

**No. 31**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2010**

---

---

Senate Chamber, Lansing, Thursday, April 15, 2010.

10:00 a.m.

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

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

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

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

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

Pastor Jamey Miller of Fellowship Baptist Church of East China offered the following invocation:

Our gracious Heavenly Father, Lord, as we come before You today, I pray for wisdom. I ask for knowledge today in the processes that take place in this room. I pray that You would continue to give Your grace, Lord, as we continue to follow after You. I pray that You would meet us here today, Lord, and guide and instruct us not for just today's generations, but, Lord, the future generations to come.

I pray that we would continue to seek Your face, Lord, and Your wisdom from it, for it is in Your name we pray. Amen.

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

### Motions and Communications

Senators Stamas, Pappageorge, Garcia and Gleason entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

April 14, 2010

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Committee on Health Policy hold a hearing on the appointment of Brian A. Klott and Gay L. Landstrom to the Certificate of Need Commission, and make written recommendations to the Government Operations Committee on these appointments.

Sincerely,  
Senator Michael D. Bishop, Chairman  
Government Operations Committee

The communication was referred to the Secretary for record.

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

<b>Senate Bill Nos.</b>	<b>1250</b>	<b>1251</b>	<b>1252</b>	<b>1253</b>	<b>1254</b>	<b>1255</b>	<b>1256</b>												
<b>House Bill Nos.</b>	<b>6026</b>	<b>6027</b>	<b>6028</b>	<b>6029</b>	<b>6030</b>	<b>6031</b>	<b>6032</b>	<b>6033</b>	<b>6034</b>	<b>6035</b>	<b>6036</b>	<b>6037</b>	<b>6038</b>	<b>6039</b>					
	<b>6040</b>	<b>6041</b>	<b>6042</b>	<b>6043</b>	<b>6044</b>														
<b>House Joint Resolution</b>	<b>CCC</b>																		

### Messages from the House

The following message was received and read:

April 13, 2010

Pursuant to Public Act 394 of 2008, I hereby appoint the following individuals to the Electronic Waste Advisory Council:

- 1) Dave Baumgarten, an individual representing covered computer manufacturers.
- 2) Robert Perry, an individual representing retailers of covered computers or covered video display devices.
- 3) Miles Handy, an individual representing an agency responsible for a countywide recycling program.
- 4) Representative Rebekah Warren to represent the Michigan House of Representatives.

Thank you for your kind attention to this matter.

Regards,  
Andy Dillon  
Speaker of the House  
District 17

The message was referred to the Secretary for record.

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. 5672**

**Senate Bill No. 1138**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5672, entitled**

A bill to amend 1937 PA 72, entitled "Division of deafness act," by amending section 8 (MCL 408.208), as added by 1988 PA 434.

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. 184**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Barcia

In The Chair: President

Senator Thomas moved that Senator Barcia be temporarily excused from today's session.  
The motion prevailed.

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 establish the division on deafness and the advisory council on deafness within the department of labor; to prescribe the powers and duties of the department, the division, the council, and certain state officers; to establish a fund and provide for expenditures from that fund; and to provide for an appropriation,".

The Senate agreed to the full title.

Senator Barcia entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 1138, entitled**

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

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. 185****Yeas—38**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

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

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

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

**Senate Bill No. 1100, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 1, 5, 5c, 5d, and 9 (MCL 722.111, 722.115, 722.115c, 722.115d, and 722.119), section 1 as amended by 2007 PA 217, section 5 as amended by 2007 PA 218, section 5c as amended by 2006 PA 580, section 5d as added by 2005 PA 133, and section 9 as added by 2002 PA 674.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1101, entitled**

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending sections 5 and 13 (MCL 400.705 and 400.713), section 5 as amended by 1996 PA 194 and section 13 as amended by 2004 PA 281.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1102, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20102, 20104, and 21313 (MCL 333.20102, 333.20104, and 333.21313), section 20102 as amended by 1990 PA 179.

Substitute (S-3).

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 proceeded to the order of

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

Senators Hunter, Basham, Whitmer, Clarke, Olshove, Clark-Coleman, Birkholz, Jacobs, Barcia, Jansen, Scott, Brater and Cherry introduced

#### **Senate Bill No. 1263, entitled**

A bill to create the sexual assault victim's rights act; to require the prompt collection and processing of sexual assault evidence; to provide for certain victim's rights in sexual assault cases; to require certain notifications and reports; to require certain duties of certain state and local officials and agencies; to provide remedies; and to limit causes of action.

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

Senator Cassis introduced

#### **Senate Bill No. 1264, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 113, 281, 409, 413, 417, 423, 429, 430, 431, 431a, 431b, 431c, 434, 435, 437, 441, 450, and 455 (MCL 208.1113, 208.1281, 208.1409, 208.1413, 208.1417, 208.1423, 208.1429, 208.1430, 208.1431, 208.1431a, 208.1431b, 208.1431c, 208.1434, 208.1435, 208.1437, 208.1441, 208.1450, and 208.1455), section 113 as amended by 2008 PA 472, section 281 as added and section 413 as amended by 2007 PA 145, section 409 as amended by 2008 PA 572, section 429 as amended by 2009 PA 184, section 430 as amended by 2009 PA 90, section 431 as amended by 2009 PA 126, section 431a as amended by 2009 PA 159, section 431b as added by 2008 PA 109, section 431c as amended by 2009 PA 160, section 434 as amended by 2009 PA 240, section 435 as amended by 2009 PA 192, section 437 as amended by 2009 PA 241, section 450 as added by 2007 PA 214, and section 455 as added by 2008 PA 77.

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

Senators George and Allen introduced

#### **Senate Bill No. 1265, entitled**

A bill to amend 1911 PA 149, entitled "An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms "public corporations," "state agencies" and "private property" as used herein," by amending section 1 (MCL 213.21).

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

Senators Allen and George introduced

#### **Senate Bill No. 1266, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7gg (MCL 211.7gg), as added by 2003 PA 261.

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

### **Statements**

Senators Hardiman, Scott, Brown, Hunter, Gleason, Anderson and Brater asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hardiman's statement is as follows:

I want to make an announcement about the community colleges. The role of community colleges and the future of our state are essential. Since 1914, Michigan community colleges have striven to provide our residents with access to affordable,

high-quality education. The ability of these institutions to adapt and aid regional workforce needs is imperative in the transformation of Michigan.

Today, we recognize and celebrate the contribution that Michigan's 28 community colleges continue to provide. Just on a personal note, I started my post-high school education at a community college, one in Grand Rapids, and it provided me with a strong foundation for the furtherance of my education. It was a great foundation for the work that I do today, so I appreciate that. I appreciate all of our 28 community colleges.

I would like to remind my fellow Senators of the Community College Day in Michigan reception that will occur in the north wing from 11 a.m. to 1 p.m. Students, administrators, and faculty members for many of our state's outstanding community colleges are on hand in Michigan's Capitol Building today.

Senator Scott's statement is as follows:

The writer Thomas Carlyle said, "Everywhere in life, the true question is not what we gain, but what we do." What we need to do now—today, this year—is enact meaningful insurance reform. Our constituents have paid more than they should. It is time that we give them a much-needed break. It is time because the Michigan Automobile Theft Prevention Authority reported in February that auto thefts in Detroit fell 14.2 percent in recent years and 42 percent statewide since 1986. Traffic accidents in Detroit have gone down nearly 40 percent since 1997, and this year, Detroit was named the tenth-safest city to drive in relating to traffic accidents. Yet insurance rates have not gone down.

It is time to pass insurance reform because it is the right thing to do.

Senator Brown's statement is as follows:

Today is Tax Day. Millions of Michigan residents will submit their taxes to the IRS, the state, and their local governments. Tax Day arrives this year as the Legislature grapples with another staggering budget deficit. During this ongoing debate, we will undoubtedly hear some in this Capitol tell us that Michigan residents and businesses can afford slightly higher taxes or fees. This is not true.

According to the nonpartisan Tax Foundation, Americans will pay more in taxes this year than they will on food, clothing, and shelter combined. The average American will have worked every day from January 1st to April 9th—99 days—just to make enough money to pay their 2010 taxes. There is simply no more to give.

Michigan's gas tax is the seventh highest in the nation. Our property taxes are ninth highest. Our sales tax is thirteenth highest nationally. Our taxes on cigarettes and spirits are tenth highest in the nation.

On this Tax Day, we must all keep in mind the people who are out of work and the businesses struggling to keep their doors open. They have no more to give to state government. They're doing whatever is necessary to balance their own checkbooks and make ends meet; so, too, must we.

Senator Hunter's statement is as follows:

We all know that during these very tough and challenging times, it is vitally important to reform government. We have discussed that in this chamber quite a bit. But I contend that one of the most powerful signals that we can send to our constituents, to the citizens across this great state, is that we are serious about providing them a government they can actually trust; one that's free of corruption; one that is free of politicians who lie, who deceive, and who prove themselves time and again to be unworthy of the trust of the people whom they claim to represent.

So today I have on my desk a joint resolution proposing an amendment the State Constitution of 1963, by adding Section 8 to Article 11 to disqualify a person who has been convicted of certain felonies from election or appointment to an elective office in this state. Specifically, this person is ineligible for election or appointment to any state or local elective office in this state if, within the immediately preceding 20 years, this person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust, and the conviction was related to the person's official capacity while the person was holding any elected or appointed local, state, or federal office.

I urge bipartisan co-sponsorship of this joint resolution.

Senator Gleason's statement is as follows:

Sometimes life just sends us a blow that is more difficult than other times. I just rise today as a moment of respect. My grandparents immigrated to this country. I have mentioned that several times in this venue. The day before yesterday, our family lost a real stalwart in our family. Rita Talsma, who was my dad's sister, passed away. She was, I think, the epitome of what an aunt and what a public official and what a person should actually be.

My Aunt Rita and I wouldn't agree on everything because when Senator Barcia was running for office, I always came to the conclusion that my Aunt Rita was actually working more diligently in putting up more signs for Mr. Barcia than she was me. It was a great loss. My grandfather has always made it an important obligation that since they came to this country, our family must give back.

My Aunt Rita served at the local level for a number of years. Many terms she was elected as the township clerk. She really inspired my generation—the next generation, the younger generation—to get involved in politics and their government as well.

So this Saturday at 11:00 o'clock, we are going to be saying our final farewells to our Aunt Rita. I just wanted to take a moment and have her mentioned in the record here in this great Capitol because it was always important for her to set a fine example. Fun was a major part of her life, but her obligations to her family and her community and her state and her nation were as well.

I would only say this in conclusion that I remembered because she was the daughter of Irish Catholics who came to this country. She always thought it was important. John F. Kennedy and the Kennedy clan themselves were always an important part of her life. Anytime our family was gathered, we actually had family reunions where there would be in excess of 200 family members. My dad had 10 brothers and sisters; 11 children total for John Patrick and Mary Ellen Gleason. So we always had a robust reunion. A major part of that discussion was always about that young Kennedy, that young Irish Catholic kid, and how he broke the mold. He gave their family, our family, and other families across the country a new chance, a new inspiration.

I thought it was important to mention a few words on her behalf today. So we will miss her. We miss her. We pray for her soul. We are very grateful for the life that the good Lord gave her; 77 years that she shared here on earth and a very diligent public servant. So I just wanted to mention her on the record.

Senator Anderson's statement is as follows:

Colleagues, yesterday the Michigan Department of Energy, Labor, and Economic Growth (DELEG) released Michigan's unemployment numbers for March. Michigan's unemployment rate for March stayed even at 14.1 percent, after slight declines in January and February. Michigan's unemployment rate for the first quarter of 2010 was 14.2 percent, down from the state's rate of 14.4 percent for the fourth quarter of 2009.

While this small drop in Michigan's unemployment is good news, Michigan's unemployment rate is still 5 percent higher than the national rate. There are still far too many people out of work in this state, and there is still legislation before this body that can help them. We have the power to take up the Hire Michigan First legislation that would ensure Michigan state-funded projects are putting our workers back on the job. As the state invests in building and redevelopment projects in our communities, we can also rebuild our economy by hiring Michigan contractors and construction workers for these jobs. This is sensible legislation that can create tangible results.

Despite the recent decline, 14 percent unemployment in Michigan is still too high, and Hire Michigan First would have an immediate impact on our state's workforce. As we work to turn our economy around, we should not delay on moving this legislation any longer. I hope my colleagues on both sides of the aisle will recognize the urgency, and stand up for Michigan workers by taking these bills up right away.

Senator Brater's statement is as follows:

I rise on this Tax Day 2010 to remember a great American and a great jurist, Oliver Wendell Holmes, who was appointed to the United State Supreme Court by President Theodore Roosevelt. Justice Holmes is well-known to have said, "I like to pay taxes. With them I buy civilization."

### Committee Reports

The Committee on Reforms and Restructuring reported

**Senate Bill No. 1046, entitled**

A bill to limit a public employer's portion of the cost of health insurance benefits; and to provide for exceptions.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

Michael D. Bishop

Chairperson

To Report Out:

Yeas: Senators Bishop, Gilbert, George and Kuipers

Nays: Senators Prusi and Cherry

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

The Committee on Reforms and Restructuring reported

**Senate Bill No. 1047, entitled**

A bill to provide for the creation and operation of a program to allow public employers to participate in the state health plan; and to prescribe powers and duties of certain state officers and agencies.

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

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

Michael D. Bishop

Chairperson

**To Report Out:**

Yeas: Senators Bishop, Gilbert, George, Kuipers, Prusi and Cherry

Nays: None

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

The Committee on Reforms and Restructuring reported

**Senate Bill No. 1074, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1245.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Michael D. Bishop  
Chairperson

**To Report Out:**

Yeas: Senators Bishop, Gilbert, George and Kuipers

Nays: Senators Prusi and Cherry

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

The Committee on Reforms and Restructuring reported

**Senate Joint Resolution P, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 8 to article XI, to provide for establishing uniform cost allocation requirements for health benefits for public employers.

With the recommendation that the substitute (S-2) be adopted and that the joint resolution then be adopted.

Michael D. Bishop  
Chairperson

**To Report Out:**

Yeas: Senators Bishop, Gilbert, George and Kuipers

Nays: Senators Prusi and Cherry

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Reforms and Restructuring submitted the following:

Meeting held on Tuesday, April 13, 2010, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Bishop (C), Gilbert, George, Kuipers, Prusi and Cherry

Absent: Senator Hunter

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, April 13, 2010, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Jansen and Scott

Excused: Senators Kahn and Barcia

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Agriculture** - Tuesdays, April 27 and May 4, 2:00 p.m., Room 405, Capitol Building (373-2768)

**General Government** - Thursdays, April 22, April 29, May 6 and May 13, 2:00 p.m., Room 110, Farnum Building (373-2768)

**Human Services Department** - Tuesday, April 20, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)



**Judiciary and Corrections** - Tuesdays, April 20, April 27, May 4 and May 11 (CANCELED), 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursdays, April 22, May 6 and May 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Natural Resources and Environmental Affairs** - Wednesday, April 21, 1:00 p.m., Room 110, Farnum Building (373-3447)

**State Drug Treatment Court Advisory Committee** - Tuesday, April 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Transportation and House Transportation** - Tuesday, April 27, 3:00 p.m., Room 519, South Tower, House Office Building (373-7708) (CANCELED)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:43 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, April 20, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

