

**No. 48**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

---

---

Senate Chamber, Lansing, Thursday, May 15, 2008.

10:00 a.m.

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

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

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

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

Pappageorge—present  
Patterson—present  
Prusi—present  
Richardville—present  
Sanborn—present  
Schauer—present  
Scott—present  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—present

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Heavenly Father, we come to You on this beautiful day to ask You for Your blessings on the work that we are about to do here in the Senate. Lord, we pray that You would give us wisdom and guidance as we make decisions on behalf of the people of this state, and we pray that the things that we do here may make this state an even better place in which to live. We are grateful for our state. We are grateful for our country. We pray that You will continue to bless it in all that it does. Continue to help the residents of our state to prosper.

Lord, we pray that You will watch over us. Grant us health and strength in Your most holy name. Amen.

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

### Motions and Communications

Senator Anderson moved that Senator Gleason be temporarily excused from today's session.  
The motion prevailed.

Senators Richardville, Clarke, Clark-Coleman, Schauer, Hunter, Thomas, Garcia, Gilbert, Jansen, McManus and Gleason entered the Senate Chamber.

Senator Cropsey moved that the Committee on Judiciary be discharged from further consideration of the following bill:  
**House Bill No. 4184, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315.

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

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

**House Bill No. 4184**

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 14:  
**House Bill Nos. 4343 4444 5067 5072 6014 6019**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 14, for her approval the following bill:

**Enrolled Senate Bill No. 435 at 11:42 a.m.**

The Secretary announced that the following official bills were printed on Wednesday, May 14, and are available at the legislative website:

**Senate Bill No. 1312**

**House Bill Nos. 6108 6109 6110 6111 6112 6113 6114 6115 6116**

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. 4602**

**House Bill No. 5909**

**Senate Bill No. 1308**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4602, entitled**

A bill to amend 1988 PA 418, entitled “Uniform statutory rule against perpetuities,” by amending sections 2 and 5 (MCL 554.72 and 554.75).

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. 313**

**Yeas—38**

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

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

“An act to adopt the uniform statutory rule against perpetuities.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5909, entitled**

A bill to exclude certain personal property held in trust from the rule against perpetuities and similar rules that potentially affect the duration of trusts.

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. 314**

**Yeas—38**

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

Brater  
Brown  
Cassis  
Cherry

Gleason  
Hardiman  
Hunter  
Jacobs

Pappageorge  
Patterson  
Prusi

Thomas  
Van Woerkom  
Whitmer

**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:

**Senate Bill No. 1308, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

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. 315**

**Yeas—38**

Allen  
Anderson  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Gleason  
Hardiman  
Hunter  
Jacobs

Jansen  
Jelinek  
Kahn  
Kuipers  
McManus  
Olshove  
Pappageorge  
Patterson  
Prusi

Richardville  
Sanborn  
Schauer  
Scott  
Stamas  
Switalski  
Thomas  
Van Woerkom  
Whitmer

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Concurrent Resolution No. 22**

The motion prevailed.

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

**Senate Resolution No. 193**

The resolution consent calendar was adopted.

Senator Scott offered the following resolution:

**Senate Resolution No. 193.**

A resolution declaring May 17, 2008, as Leading While Bleeding Day in Michigan.

Whereas, The mission of Leading While Bleeding is to create a citywide initiative to address some of the urgent concerns in the city of Detroit that will assist our community in re-establishing the morally-responsible climate it historically has held; and

Whereas, The group's statement of purpose is to bring together an active group of individuals including, but not limited to, clergy, business persons, elected officials, youth organizations, community activists, and other organizations to build a coalition to meet the goals and objectives of this initiative; and

Whereas, Members of Leading While Bleeding work steadfastly to promote the development and overall spiritual awakening within the community; provide education and training to members of the community as needed; utilize various organizations within the community to collaboratively create jobs while enhancing economic development; conduct frequent job fairs and develop a job listing hotline/clearing house; utilize health and safety statistics within the city of Detroit to develop and conduct periodic wellness and safety awareness workshops/conferences, accompanied by health screenings, and to publish the before and after health statistics periodically; and to develop and conduct recreational programs which will assist in decreasing obesity among all age groups, thus preventing or decreasing the severity of preventable chronic illnesses and emotional illnesses; and

Whereas, The core objectives of Leading While Bleeding include:

1) Spiritual Awakening, aimed at raising awareness of the moral responsibilities that we hold individually and collectively with regard to religious principles and using these principles to establish positive change in one's thoughts, emotions, and behavior;

2) Education, to impart knowledge, positive thinking, and wisdom as well as facilitating the realization of self-potential and latent talents in individuals in the city of Detroit;

3) Jobs and Economic Development, to seek to improve the economic well-being and quality of life for the community by creating and retaining jobs as well as growing the overall tax base;

4) Health, to ensure a state of complete physical, mental, and social well-being and not merely the absence of disease and infirmity;

5) Safety, to establish conditions in the city in which one is protected from physical, social, and other undesirable circumstances;

6) Recreation, to develop places within the city of Detroit where individuals can actively use their free time in a manner that is designed for the therapeutic refreshment of one's mind, body, and soul; and

7) Housing Crisis, to educate and provide resources to attendees, especially those facing foreclosure.

; now, therefore, be it

Resolved by the Senate, That we hereby proclaim May 17, 2008, as Leading While Bleeding Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event as evidence of our esteem for their dedication and commitment to the citizens of Detroit.

Senators Barcia, Brater, Cherry, Clark-Coleman, Clarke and Gleason were named co-sponsors of the resolution.

Senator Gleason offered the following resolution:

**Senate Resolution No. 192.**

A resolution declaring Flushing, Michigan, as the Outside Family Movie Capital of Michigan.

Whereas, "Flushing Movies in the Park" was founded when co-founder and Flushing police officer Eddie Dolgan, a D.A.R.E. officer, was approached by a local citizen who remembered camping in Northern Michigan as a child, where some Saturday nights, folks would show home movies on the side of a building. Officer Dolgan thought this would be a

great idea to give the kids and families of the community something to do on a Saturday night in town. He then contacted the Teen Activities Committee that had been established by the Flushing City Council and asked if they could help put a program such as this together. With the vital leadership of fellow co-founders, Walt Skidmore, John Spader, Laverne Schnieder, Craig Gagne, David Lewicki, Dean Hiteshew, and the Flushing Fire Fighters Inc., "Flushing Movies in the Park" was off and running; and

Whereas, Lacking a large enough venue for a drive-in movie experience and wanting people to get a chance to visit with their neighbors, the idea of showing movies on the sidewall of the D.P.W. building in the Riverview Park was hatched. The first year the projector and projectionist were borrowed, and the films were rented as cheaply as possible, but the idea took off, and more people came to watch the movie than anyone had ever expected. A popcorn machine was borrowed and Pepsi Co. donated the use of one of their tin fair buildings and supplied all the pop for the concession stand; and

Whereas, In the following years, with the help of the Community Foundation of Greater Flint and the D.A.R.E. program, the organizers of the program were able to purchase their first 16mm projector through the generous donation of a local dentist and had three projection screens donated to it. By this time, the movies program had moved from the D.P.W. building to the newly-constructed band shell in the park; and

Whereas, With interest growing, many local merchants wanted to help the program prosper. Donations of money started to come in to help pay for the rental and license fees for the movie rentals, and soon an intermission slide show was put together to spotlight those in the community who were helping to support the program. Locally-raised funds provided money for concession items like a popcorn popper and snow cone machine, while the city of Flushing provided the necessities of a sound system, bleachers, and even a small 19th century building to be used as a concession stand. Shortly after, the concession stand was named the "Teen Canteen," as a way to benefit the community, allowing local not-for-profit teen groups to fundraise for their organizations at no cost to themselves; and

Whereas, After 13 years in operation, through hard work, community involvement, and the support of local businesses and generous philanthropists, "Flushing Movies in the Park" remains to be free and self-funded, with the Flushing community there to support its needs and to fill its seats; now, therefore, be it

Resolved by the Senate, That Flushing, Michigan, is declared the Outside Family Movie Capital of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Movies in the Park Committee of Flushing.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Commerce and Tourism.

The motion prevailed.

Senators Barcia, Cherry, Clark-Coleman, Clarke and Jacobs were named co-sponsors of the resolution.

Senators Cropsey, Kahn, Van Woerkom, Pappageorge, Allen, Hardiman and Gilbert offered the following resolution:

**Senate Resolution No. 194.**

A resolution to memorialize Congress to reauthorize transportation funding with appropriate recognition of the importance of the Great Lakes' infrastructure to the nation's economy.

Whereas, The future viability of the United States' economy depends on the ability to produce and export marketable products. The state of Michigan is an integral part of the North American manufacturing supply chain, with its international borders and waterways. The Detroit and Port Huron crossings are the busiest land borders in the entire country, bringing \$2 trillion in trade value into this country each year; and

Whereas, Transportation infrastructure support is necessary to facilitate the movement of products back and forth across our borders and around the country, thus feeding the United States' economy. Michigan's aging transportation infrastructure carries an enormous amount of heavy truck traffic to that end and is in need of structural upgrades and expansion; and

Whereas, Michigan has been a donor state for transportation dollars for many years. As such, Michigan has subsidized transportation projects in other states to the detriment of state infrastructure and in disproportion to our contribution to the national economy; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to reauthorize transportation funding with appropriate recognition of the importance of the Great Lakes' infrastructure to the nation's economy; and be it further

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

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Anderson, Barcia, Cassis, Cherry, Clarke, Gleason, Jacobs, Kuipers and Richardville were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senator Gilbert introduced

#### **Senate Bill No. 1314, entitled**

A bill to establish the united way fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Senator Gilbert introduced

#### **Senate Bill No. 1315, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2007 PA 207.

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

Senators Kahn, Van Woerkom, Allen, Hardiman, Gilbert and Cropsey introduced

#### **Senate Bill No. 1316, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1998 PA 87.

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

Senators Hardiman, Kahn, Pappageorge, Allen, Gilbert and Cropsey introduced

#### **Senate Bill No. 1317, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck

safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2006 PA 178.

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

Senators Allen, Gilbert and Cropsey introduced  
**Senate Bill No. 1318, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 1k.

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

Senators Gilbert, Kahn, Van Woerkom, Pappageorge, Allen, Hardiman and Cropsey introduced  
**Senate Bill No. 1319, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of



funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11c (MCL 247.661c), as amended by 2002 PA 498.

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

Senators Pappageorge, Kahn, Van Woerkom, Allen, Hardiman, Gilbert and Cropsey introduced  
**Senate Bill No. 1320, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11c (MCL 247.661c), as amended by 2002 PA 498.

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

Senators Gilbert, Kahn, Van Woerkom, Pappageorge, Allen, Hardiman and Cropsey introduced  
**Senate Bill No. 1321, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize

contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2007 PA 210.

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

Senators Gilbert and Cropsey introduced  
**Senate Bill No. 1322, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2006 PA 178.

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

Senators Gilbert, Van Woerkom, Hardiman and Cropsey introduced  
**Senate Bill No. 1323, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes

for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 12 and 13 (MCL 247.662 and 247.663), section 12 as amended by 2002 PA 498 and section 13 as amended by 2006 PA 338.

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

Senators Van Woerkom, Allen, Gilbert and Cropsey introduced  
**Senate Bill No. 1324, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10e (MCL 247.660e), as amended by 1998 PA 87.

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

**House Bill No. 4343, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 32730 and part 342.

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

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

**House Bill No. 4444, entitled**

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending section 1 (MCL 722.641), as amended by 2006 PA 236.

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.

**House Bill No. 5067, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 32713 (MCL 324.32713), as amended by 2006 PA 33.

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

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

**House Bill No. 5072, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 17 (MCL 325.1017), as amended by 2006 PA 37.

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

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

**House Bill No. 5939, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2007 PA 216.

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 Finance.

**House Bill No. 5940, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 503 (MCL 208.1503).

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 Finance.

**House Bill No. 5941, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 117 (MCL 208.1117).

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 Finance.

**House Bill No. 6014, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80205 and 80215 (MCL 324.80205 and 324.80215), section 80205 as amended by 2007 PA 8 and section 80215 as added by 2000 PA 229; and to repeal acts and parts of acts.

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

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

**House Bill No. 6019, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21771 (MCL 333.21771).

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 Families and Human Services.

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 Garcia as Chairperson.

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

**House Bill No. 5102, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 23 (MCL 432.23), as amended by 2004 PA 272.

**House Bill No. 5509, entitled**

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending sections 3, 13, and 15 (MCL 285.313, 285.323, and 285.325).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4184, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315.

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.

### Statements

Senators Scott, Richardville, Schauer and Sanborn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Martin Luther King's letters from a Birmingham jail remain some of the most thoughtful, insightful, and powerful political statements of the 20th century. This is partly due to the Reverend King's message and partly due to the circumstances in which they were written. In one of those letters, he wrote: "We must use time creatively, and forever realize that the time is always right to do right."

The time is always right to do right. For me, that does not mean waiting until the political climate is more favorable. It does not mean until the economy or the insurance industry or health care costs are more favorable. And it does not mean waiting for some weak compromise to emerge.

The time to do right is now, and I am attempting to do right for all Michigan residents by asking you to please move my bills.

Senator Richardville's statement as follows:

I would actually like to take a moment to recognize a very special person who has been working here for a number of years, Renae Moore, one of our journal clerks. Renae, would you just stand for a moment. Renae has been a journal clerk for the Senate for almost five years, and before that, she worked at the Legislative Service Bureau in the Legal Editing and Law Publications Division. Tomorrow is Renae's last day of work for the Senate, but today is her last session day.

Mr. Lieutenant Governor, as you know she is a pleasure to have on the rostrum. She is efficient and friendly, and I would like to take this opportunity to thank her for her outstanding work.

Renae has a young family. She is looking forward to being able to go home around 5 o'clock. At least, that is what she thinks will happen at her new job with Dykema Gossett.

I have a tribute here to read. I won't read it; I'll give it to her a little later. I was wondering if my colleagues, before Renae is asked to print these words in the Journal, would please join me in thanking her for her work with the Michigan Senate.

Senator Schauer's statement is as follows:

Mr. President and colleagues, this is a bittersweet day as we say farewell to Danielle Morgan from my office. If you have come into my office, you have met Danielle. She is my gatekeeper, receptionist, bodyguard, and an incredible young person. She started as an intern in my office in July of 2006 as a James Madison student at Michigan State University, and you all know what an outstanding program the James Madison College is. She was so good that even though she was an undergraduate student, we offered to hire her full-time in my Senate office, and fortunately, she accepted beginning in January of 2007.

Danielle just graduated from Michigan State University James Madison College just Saturday, several days ago, with a B.A. in social relations and policy. Now, members, we have many outstanding people who come through our doors. Danielle, while working full-time in my office, has graduated in three years from that prestigious program at Michigan State University. Tomorrow is her last day in my office. This was a difficult decision for her, but I knew it was the right thing to push her out of the nest. She will be starting law school; in particular, her orientation is this Saturday at Michigan State University College of Law.

I want everyone to hear that Danielle has been the most outstanding intern and young staff member I have ever had in my office. She is an outstanding person. She will be a great attorney and a future leader of this country. She is a hard-core Spartan—for you Wolverines, too bad; but for you Spartans, take pride. If you want to know the real inside story there of her special connections, especially with Michigan State football, either see me or see Danielle afterwards.

I am so proud of Danielle Morgan. My office loves her. She is part of our family, and as a small token of our friendship and congratulations, I present her a State Seal signed by all the members of the Democratic Caucus.

Danielle, thank you, and congratulations. We love you.

Senator Sanborn's statement is as follows:

Our congratulations to Danielle. Best of luck to her as she goes to law school.

Earlier this year, earlier this spring, actually I was surprised as many of us were to find out that OFIS, the Office of Insurance and Financial Services, now referred to as OFIR, which escapes me as to why you would want to change a service to regulation—be that as it may. Earlier this year, they granted dozens and dozens of insurance licenses to convicted felons. Now, I thought that was already against the law. I was surprised to see that, in fact, it had happened. And, in fact, the OFIS commissioner, the previous commissioner had indicated that it was the policy of the department to not allow convicted felons to have licenses. One staff granted out, again, dozens and dozens of licenses to convicted felons. They did not even discipline this staff person.

So I do have a blueback on my desk today putting into law what was the policy of the department saying that felons would not be allowed to get insurance licenses. I would urge that all interested in the idea of insurance reform to step forward and co-sponsor this legislation.

### Recess

Senator Brown moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:55 a.m.

11:17 a.m.

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

By unanimous consent the Senate returned to the order of

### Third Reading of Bills

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

#### House Bill No. 4184

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

The following bill was read a third time:

#### House Bill No. 4184, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

### Roll Call No. 316

### Yeas—18

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

### Nays—20

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Cropsey moved to reconsider the vote by which the bill was defeated.

The motion prevailed.

The question being on the passage of the bill,

The Senators being equally divided (yeas 19; nays 19), the Lieutenant Governor voted “yea.”

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

**Roll Call No. 317**

**Yeas—19**

Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Kuipers	Switalski
Bishop	Cropsey	Olshove	Thomas
Brater	Gleason	Prusi	Whitmer
Cherry	Hunter	Schauer	

**Nays—19**

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

**Excused—0**

**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.

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The Senate agreed to the full title.

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

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

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

### **Recess**

Senator Cropsey moved that the Committee of the Whole recess subject to the call of the Chairperson.  
The motion prevailed, the time being 11:28 a.m.

12:54 p.m.

The Committee of the Whole was called to order by the Chairperson, Senator Garcia.

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:

#### **Senate Bill No. 860, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701, 32705, 32706, 32707, 32709, 32710, 32721, 32722, 32724, and 32725 (MCL 324.32701, 324.32705, 324.32706, 324.32707, 324.32709, 324.32710, 324.32721, 324.32722, 324.32724, and 324.32725), sections 32701 and 32707 as amended and sections 32721, 32722, and 32724 as added by 2006 PA 33, section 32705 as amended by 2006 PA 35, section 32706 as amended by 1996 PA 434, sections 32709 and 32710 as added by 1995 PA 59, and section 32725 as added by 2006 PA 36, and by adding sections 32706a, 32706b, and 32706c.

Substitute (S-6).

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

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

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

#### **Senate Bill No. 860**

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

The following bill was read a third time:

#### **Senate Bill No. 860, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701, 32702, 32703, 32705, 32706, 32707, 32708, 32708a, 32709, 32710, 32721, 32722, 32723, 32725, 32727, and 32728 (MCL 324.32701, 324.32702, 324.32703, 324.32705, 324.32706, 324.32707, 324.32708, 324.32708a, 324.32709, 324.32710, 324.32721, 324.32722, 324.32723, 324.32725, 324.32727, and 324.32728), sections 32701, 32702, 32703, and 32707 as amended and sections 32721, 32722, 32723, 32727, and 32728 as added by 2006 PA 33, sections 32705 and 32708 as amended and section 32708a as added by 2006 PA 35, section 32706 as amended by 1996 PA 434, sections 32709 and 32710 as added by 1995 PA 59, and section 32725 as added by 2006 PA 36, and by adding sections 32706a, 32706b, 32706c, 32706d, and 32729; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Prusi offered the following amendment:

1. Amend page 2, line 13, after the second "A" by striking out "3%" and inserting "1%".

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

Senator Thomas requested the yeas and nays.

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

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



**Roll Call No. 318****Yeas—19**

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

**Nays—19**

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

**Excused—0****Not Voting—0**

In The Chair: Richardville

Senator Basham offered the following amendment:

1. Amend page 25, following line 7, by inserting:

**“(7) THE DEPARTMENT IN CONSULTATION WITH THE WATER RESOURCES CONSERVATION ADVISORY COUNCIL CREATED IN SECTION 32803 SHALL DEVELOP A PROTOCOL FOR DOCUMENTING THE DIFFERENCE BETWEEN THE UNUSED PORTION OF BASELINE CAPACITY AND ACTUAL USE BY LARGE QUANTITY WATER USERS THAT EXISTED AS OF FEBRUARY 28, 2006. ONCE THE PROTOCOL HAS BEEN ESTABLISHED, THE DEPARTMENT SHALL TAKE INTO CONSIDERATION THE DIFFERENCE WHEN MAKING SITE-SPECIFIC DETERMINATIONS OR PERMIT DECISIONS UNDER THIS PART. THE DEPARTMENT SHALL ADJUST THE ASSESSMENT TOOL TO TAKE INTO CONSIDERATION THE DIFFERENCE IF IT DETERMINES IT IS NECESSARY TO PROTECT CURRENT USERS OF WATER OR TO AVOID ADVERSE RESOURCE IMPACTS.”** and renumbering the remaining subsections.

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

Senator Thomas requested the yeas and nays.

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

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

**Roll Call No. 319****Yeas—17**

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

**Nays—21**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville

Bishop  
Brown  
Cassis  
Cropsey

Gilbert  
Hardiman  
Jansen

Kuipers  
McManus  
Pappageorge

Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

Senator Schauer offered the following amendment:

1. Amend page 31, following line 18, by inserting:

**“SEC. 32706E. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, THE DEPARTMENT SHALL NOT AUTHORIZE, THROUGH USE OF THE ASSESSMENT TOOL, A SITE-SPECIFIC REVIEW, OR A PERMIT, A WITHDRAWAL THAT USES ADDITIONAL STREAM OR RIVER FLOW MADE AVAILABLE BY RESTORATIVE MEASURES UNLESS THE RESTORATIVE MEASURES ARE CONDUCTED IN CONJUNCTION WITH A WITHDRAWAL AND ARE SPECIFICALLY AUTHORIZED IN A PERMIT.**

**(2) IF A PERSON CONDUCTS RESTORATIVE MEASURES THAT ARE NOT RELATED TO A LARGE QUANTITY WITHDRAWAL, THE PERSON SHALL PROVIDE DETAILED INFORMATION TO THE DEPARTMENT DOCUMENTING THE RESTORATIVE MEASURES AND DOCUMENTING THE INCREASED STREAM OR RIVER FLOW OR TEMPERATURE IMPROVEMENTS ACHIEVED THROUGH THE RESTORATIVE MEASURES.**

**(3) AS USED IN THIS SECTION, “RESTORATIVE MEASURES” MEANS AN ACTION AFFECTING A STREAM OR RIVER THAT INCREASES THE FLOW OF THE STREAM OR RIVER OR IMPROVES THE TEMPERATURE GRADIENT OF THE STREAM OR RIVER.”.**

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

Senator Thomas requested the yeas and nays.

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

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

**Roll Call No. 320**

**Yeas—18**

Anderson  
Barcia  
Basham  
Brater  
Cherry

Clark-Coleman  
Clarke  
Gleason  
Hunter  
Jacobs

Olshove  
Pappageorge  
Prusi  
Schauer

Scott  
Switalski  
Thomas  
Whitmer

**Nays—19**

Allen  
Birkholz  
Bishop  
Brown  
Cassis

Garcia  
George  
Gilbert  
Hardiman  
Jansen

Jelinek  
Kahn  
Kuipers  
McManus  
Patterson

Richardville  
Sanborn  
Stamas  
Van Woerkom

**Excused—0**

**Not Voting—1**

Cropsey

In The Chair: Richardville

Senator Basham offered the following amendments:

1. Amend page 43, following line 24, by inserting:

**“(C) A PERSON WHO PROPOSES TO DEVELOP NEW OR INCREASED WITHDRAWAL CAPACITY OF MORE THAN 200,000 GALLONS OF WATER PER DAY FROM THE WATERS OF THE STATE IF THE WITHDRAWAL WOULD REDUCE THE FLOW OF A RIVER OR STREAM BY MORE THAN 75% OF THE AMOUNT THAT WOULD CAUSE AN ADVERSE RESOURCE IMPACT.”** and relettering the remaining subdivision.

2. Amend page 45, line 21, after “subsection” by striking out “(1)(A) OR (B)” and inserting “(1)(A), (B), OR (C)”.

3. Amend page 46, line 23, after “SUBSECTION” by striking out “(1)(C)” and inserting “(1)(D)”.

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. 321****Yeas—17**

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

**Nays—21**

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

**Excused—0****Not Voting—0**

In The Chair: Richardville

Senator Brater offered the following amendment:

1. Amend page 47, following line 8, by inserting:

**“(10) THE DEPARTMENT, IN MAKING ITS DETERMINATION UNDER THIS SECTION, SHALL ACT IN A MANNER THAT CONFORMS WITH ITS DUTIES AS SET FORTH IN SECTION 32702(1)(C).”** and renumbering the remaining subsections.

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

Senator Thomas requested the yeas and nays.

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

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

**Roll Call No. 322****Yeas—19**

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

**Nays—18**

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

**Excused—0****Not Voting—1**

Cropsey

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. 323****Yeas—24**

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

**Nays—14**

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

**Excused—0**

**Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

### **Protests**

Senators Brater, Prusi, Cherry and Jacobs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 860.

Senators Brater and Prusi moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

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

Mr. President and colleagues, today is a major historic opportunity of our generation to protect the waters of the Great Lakes, their tributaries, inland lakes and streams, and the water that flows forth mysteriously and wonderfully underground and is also linked to the Great Lakes watershed. Michigan is the only state completely within the Great Lakes Basin. We have the most interest of any state in the Union in making sure that the laws are strongly protective of the Great Lakes and their tributaries. We are home to cold water streams that are unique habitat for trout and other sport fishing. These streams draw fishermen and women, girls and boys from near and far.

It is urgent that we move forward with the Great Lakes Compact so that as a region the states and provinces that border the Great Lakes can work together to maintain control of these waters, preventing large scale diversions and siphoning off the water to thirsty states and countries, standing in the way of those who would turn into a commodity that which is essential to all life on Earth.

We took this important step yesterday in broad agreement, and I want to recognize the good work of the good chair of the natural resources committee, the Democratic vice chair, and all of the members of that committee, as well as those who are toiling on the other side of the Rotunda to work with us on this issue.

We do have a great deal of agreement on this package, but there are some crucial unresolved differences. First and foremost, the substitute that we adopted today—that was adopted today—under some objection delays for a year implementation of the limitations imposed by this bill. Now, what that means is that people are going to run around and say, “Uh-oh, they are going to be regulating; let’s put in our pumps; let’s put in our wells; let’s start sucking up this water as quickly as possible and get grandfathered in so that we can’t be regulated, and the Legislature can’t protect the waters of the Great Lakes as they think they are going do.” This is unacceptable; that must be changed. There are other problems with the bills that have been listed by my colleagues, lack of adequate protection for fish populations, which are the canary and mind of our ecosystem.

Being fair to users of the waters to make sure that those who would come after do not interfere with those who are already using the waters, that is a huge protection for farmers against suburban infringement on farmland to make sure that agriculture can continue to flourish in this state. We need to make those protections stronger for our farmers.

Another crucial issue is the public trust, making clear that the laws that govern the waters of the state of Michigan makes clear that those waters belong to all of us and that no one can use them in a way that impairs our right to use them.

Now, this legislation regulates and requires permits for those who would take as much as 2 million gallons a day of water out of our ground water and surface water. That regulates very few people in the state of Michigan. I am told by the department that would be a matter of regulating currently five to six people or users a year. Next year it would be even fewer, after that first spurt of registration.

We cannot wait; we cannot dally; we cannot tarry when it comes to protecting our Great Lakes. We should do this today. We should adopt legislation in this chamber that is a model for the other chamber. Those of us who have been working together for many, many years know very well what it takes to make this statute strong. We should be doing it here in this chamber. Why don’t we act today to safeguard our waters for today and tomorrow for our children and grandchildren and their grandchildren? What are we waiting for?

Colleagues, I urge a “no” vote on this piece of legislation. Even though I know it has been worked on very hard, it needs a little more work and we can come together on it.

Senator Prusi's statement, in which Senator Cherry concurred, is as follows:

I would like to add my thanks and my gratitude to the chair and the ranking member and the hardworking staff who have put so many hours and so much sweat and toil into this package of bills. I think it is going to be a landmark piece of legislation when we finally get it into shape. I was prepared to support Senate Bill No. 860 until the substitute that is before us was introduced. And without a tremendous amount of debate or justification, things were inserted into the bill that make it unpalatable from my perspective, such as the prohibition of instituting fees or promulgating rules as well as expanding the definition of a single-family dwelling to four-unit condominiums.

I look forward to the day when the parties that have worked so hard on this piece of legislation, both inside the chamber as well as the outside interest groups, can come together and put together a package of bills or piece of legislation that takes into account everybody's needs and makes those compromises that are necessary. But at this point, I don't feel that I can offer my support to this bill, even though I would dearly love to see something move. I would dearly love to see us get this issue behind us in a satisfactory manner. I don't think we are quite there yet, and I would ask my colleagues to join me in opposing Senate Bill No. 860.

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

The motion prevailed.

Senator Switalski's statement is as follows:

I want to thank all the Senators and the interest groups who have been involved in working on this bill. I think they have toiled for many long and hard hours, days, weeks, and months, and I guess it is even years now. There has been a lot of movement and a lot of narrowing of differences, but there is still a gap, and it seems at this late hour with that gap we have a battle between irresistible force and an unmovable object.

I want to thank, in particular, Senator Birkholz and Senator Basham, who have worked tirelessly to try to bring these two sides together. They have got them very close, but they are still slightly apart. But I think now is the time to act. We want the best bill possible, but we can't permit the best to be the enemy of the good. We are far better off with a bill rather than no bill.

Personally, I am embarrassed that we call ourselves the Great Lakes State, yet we are practically the last state to sign the compact. We approved the compact yesterday, but without Senate Bill No. 860, there is no mechanism for regulation and enforcement. Are we content with a vague endorsement of the concept without any enforcement? I think not. I supported the proposed amendments. They would have made the bill better, but I repeat: A bill is better than no bill.

So I support Senate Bill No. 860 because this is a process that will lead to a conference, and hopefully, a compromise. I hope the message I send with my vote is that I want a compromise, and both sides should move to bridge that gap.

Senator Basham's statement is as follows:

I would have liked to have been able to support Senate Bill No. 860. I would commend the staffs on both sides of the aisle, both on the Republican side and the Democratic side, for their hard work in trying to help Senator Birkholz, myself, and others come to a compromise on some very, very difficult issues.

Unfortunately, when those amendments failed today, it put me in an awkward position of not being able to support my good colleague from across the aisle on this legislation. We passed a Great Lakes Compact yesterday, and it was good first step. But it didn't go far enough, and actually it could and should go further in protecting Michigan's resources, our great resource, our water. We also need to protect our water for the businesses and the farms that are economically dependent on the responsible consumption of our natural resources.

Today's proposal would have reached a compromise to do just that had those amendments passed. So it is disappointing that we have done a—we get probably a D- rating when we should have an A or an A+ rating when it comes to this water withdrawal legislation.

Again, this is a work in progress and people have worked very hard on it. I was hopeful that we would be able to resolve it without it going to conference committee. It looks like that is the direction it is going to go. Anyway, I would ask that my remarks be printed in the Journal and that members not support this Senate Bill No. 860 substitute.

Senator Birkholz's statement is as follows:

Members, today we are moving forward with landmark legislation. It's legislation that will provide for the implementation of a method of evaluating the impact of proposed large quantity water withdrawals with the key component being a science-based, self-user, automated tool on the computer. This is truly landmark and never done in any other state in or out of the Basin; never done internationally.

We have a groundwater advisory council, which is part of the process, members of the regulated community, members of the public, and the scientific community. This tool has been peer reviewed by a national group of scientist. All of them were amazed, surprised, and said, "You folks in Michigan are doing great work. You need to continue this." This legislation today will help place Michigan as the No. 1 leader in the Basin as well as in the nation on decision-making for large-scale water withdrawals. No decision-making exists like this today. Most importantly, today this decision-making is common sense, science-based decision-making developed by a broad coalition of user groups and the public.

I want to thank my Senator colleagues from the 34th, the 7th, the 8th, 38th, and the 18th Districts and my colleague chair on the natural resources committee in the House who has worked tirelessly on this and, of course, the incredible staff work. We have spent almost three years, thousands of hours doing this, but we have moved ahead and said Michigan will be No. 1 in using science-based decision-making to decide how our water is used and protected at the same time. Thank you all for your good help.

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Economic Development submitted the following:  
Meeting held on Wednesday, May 14, 2008, at 8:30 a.m., Room 110, Farnum Building  
Present: Senators Jansen (C), George, Stamas, Scott and Anderson

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Natural Resources and Environmental Affairs submitted the following:  
Meeting held on Wednesday, May 14, 2008, at 12:30 p.m., Room 519, South Tower, House Office Building  
Excused: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Prusi

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy submitted the following:  
Meeting held on Wednesday, May 14, 2008, at 3:09 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators George (C), Allen, Clarke and Jacobs  
Excused: Senators Patterson, Sanborn and Gleason

#### **COMMITTEE ATTENDANCE REPORT**

The Subcommittee on History, Arts, and Libraries submitted the following:  
Meeting held on Thursday, May 15, 2008, at 8:30 a.m., Room 405, Capitol Building  
Present: Senators George (C), Brown and Clark-Coleman

#### **COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Transportation submitted the following:  
Meeting held Thursday, May 15, 2008, at 12:30 p.m., Room 405, Capitol Building  
Present: Senator Hardiman (C), Cropsey and Anderson

### **Scheduled Meetings**

#### **Appropriations -**

##### **Subcommittees -**

**Agriculture** - Wednesday, May 21, 12:00 noon, Rooms 402 and 403, Capitol Building (373-2768)

**General Government** - Tuesday, May 20, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Judiciary and Corrections** - Wednesday, May 21, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**State Police and Military Affairs** - Wednesday, May 21, 1:00 p.m., Room 210, Farnum Building (373-2768)

**Finance -****Subcommittee -**

**Michigan Business Tax Impact Assessment** - Friday, May 16, 1:30 p.m., Saginaw Valley State University, Wickes Hall, Marble Lecture Room-115, 7400 Bay Road, University Center; and Monday, May 19, 11:00 a.m., The University Center at Gaylord, Room U111-112, 80 Livingston Boulevard, Gaylord (373-1854)

**Legislative Commission on Government Efficiency** - Monday, May 19, 9:00 a.m., Michigan Economic Development Corporation, Conference Room, 20255 Victor Parkway, Suite 180, Livonia (373-0212)

**Legislative Commission on Statutory Mandates** - Tuesday, May 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**State Drug Treatment Court Advisory Committee** - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 2:08 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, May 20, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate