

No. 74
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, September 14, 2010.

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—excused
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—excused
Van Woerkom—present
Whitmer—present

Senator Mark C. Jansen of the 28th District offered the following invocation:

Almighty God, we want to thank You for breath, for the beautiful outdoors, for the colors, and Your creativity. Thank You, Lord, that You have blessed us and given many of us the gift of sight, hearing, and all the senses that make it all come alive. We just thank You and praise Your name for that.

We also thank You and praise You for each person here. Many are talented and gifted in ways that others aren't, so we thank You for that diversity and creativity in mankind. We thank You for Your holy word and the direction that it gives many of us. We praise You and thank You for that.

Now, Lord, I ask a blessing on each of the Senators and their staff, even this whole community here in this region called the state of Michigan. We need Your blessing, Your leading, and Your guiding, so we call upon Your name to do that and ask that You would bless each and every one of us. Lord, we ask that we would try also to do our very best to be obedient to You.

I pray for the Governor, the Supreme Court, and the leaders of the Senate and the House. I ask that You would also give them special blessings that they need as those who are making big decisions in the days ahead.

We thank You and praise You for this time that we can come to You. In the name of Jesus, amen.

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

Motions and Communications

Senators Gleason, Brater, Stamas and Van Woerkom entered the Senate Chamber.

The following communications were received and read:

Office of the Auditor General

September 8, 2010

Enclosed is a copy of the following audit report:

Follow-Up Report on Computer Equipment Surplus and Salvage, Department of Technology, Management & Budget.

September 8, 2010

Enclosed is a copy of the following audit report:

Follow-Up Report on the Teradata Data Warehouse, Department of Technology, Management & Budget.

Auditor General

The audit reports were referred to the Committee on Government Operations.

Senator Anderson moved that Senators Clarke and Hunter be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Cropsey moved that Senator Garcia be excused from today's session.

The motion prevailed.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolution be postponed for today:

Senate Resolution No. 172

The motion prevailed.

Senators Hunter, Pappageorge, Clarke, Barcia, Sanborn and Bishop entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:08 a.m.

10:44 a.m.

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 8:

House Bill Nos. 4880 4881 6224 6261

The Secretary announced that the following official bills were printed on Wednesday, September 8, and are available at the legislative website:

Senate Bill Nos. 1475 1476 1477 1478 1479

The Secretary announced that the following official bills were printed on Thursday, September 9, and are available at the legislative website:

Senate Bill Nos. 1480 1481 1482 1483 1484 1485

House Bill Nos. 6413 6414 6415 6416 6417 6418 6419 6420 6421 6422 6423 6424 6425 6426 6427

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

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. 6247

House Bill No. 6248

The motion prevailed.

The following bill was read a third time:

House Bill No. 6247, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 4 (MCL 168.4), as amended by 2003 PA 302.

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. 408

Yeas—35

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

Nays—0

Excused—3

Cassis

Garcia

Thomas

Not Voting—0

In The Chair: Richardville

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6248, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 642a (MCL 168.642a), as amended by 2005 PA 71.

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. 409**Yeas—35**

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

Nays—0**Excused—3**

Cassis	Garcia	Thomas
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Not Voting—0

In The Chair: Richardville

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of
Messages from the House

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

House Bill No. 4514

The motion prevailed.

Senate Bill No. 1258, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 322 (MCL 168.322), as amended by 2003 PA 302.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1259, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 381 (MCL 168.381), as amended by 2006 PA 122.

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

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Gleason introduced

Senate Bill No. 1486, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 13101, 13102, 13104, 13105, 13106, 13107, 13108, 13109, 13110, and 13111 (MCL 333.13101, 333.13102, 333.13104, 333.13105, 333.13106, 333.13107, 333.13108, 333.13109, 333.13110, and 333.13111), sections 13101 and 13102 as amended and sections 13104, 13105, 13106, 13107, 13108, 13109, 13110, and 13111 as added by 2007 PA 149, and by adding sections 13105a and 13112; and to repeal acts and parts of acts.

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

Senators Barcia, Allen, Hunter, Stamas, Nofs and Clarke introduced

Senate Bill No. 1487, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 13 (MCL 125.2663), as amended by 2007 PA 202.

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

Senator Birkholz introduced
Senate Bill No. 1488, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32607 (MCL 324.32607), as amended by 2004 PA 546.

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

Senator Gilbert introduced
Senate Bill No. 1489, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2009 PA 82.

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

Senator Gilbert introduced
Senate Bill No. 1490, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 205, 901, 903, 909, and 1027 (MCL 436.1205, 436.1901, 436.1903, 436.1909, and 436.2027), section 205 as amended by 2001 PA 274, section 901 as amended by 2008 PA 11, section 903 as amended by 2000 PA 431, and section 1027 as amended by 2008 PA 218, and by adding section 1029.

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

Senator Kuipers introduced
Senate Bill No. 1491, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 29 (MCL 791.229), as amended by 1998 PA 512.

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

Senator Kuipers introduced
Senate Bill No. 1492, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XI (MCL 771.14), as amended by 2000 PA 279.

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

Senator Allen introduced
Senate Bill No. 1493, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521a (MCL 436.1521a), as added by 2006 PA 501.

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. 4880, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 932c.

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 Campaign and Election Oversight.

House Bill No. 4881, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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 Campaign and Election Oversight.

House Bill No. 6224, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 205 and 307 (MCL 436.1205 and 436.1307), section 205 as amended by 2001 PA 274.

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. 6261, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 82101, 82106, and 82118 (MCL 324.82101, 324.82106, and 324.82118), section 82101 as amended by 2008 PA 145, section 82106 as amended by 2008 PA 399, and section 82118 as amended by 2008 PA 400, and by adding section 82105c.

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.

Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

The great jazz musician Duke Ellington said that “a problem is a chance for you to do your best.” We have a chance to do our best in the remaining months of this legislative session and give our constituents relief from unfair insurance bills.

Auto insurance policies are a necessity. In the event that someone is in an accident, their policy will help them get their car fixed, get a new car, and pay any medical bills. No one wants to do away with auto insurance. All we want—all that I want and the hundreds of thousands of policyholders across Michigan want—is to pay a fair price for auto insurance. We can do our best and reform auto insurance so that the cost of a driver’s policy is based on the kind of car they drive and their driving record.

Reforming auto insurance would mean that our constituents would not face the problem of being overcharged for their policy simply because of where they live. Reform would mean that our constituents would not face the problem of paying higher rates because they do not have a credit history, because they pay their bills, and pay for their purchases instead of relying on credit cards. Auto insurance reform would mean that Michigan drivers would not be forced to break the law and drive without insurance because a policy is just too expensive for some drivers.

Auto insurance reform would mean that we have done our best, and we have done our job and given the people of Michigan what they have asked for.

Senator Jacobs stated that had she been present on September 7 when the votes were taken on the passage of the following bills, she would have voted “yea”:

House Bill No. 5221

House Bill No. 5678

Senator Jacobs stated that had she been present on September 7 when the vote was taken on the passage of the following bill, she would have voted “nay”:

House Bill No. 5679

Senator Jacobs stated that had she been present on September 8 when the vote was taken on the passage of the following bill, she would have voted “yea”:

Senate Bill No. 1252

Senator Jacobs stated that had she been present on September 8 when the vote was taken on the passage of the following bill, she would have voted “nay”:

House Bill No. 6086

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:01 a.m.

11:07 a.m.

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

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 pro tempore, Senator Richardville, designated Senator Sanborn as Chairperson.

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

Senate Bill No. 1432, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57v. Substitute (S-2).

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.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 1237, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 22225 (MCL 333.22225), as amended by 1993 PA 88.

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.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs, Stamas and Clarke

Nays: None

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

The Committee on Commerce and Tourism reported

House Bill No. 5716, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2008 PA 310, and by adding section 3i.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs, Stamas and Clarke

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

House Bill No. 5717, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending section 2 (MCL 400.272) and by adding section 19.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs, Stamas and Clarke
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
Meeting held on Tuesday, September 7, 2010, at 2:30 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Nofs, Stamas and Clarke
Excused: Senator Hunter

The Committee on Families and Human Services reported

Senate Bill No. 1302, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 48 (MCL 400.48), as amended by 1996 PA 423.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen and Hardiman
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Families and Human Services reported

House Bill No. 4118, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 4a (MCL 722.954a), as added by 1997 PA 172.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen and Hardiman
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Families and Human Services reported

House Bill No. 4169, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 13a of chapter XIIA (MCL 712A.13a), as amended by 2004 PA 475.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen and Hardiman
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:
Meeting held on Tuesday, September 7, 2010, at 2:30 p.m., Room 210, Farnum Building
Present: Senators Jansen (C) and Hardiman
Excused: Senator Jacobs

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:
Meeting held on Thursday, September 2, 2010, at 2:00 p.m., Room H-65, Capitol Building
Present: Senator Clarke
Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Military and Veterans Affairs (HB 5885) submitted the following:
Meeting held on Friday, September 10, 2010, at 4:00 p.m., Room 428, Capitol Building
Present: Senators Garcia and Cropsey
Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

The Conference Committee on State Police (HB 5888) submitted the following:
Meeting held on Friday, September 10, 2010, at 4:15 p.m., Room 428, Capitol Building
Present: Senators Garcia and Cropsey
Excused: Senator Barcia

Scheduled Meetings

Administrative Rules - Tuesday, September 21, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-6476)

Appropriations - Wednesday, September 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Conference Committees -

Agriculture (HB 5875) - Wednesday, September 15, 8:30 a.m., Room 424, Capitol Building (373-2768)

Community Colleges (SB 1151) - Wednesday, September 15, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development (HB 5884) - Wednesday, September 15, 2:00 p.m., Room 424, Capitol Building (373-8080)

Judiciary (HB 5883) - Wednesday, September 15, 9:00 a.m., Room 428, Capitol Building (373-8080)

Natural Resources and Environment (SB 1161) - Wednesday, September 15, 9:00 a.m., Room 402, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Wednesday, September 15, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, September 16, 2:30 p.m., Room 210, Farnum Building (373-6920)

Health Policy - Wednesday, September 15, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Natural Resources and Environmental Affairs - Wednesday, September 15, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, September 15, 9:00 a.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:16 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, September 15, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

