

**No. 43**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2009**

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Senate Chamber, Lansing, Thursday, May 21, 2009.

10:00 a.m.

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

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—excused  
Hunter—absent  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present

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

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:

God of many names, lover of all people, we pray for peace and justice in our nation and in our world. We pray for all who have the awesome responsibility of power and decision making. We pray for the innocent victims of violence, war, and selfishness.

Lead us and all the people of the world from death to life, from falsehood to truth. Lead us from despair to hope, from fear to trust. Lead us from narrow perspectives to a common ground. Lead us from hate to love, from war to peace, from inequities to justice.

Let peace with justice fill our hearts, our world, and our universe. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senators Brown and Barcia entered the Senate Chamber.

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

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Garcia admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

The following communication was received and read:  
Office of the Auditor General

May 19, 2009

Enclosed is a copy of the following audit report:

Performance audit of the Criminal History Records Database, Warrants Database, and Traffic Crash Reporting System Within the Criminal Justice Information Center, Michigan Department of State Police.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The audit report was referred to the Committee on Government Operations and Reform.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 20:

**House Bill Nos. 4835 4836**

The Secretary announced that the following official bills were printed on Wednesday, May 20, and are available at the legislative website:

**House Bill Nos. 4953 4954 4955 4956 4957 4958 4959 4960 4961 4962 4963 4964 4965 4966  
4967 4968 4969 4970 4971 4972 4973**

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:07 a.m.

10:56 a.m.

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

During the recess, Senator Garcia presented the 15th Annual Memorial Day Ceremony in honor of the military personnel who served during wartime. The ceremony was accompanied by the Brighton VFW Post 4357 Honor Guard, Kalamazoo Pipe Band, and VFW Post Commanders.

Senator Stamas introduced Cynthia Joy Levi of Midland, who sang the “National Anthem.”

Senator Garcia introduced Lieutenant Colonel Greg Durkac, Assistant Chief of Staff, Michigan Army National Guard, and Mike Kilpela of Fowlerville, father of a fallen Marine, who both addressed the Senate.

Senator Prusi conducted a roll call of Michigan fallen soldiers since the 2008 Memorial Day Ceremony, and Senators Anderson, Brown, Cassis, Cherry, Clarke, Cropsey, Richardville (for Senator Garcia), Gleason, Jansen, Olshove, Sanborn, Stamas and Switalski (for vacant 19th District) acknowledged the casualties with memorial flags.

Sergeant James Denslow, 126th Army Band, Michigan National Guard Reserves, played “Taps.”

The Kalamazoo Pipe Band played “Amazing Grace.”

Senator Garcia acknowledged Senators who serve and have served in the military: Senators Allen, Basham, Hardiman, Pappageorge, and himself.

During the recess, Senators Kahn and Scott entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### **Resolutions**

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

#### **Senate Resolution No. 56**

#### **Senate Resolution No. 57**

The resolution consent calendar was adopted.

Senator Thomas offered the following resolution:

#### **Senate Resolution No. 56.**

A resolution commemorating Saturday, June 6, 2009, as Childhood Cancer Survivors Day in the state of Michigan.

Whereas, Today, over 250,000 Americans are survivors of childhood cancer. Most children survive thanks to advances in early cancer detection, treatment, and research; and

Whereas, Children’s Hospital of Michigan, the oldest and largest hospital caring for the children of Michigan, has an active, productive cancer survivor population. This demonstrates that a cancer diagnosis is no longer an automatic death sentence; and

Whereas, In addition to Childhood Cancer Survivors Day, communities all across America will be celebrating life on Sunday, June 7, 2009, as part of the world’s largest cancer survivor event, the 22nd annual National Cancer Survivors Day; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate Saturday, June 6, 2009, as Childhood Cancer Survivors Day in the state of Michigan. We urge all citizens to join in this joyous celebration of life; and be it further

Resolved, That a copy of this resolution be transmitted to Children’s Hospital of Michigan as evidence of our support for their endeavors.

Senators Anderson, Birkholz, Brater, Clark-Coleman, Clarke, Jacobs and Pappageorge were named co-sponsors of the resolution.

Senator Kahn offered the following resolution:

#### **Senate Resolution No. 57.**

A resolution to memorialize the United States Congress to enact S. 1034, the Healthy Schools Act of 2009, to provide funding for the development and operation of school-based health clinics.

Whereas, This nation faces a tremendous challenge in improving the health and well-being of our children, particularly children among at-risk groups. Adolescents aged thirteen to eighteen have the poorest health indicators of any age group, according to the American Medical Association. Nearly 8.7 million children in the United States have no form of health insurance. These children are unable to access preventive health care, which may lead to untreated conditions, unnecessary diseases, and even death. More than 70 percent of children who need psychiatric treatment do not receive services; and

Whereas, Poor physical or mental health can impair a child’s ability to navigate the critical transition years between ten and eighteen years old. Adolescents with poor health are frequently absent from school, have trouble with homework, suffer emotional distress, fail to bond with their teachers, and are more likely to fail one or more classes. Education and health are inextricably related. Good health facilitates learning, while poor health hinders it, each with lifelong effects; and

Whereas, School-based health clinics are a demonstrated effective means of bringing preventive and primary care to medically-underserved children and adolescents and decreasing academic failure resulting from poor health. School-based health clinics promote access to health care providers, administer medications to students with chronic illnesses, and provide timely and cost-effective health care. There are over 1,700 of these clinics in 44 states, serving approximately 2 million children, including 87 health centers serving 200,000 children in Michigan. Data shows that school-based health clinics facilitate academic success by reducing absences and mitigating other obstacles to the learning process; and

Whereas, The Healthy Schools Act of 2009 would provide funding for the development and operation of school-based health clinics. Clearly, this legislation should be enacted. Using federal funds to help meet the health and educational needs of millions of children to ensure they have a chance to lead productive and healthy lives is prudent, worthy, and crucial for our nation's youth; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to enact S. 1034, the Healthy Schools Act of 2009, to provide funding for the development and operation of school-based health clinics; 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.

Senators Anderson, Birkholz, Brater, Clarke, Jacobs and Pappageorge were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Garcia and Jacobs introduced

#### **Senate Bill No. 598, entitled**

A bill to enter into the interstate compact to elect the president by national popular vote; and for related purposes.

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

Senators Stamas, Cropsey, Kuipers, Jelinek, Gilbert, Van Woerkom, Jansen and Pappageorge introduced

#### **Senate Bill No. 599, entitled**

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 2 (MCL 211.1032).

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

Senators Gilbert, Cropsey, Kuipers, Jelinek, Van Woerkom, Jansen and Pappageorge introduced

#### **Senate Bill No. 600, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7jj (MCL 211.7jj[1]), as added by 2006 PA 378.

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

Senators Brown, Cropsey, Kuipers, Jelinek, Gilbert, Van Woerkom, Jansen and Pappageorge introduced

#### **Senate Bill No. 601, entitled**

A bill to amend 1923 PA 312, entitled "An act to empower the United States of America to acquire lands in the state of Michigan by purchase or otherwise for establishing, consolidating, and extending national and state forests; to grant to the United States of America all rights necessary for the proper control and administration of lands so acquired; and to authorize cooperative agreements between the state of Michigan and the United States for the acquisition, management, and operation of public forest lands," by amending section 1a (MCL 3.401a).

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

Senators Kuipers, Cropsey, Jelinek, Gilbert, Van Woerkom, Jansen and Pappageorge introduced

#### **Senate Bill No. 602, entitled**

A bill to amend 2002 PA 676, entitled "Right to forest act," by amending section 3 (MCL 320.2033).

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

Senators Van Woerkom, Kuipers, Cropsey, Jelinek, Jansen and Pappageorge introduced

#### **Senate Bill No. 603, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503, 701, 50102, 50110, 50112, 50136, 50301, 50302, 50501, 50503, 50701, 51101, 51201, 51501, 51701, 51901, 52501,

52503, 52504, 52505, 52506, 52701, 52901, 52902, 52903, 52905, 52907, and 52908 (MCL 324.503, 324.701, 324.50102, 324.50110, 324.50112, 324.50136, 324.50301, 324.50302, 324.50501, 324.50503, 324.50701, 324.51101, 324.51201, 324.51501, 324.51701, 324.51901, 324.52501, 324.52503, 324.52504, 324.52505, 324.52506, 324.52701, 324.52901, 324.52902, 324.52903, 324.52905, 324.52907, and 324.52908), section 503 as amended by 2004 PA 587, section 701 as added by 1995 PA 60, sections 50102, 50110, 50112, 50136, 50301, 50302, 50503, 50701, 51701, 51901, 52701, 52901, 52902, 52903, 52905, and 52907 as added by 1995 PA 57, section 50501 as amended by 2004 PA 124, section 51101 as amended by 2006 PA 383, section 51201 as added by 2006 PA 381, section 51501 as amended by 2004 PA 529, section 52501 as amended and sections 52503, 52505, and 52506 as added by 2004 PA 125, section 52504 as amended by 2006 PA 500, and section 52908 as amended by 2001 PA 155.

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

Senators Kahn, Pappageorge and Birkholz introduced

**Senate Bill No. 604, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 33 (MCL 28.733), as added by 2005 PA 127.

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

Senators Kahn, George and Birkholz introduced

**Senate Bill No. 605, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20135.

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

Senators George, Birkholz, Van Woerkom, Jelinek, Jansen, Garcia, Allen and Richardville introduced

**Senate Bill No. 606, entitled**

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

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

Senator Van Woerkom introduced

**Senate Bill No. 607, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2006 PA 646.

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

**House Bill No. 4817, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 4, 71, and 88a (MCL 125.2004, 125.2071, and 125.2088a), section 4 as amended by 2005 PA 225 and section 88a as amended by 2006 PA 639.

