged the federal government to act. It will be a tragedy if these carp are allowed to wreak havoc on our Great Lakes fisheries when there are solutions available to prevent it.

Democrats in Washington have claimed to be the champions of environmental protection and yet have failed to take serious actions to prevent this man-made environmental disaster. I hope that yesterday's news that these carp are even closer to Lake Michigan will prove that their current strategy is clearly not sufficient. My hope is that it will prompt the administration in Washington to get serious about protecting the largest freshwater bodies of water in the world from this dangerous invasive species that threatens the way of life of the millions of people who live around the Great Lakes.

Senator Pappageorge's statement is as follows:

As a footnote on the discussion held earlier on DRIC, the traffic study did not take into account the new tunnel, a railroad tunnel. I ask you to think about how many trucks it takes to fill up a railroad train. If you leave that out of the study, you are missing a major piece, and it makes the whole thing suspect.

By unanimous consent the Senate returned 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

House Concurrent Resolution No. 41

The motion prevailed.

Senator Cropsey moved that the rules be suspended and that the following concurrent resolution, now on the order of Resolutions, be placed on the Resolutions calendar for consideration today:

House Concurrent Resolution No. 51

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

House Concurrent Resolution No. 51.

A concurrent resolution to decry the atrocities taking place in Darfur and to urge the President and Congress to take all steps possible to alleviate the suffering and bring about a lasting political settlement in the region.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senators Allen, Birkholz, Bishop, Brater, Brown, Cassis, Cherry, Clark-Coleman, Cropsey, Garcia, Gilbert, Gleason, Hardiman, Jansen, Jelinek, Kahn, Kuipers, McManus, Olshove, Patterson, Prusi, Richardville, Sanborn, Scott, Stamas, Switalski, Thomas, Van Woerkom and Whitmer were named co-sponsors of the concurrent resolution.

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

The motion prevailed.

Senator Thomas' statement is as follows:

Since 2003, the Darfur region of the Sudan has been embroiled in an armed, tumultuous, divisive, and deadly genocide that has killed more than 400,000 Darfurian people, left more than 2.5 million innocent people as refugees throughout North Africa, and more than 4 million people have been forced to receive some form of humanitarian aid. It is important to note that this region has gone through tremendous upheaval since the colonial days of the Sudan being founded in 1916. Largely, the Darfurian people are being persecuted because they are African, non-Arab people, and because of their religion, they are being persecuted.

The House of Representatives has sent us a resolution urging an action by the President and the Congress because the only way to resolve this issue is through a coordinated international, political effort. I want to thank the Majority Leader and colleagues for bringing this to the floor today. It is important that we move this resolution today because this resolution is the centerpiece of a conference that will be taking place in Detroit in the next week. It is the national convention of an organization known as The Links, Incorporated. The Links, Incorporated, is an international not-for-profit corporation established in 1946. Its membership consists of more than 12,000 African-American professional women. It has 270 chapters in 42 states, the District of Columbia, and the Bahamas.

They will be in Detroit for their national convention. They have made this the centerpiece of their social action agenda. In fact, more than 1 million people have signed petitions by The Links organizations across the country. While in Detroit

next week, they will be celebrating that the state of Michigan is joining their effort in decrying the genocide that is taking place in the Sudan, and they are very appreciative of that. I, too, am very appreciative of the Senate taking this resolution forward so that this national organization, as they come and enjoy the beauties of Michigan and the wonders of Detroit, will have something important to talk about at their convention because the Senate has seen fit to join them in this. I hope that my colleagues will support the resolution.

Senators Kahn, Birkholz, Allen, McManus, Patterson, Van Woerkom and Brown offered the following resolution:

Senate Resolution No. 166.

A resolution to call the Obama Administration to task for its failed leadership on preventing Asian carp from invading the Great Lakes and call again for immediate actions to prevent further carp movement into the Great Lakes.

Whereas, A live Asian carp has been found beyond the electrical barrier on the Chicago Sanitary and Ship Canal and beyond any existing locks separating Lake Michigan from carp-infested waters. The live carp, mature enough to reproduce, vindicates earlier DNA detections of Asian carp in these waters and confirms the fears of Michigan and other Great Lakes states and provinces; and

Whereas, Since the first detection of Asian carp beyond the electrical barrier over seven months ago, the Obama Administration has continually sided with special interests in delaying decisive action at the expense of the entire Great Lakes region; and

Whereas, The Obama Administration successfully fought Michigan's lawsuit to immediately shut down canals and waterways connecting the Great Lakes basin to the Mississippi River basin and move forward with permanent separation of the two basins; and

Whereas, The Obama Administration ignored repeated resolutions from the Michigan Legislature and other parties warning of the imminent threat and calling for immediate action to protect the Great Lakes from Asian carp. Instead, the administration has wasted valuable time, effort, and money attempting to further corroborate earlier evidence of Asian carp in the Great Lakes; and

Whereas, Early indications are that the Obama Administration will continue to question, minimize, and fight any evidence that would support immediate closure of the locks in the Chicago area and permanent separation of the Great Lakes from the Mississippi River basin. The longer that the administration delays on these actions, the more likely it is that Asian carp will become established in the Great Lakes; and

Whereas, The Obama Administration already has one ecological disaster on its watch. The administration should not allow another disaster with longer-term consequences and within its power to prevent from coming to fruition; now, therefore, be it

Resolved by the Senate, That we call the Obama Administration to task for its failed leadership on preventing Asian carp from invading the Great Lakes and call again for immediate actions to prevent further carp movement into the Great Lakes; and be it further

Resolved, That we encourage and support the Michigan Attorney General's efforts to pursue further legal action demanding immediate closure of the canals and waterways connecting the Great Lakes basin to carp-infested waters; 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 Michigan Attorney General.

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

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

The question being on the adoption of the resolution,

Senator Prusi offered the following amendments:

1. Amend the title, after the first "the" by striking out "Obama Administration" and inserting "Army Corps of Engineers".

2. Amend the second Whereas clause, line 2, after "the" by striking out "Obama Administration has continually sided with special interests in delaying" and inserting "Army Corps of Engineers delayed".

3. Amend the resolution by striking out all of the fourth, fifth and sixth Whereas clauses.

4. Amend the first Resolved clause, line 1, after the second "the" by striking out "Obama Administration" and inserting "Army Corps of Engineers".

5. Amend the third Resolved clause, line 1, after "the" by inserting "Army Corps of Engineers,".

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 not voting therefor, as follows:

Roll Call No. 333**Yeas—15**Anderson
Barcia
Basham
BraterCherry
Clark-Coleman
Clarke
GleasonJacobs
Olshove
Prusi
ScottSwitalski
Thomas
Whitmer**Nays—21**Allen
Birkholz
Bishop
Brown
Cassis
CropseyGarcia
Gilbert
Hardiman
Jansen
JelinekKahn
Kuipers
McManus
Nofs
PappageorgePatterson
Richardville
Sanborn
Stamas
Van Woerkom**Excused—1**

Hunter

Not Voting—1

George

In The Chair: President

Senator Cropsey moved that Senator George be excused from the balance of today's session.
The motion prevailed.

The question being on the adoption of the resolution,
Senator Cropsey requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 334**Yeas—31**Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brown
CassisCherry
Clarke
Cropsey
Garcia
Gilbert
Gleason
Hardiman
JacobsJansen
Jelinek
Kahn
Kuipers
McManus
Nofs
Olshove
PappageorgePatterson
Prusi
Richardville
Sanborn
Stamas
Switalski
Van Woerkom**Nays—3**

Brater

Clark-Coleman

Scott

Excused—2

George

Hunter

Not Voting—2

Thomas

Whitmer

In The Chair: President

Senators Barcia, Bishop, Cassis, Cropsey, Gilbert, Hardiman, Jansen, Jelinek, Kuipers, Nofs, Pappageorge, Richardville, Sanborn, Stamas and Switalski were named co-sponsors of the resolution.

Protests

Senators Brater, Clark-Coleman and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 166.

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

The motion prevailed.

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

I would like to welcome my colleagues on the other side of the aisle to the belief that the government needs to be strong and vigorous in its mission to protect the people from harm and to help us address harms in the environment that we cannot address on an individual basis. I think it is wonderful that we have bipartisan agreement on that issue today. I hope that we remember it when we have other environmental issues come up in the near future.

As I said earlier in discussion on the amendment, we all agree on the urgency of preventing the Asian carp from entering the Great Lakes ecosystem. But instead of a bipartisan approach to work on this issue together, the resolution put before us is a partisan diatribe which makes it difficult to get a unanimous vote to work together on this important issue.

The majority party can’t have it both ways. They can’t call for smaller government, refuse to pay the true costs of environmental protection to keep invasive species out of our ecosystem and prevent other harms to the environment, refuse to regulate industries that cause environmental harm, and then conveniently blame the person who happens to be in the White House when a disaster that has been brewing for decades finally comes to a head.

The buck does stop here. We have an opportunity in the Legislature to protect Michigan from ecological disaster. There are bills preventing harm to the Great Lakes ecosystem and harm to human health caused by toxins in our environment languishing in various committees of this Senate. In fact, some of these important bills haven’t even been sent to the natural resources committee where they could be given a hearing.

Sitting in the natural resources committee right now are bills to prevent mercury from circulating in our bloodstream; bills to prevent bottles which contain petroleum plastics from being wasted and instead have a deposit and to be recycled; and bills to protect our water and air. Most interestingly, a bill that would prevent the spread of invasive species in our ecosystem, introduced by the good Senator from the 32nd District, is languishing in that committee.

I think if we are so busy here bashing the Obama Administration, then we should get to work, roll up our sleeves, and take up some of these bills that we have introduced in this Legislature to protect the environment and protect humans and citizens in the state of Michigan from toxic chemicals circulating in our bloodstream.

Meanwhile, we should also get to work to prevent these dangerous species from circulating in the Great Lakes. We should work with the federal government to provide the resources to prevent more of these invasive species from entering our ecosystem at our ports and through our ships that are circulating, and many other ways that we should be working together to prevent Asian carp and other invasive species from destroying our ecosystem.

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

The motion prevailed.

Senator Prusi's statement is as follows:

The issue of Asian carp is a very critical issue for the state of Michigan and all of the states surrounding the Great Lakes. These Asian carp have been steadily advancing up toward the Great Lakes basin for many years. Now all of a sudden, at least through the language of the resolution currently before us, it becomes a hugely partisan issue.

I would like to see where anyone can point out to me one concrete action taken by the previous administration during the years we have watched these carp advance up the Mississippi River basin getting steadily closer. I don't believe that there was anything done in the last ten years to stop this advance. Everyone in the state needs to be concerned about this issue, but turning it into a partisan attack on the President is a political ploy. It really does very little to actually accomplish what we are trying to do here today.

My amendment basically would strike out the language that I believe is motivated by more partisanship than an effort to resolve this issue and inserts the Army Corps of Engineers as the responsible party. They have the jurisdiction. I fully understand that the buck stops in the White House, but it is the Army Corps of Engineers that has jurisdiction over this. They have been the ones who have been delaying and studying and perhaps giving the President some bad advice on how to resolve this issue. But I don't think that it will serve us well if we just point the finger at the President, making this into a partisan issue.

So I would ask members to support my amendments and direct our ire at the responsible party which is the Army Corps of Engineers, and make sure that they understand how the people of the state of Michigan feel about Asian carp and their lack of action today.

Senator Birkholz's statement is as follows:

First of all, I would urge a "no" vote on the amendment because it erodes the key principle of the Obama Administration which my colleague from the U.P. has already talked about. The Obama Administration has said that the buck stops here. Well, the buck does stop there, and the Army Corps of Engineers is within the purview of the administration. So I would oppose this amendment.

I would urge the adoption of this resolution. It does call the Obama Administration to task for its failed leadership on preventing the Asian carp from invading the Great Lakes. We need immediate action. I think that it is very clear. Frankly, if it were the Bush Administration, I would be calling them to task too.

We recently learned yesterday of the live Asian carp found beyond the electronic barrier on the Chicago Sanitary and Ship Canal and beyond any existing lock separating Lake Michigan from the carp-infested waters. This live carp, mature enough to reproduce, vindicates the earlier DNA detections of the Asian carp in these waters. It also confirms the fears of Michigan, the other Great Lakes states, and the provinces.

Since the first detection of the Asian carp beyond the electronic barriers seven months ago, the Obama Administration has continually sided with the special interest groups in delaying decisive action at the expense of our Great Lakes region. The administration has ignored repeated resolutions from the Michigan Legislature and other parties warning of the imminent threat and calling for immediate action to protect our Great Lakes from these Asian carp. Valuable time, effort, and money have been wasted. I will point to the fact that on December 2 of last year, the Senate—32 members out of 38—adopted one of these first resolutions that we first passed calling on the administration to deal with this issue.

We are calling the administration to task for its failed leadership on preventing the Asian carp from invading the Great Lakes and call again for immediate action. We encourage the administration and our Attorney General to pursue his efforts on further legal action demanding the immediate closure of the canals and waterways connecting the Great Lakes basin to these carp-infested waters.

Following at least two applications in the last few months, it is apparent that no amount of rotenone, one of the world's most dangerous and deadly chemicals, will eradicate this invasive species. We need a permanent barrier as called for by the Great Lakes Commission, the Great Lakes Fisheries Commission, and many other scientists. A permanent barrier is needed now. We must stop this alien fish from killing our fishing industry and decimating our tourism industry.

I would urge your rejection of the amendment before us and your adoption of the resolution.

Senator Patterson's statement is as follows:

I, too, rise in opposition to the amendment offered by Senator Prusi. I would like to add my thoughts to those previously made by Senators Birkholz and Kahn. This could be described as a partisan attack. However, I think changing the language begs the questions. We know that the Attorney General of the United States failed to provide the U.S. Supreme Court vitally-important information going into the hearing where the court made a denial of the request for action. We should not belabor the point in arguing about whether or not the Obama Administration or the Army Corps of Engineers should be included in the language. Rather than whisper, we must yell from the rooftops in one voice, stop the carp.

Senator Kahn's statement is as follows:

I appreciate the comments of the Senator from the 38th District in opposing anything that would facilitate continued propagation or exposure of the Great Lakes to this alien and destructive fish. I appreciate the comments of the Senator from the 37th District on this as well, and of course, I appreciate the comments of the Senator from the 24th District.

In the *Detroit Free Press* today on page A6, they have a picture of the mentioned bighead Asian carp. It points out that this is the first one found post electric barriers and the first one beyond the treatment with rotenone. It points out that this fish is nearly a yard long, 20 pounds, three years old, and old enough to reproduce. It is old enough to reproduce. It was found in Lake Calumet, and there is no barrier between Lake Calumet and the Great Lakes.

Attorney General Mike Cox said this morning, "Our worst fears have been realized." He filed a lawsuit last year along with other states to close the locks, but the U.S. Supreme Court rejected the lock closures and rejected the lawsuit itself. Now our Attorney General is exploring new possible legislation.

Meanwhile, the Army Corps of Engineers has said that it has no plans to close any locks in response to the fish find. All of us wonder whether now our ability to contain the carp has been lost, and certainly, it is on our minds and on everybody's minds that this is the Great Lakes equivalent to the Gulf oil disaster brewing.

It is time that we take a stand and call on all involved—all decisionmakers—to help us contain these invaders. Federal officials said earlier this month that they had found no evidence of the Asian carp species. Clearly, that has got to be reevaluated. The picture is in the *Detroit Free Press* on page A6 for them to see. I hope we all mail them a copy.

This resolution comes and asks the Obama Administration to step up and stop the spread of this species by closing the locks and making a barrier to the further spread of this fish. It asks as well that this resolution be transmitted to our President, the President of the United States Senate, the Speaker of the United States House of Representatives, to our congressional delegation, and to the Attorney General.

I ask that the amendment be rejected and the resolution adopted.

Senator Cropsey's statement is as follows:

I would venture to suggest that this resolution isn't really very partisan. It does mention the Obama Administration several times, but it does not mention the party that President Obama belongs to. As for BP and their problems in the Gulf and the administration not taking a proactive stand there, I think it would be very interesting to look at the background of the current Energy Secretary and find out where the current Energy Secretary came from. I think you will find that there are very close ties to BP and the current Energy Secretary, as well as to the lobbyists they have, which tend to be very strong Democrats on the national level. How on earth the petroleum spill in the Gulf is being put around the Republican's neck is beyond me when it is the Democrats who have almost complete ownership of that.

We have serious problems in the Gulf. We have a huge problem that is making its way and is, in fact, now in our water basin here in the Great Lakes. Something needs to be done. The President had the opportunity to do so, and his administration has had the opportunity to do so. The President could tell the Army Corps of Engineers to close the lock, and we are not going to allow anything to go through there that is of an aquatic nature. He has the power to do that, and he has failed to do that.

If Asian carp start showing up in your lakes and streams and your children are out on their water skis or in their boats and people start getting hit and hurt by these flying carp, you can lay it directly at the foot of the Obama Administration. There is a health aspect of this, and there is certainly a huge economic aspect to this. I would hope that we would let the Obama Administration know that the Great Lakes area is not only disappointed, but is upset and mad. We cannot understand why he is allowing this ecological disaster to make its way into the Great Lakes.

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

The motion prevailed.

Senators Birkholz, Allen, McManus, Patterson, Van Woerkom and Brown offered the following concurrent resolution:
Senate Concurrent Resolution No. 47.

A concurrent resolution to call the Obama Administration to task for its failed leadership on preventing Asian carp from invading the Great Lakes and call again for immediate actions to prevent further carp movement into the Great Lakes.

Whereas, A live Asian carp has been found beyond the electrical barrier on the Chicago Sanitary and Ship Canal and beyond any existing locks separating Lake Michigan from carp-infested waters. The live carp, mature enough to reproduce, vindicates earlier DNA detections of Asian carp in these waters and confirms the fears of Michigan and other Great Lakes states and provinces; and

Whereas, Since the first detection of Asian carp beyond the electrical barrier over seven months ago, the Obama Administration has continually sided with special interests in delaying decisive action at the expense of the entire Great Lakes region; and

Whereas, The Obama Administration successfully fought Michigan's lawsuit to immediately shut down canals and waterways connecting the Great Lakes basin to the Mississippi River basin and move forward with permanent separation of the two basins; and

Whereas, The Obama Administration ignored repeated resolutions from the Michigan Legislature and other parties warning of the imminent threat and calling for immediate action to protect the Great Lakes from Asian carp. Instead, the administration has wasted valuable time, effort, and money attempting to further corroborate earlier evidence of Asian carp in the Great Lakes; and

Whereas, Early indications are that the Obama Administration will continue to question, minimize, and fight any evidence that would support immediate closure of the locks in the Chicago area and permanent separation of the Great Lakes from the Mississippi River basin. The longer that the administration delays on these actions, the more likely it is that Asian carp will become established in the Great Lakes; and

Whereas, The Obama Administration already has one ecological disaster on its watch. The administration should not allow another disaster with longer-term consequences and within its power to prevent from coming to fruition; now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That we call the Obama Administration to task for its failed leadership on preventing Asian carp from invading the Great Lakes and call again for immediate actions to prevent further carp movement into the Great Lakes; and be it further

Resolved, That we encourage and support the Michigan Attorney General's efforts to pursue further legal action demanding immediate closure of the canals and waterways connecting the Great Lakes basin to carp-infested waters; 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 Michigan Attorney General.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Prusi offered the following amendments:

1. Amend the title, after the first "the" by striking out "Obama Administration" and inserting "Army Corps of Engineers".

2. Amend the second Whereas clause, line 2, after "the" by striking out "Obama Administration has continually sided with special interests in delaying" and inserting "Army Corps of Engineers delayed".

3. Amend the resolution by striking out all of the fourth, fifth and sixth Whereas clauses.

4. Amend the first Resolved clause, line 1, after the third "the" by striking out "Obama Administration" and inserting "Army Corps of Engineers".

5. Amend the third Resolved clause, line 1, after "the" by inserting "Army Corps of Engineers".

The amendments were not adopted.

The concurrent resolution was adopted.

Committee Reports

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 1256, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 46 and 53 (MCL 559.146 and 559.153), section 53 as amended by 1982 PA 538.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

Nays: None

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

The Committee on Local, Urban and State Affairs reported

House Bill No. 5573, 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 4 (MCL 247.64), as amended by 2003 PA 321.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen, Gleason and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Tuesday, June 22, 2010, at 3:00 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Joint meeting held on Wednesday, June 23, 2010, at 8:45 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Richardville (C), Sanborn, Cassis, Nofs, Clarke and Olshove

Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Wednesday, June 23, 2010, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Barcia

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, July 1, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Economic Development - Tuesday, June 29, 2:00 p.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Tuesday, June 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)
(CANCELED)

State Drug Treatment Court Advisory Committee - Friday, July 23, 9:00 a.m., Conference Room 1S69, 1st Floor, Michigan Hall of Justice Conference Center, 925 West Ottawa Street, Lansing (373-0212)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:34 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, June 29, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