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

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

**House Bill No. 4818, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803), as amended by 2008 PA 257.

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

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

**House Bill No. 4819, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

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

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

**House Bill No. 4835, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 16g and 21 of chapter XVII (MCL 777.16g and 777.21), section 16g as amended by 2008 PA 521 and section 21 as amended by 2006 PA 655.

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. 4836, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 147b (MCL 750.147b), as added by 1988 PA 371, and by adding section 377d.

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 Scott, Kahn and Brown 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:

The great musician Duke Ellington said, “Every intersection in the road of life is an opportunity to make a decision.” You and I certainly have plenty of opportunities as legislators to make decisions.

I am ready to make the right decision on auto insurance rate reform for our constituents. I am ready to give rate relief to all the good drivers who deserve it but are not getting it because they are being penalized based on where they live. I am ready—and all of our constituents are ready—for fair rates so they can afford to drive their cars to work, drive their cars on errands, drive their cars to volunteer in their communities for services like Meals on Wheels, and drive their cars to volunteer at their child’s school or talk to their child’s teachers.

Affordable car insurance will make everybody’s life a little bit easier in these troubled times. Affordable car insurance will help our communities and the volunteers they rely on to deliver so many necessary services.

Let’s make the decision today to once and for all reform auto insurance rates, and give all of our constituents the relief they need.

Senator Kahn’s statement is as follows:

I rise in regard to Senate Resolution No. 57. The purpose of this resolution is to memorialize the United States Congress to enact the Healthy Schools Act of 2009. This act will provide funding for the development and operation of school-based health clinics.

As we all know, our nation faces a tremendous challenge in improving the health and well-being of our children, particularly children among at-risk groups. Adolescents aged thirteen to eighteen, in fact, have the poorest health indicators of any age group according to the American Medical Association. Nearly 8.7 million children in the United States have no form of health insurance. These children are unable to access preventive health care, and this may and will lead to untreated conditions, unnecessary diseases, and even death.

Poor physical or mental health can impair a child’s ability to navigate the critical transition years between ten and eighteen years old. Adolescents with poor health are frequently absent from school, have trouble with their homework, suffer emotional distress, fail to bond with teachers, friends, and family, and are likely to fail one or more classes. Education and health are inextricably related. Good health facilitates learning, while poor health hinders it. These both have lifelong effects.

School-based health clinics have demonstrated that they are an effective means to bringing preventive and primary care to medically-underserved children and adolescents and increasing academic failure resulting from their poor health. There are over 1,700 of these clinics in 44 states serving approximately 2 million children, including 87 health centers serving 200,000 children in Michigan. Some of these are in my own district.

The Healthy Schools Act of 2009 would provide funding for the development and operation of school-based health clinics. Clearly, this legislation should be enacted using federal funds to help meet the health and education needs of millions of children. To ensure that they have a chance to lead productive and healthy lives is prudent, worthy, and crucial for our nation's youth.

Senator Brown's statement is as follows:

On this Memorial Day weekend, as it approaches, I want to join with members to thank the good Senator from the 22nd District for taking the time to organize such a profoundly reflective and moving Memorial Day service. And after today's service, it is kind of hard to transition into business as usual. We have heard some deeply-moving and profound thoughts that still kind of linger in this chamber and in our hearts.

I want to thank all of America's servicemen and women. I especially today want to acknowledge the service of my father, World War II veteran, lieutenant JG in the U.S. Navy. He is not with us today; he is not living, but he is one of those heroes of the generation before. Memorial Day is a day of remembrance, also a day of gratitude, and I just want to join with my colleagues in expressing a deep love for this country and for those who have served.

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Wednesday, May 20, 2009, at 9:00 a.m., Room 100, Farnum Building  
Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Federal Stimulus Oversight submitted the following:

Meeting held on Wednesday, May 20, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Jelinek (C), Gilbert, Pappageorge, Jansen, Switalski, Cherry and Clark-Coleman  
Excused: Senator Kahn

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, May 20, 2009, at 3:07 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators George (C), Allen, Patterson, Clarke, Gleason and Jacobs  
Excused: Senator Sanborn

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Thursday, May 21, 2009, at 9:00 a.m., Room 100, Farnum Building  
Present: Senators Allen (C), Gilbert, Stamas and Clarke  
Excused: Senator Hunter

### Scheduled Meetings

**Appropriations** - Tuesday, May 26, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

#### Subcommittees -

**Capital Outlay** - Thursday, June 4, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Environmental Quality Department** - Wednesday, May 27, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Banking and Financial Institutions** - Wednesday, May 27, 9:00 a.m., Room 210, Farnum Building (373-3543)

**Commerce and Tourism** - Tuesday, May 26, 8:30 a.m., Room 100, Farnum Building (373-2413)

**Legislative Retirement Board of Trustees** - Thursdays, June 4, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

**Michigan Law Revision Commission** - Wednesday, June 24, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Transportation and House Transportation** - Tuesday, May 26, 3:00 p.m., Room 519, South Tower, House Office Building (373-7708)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:10 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, May 26, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate