

No. 12
STATE OF MICHIGAN
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REGULAR SESSION OF 2008

Senate Chamber, Lansing, Thursday, February 7, 2008.

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—excused
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—excused
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—excused
Jacobs—present
Jansen—present
Jelinek—present
Kahn—excused
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 are grateful that You have been near us and blessed us through this morning and through the storm of last night. We are grateful that we enjoy health and strength. We recognize that a few of the seats are empty yet this morning, and if any of our members are on the road yet, we pray that You will grant them safety as they travel. We are grateful this morning for our road crews and for our police force that are out there helping people as they travel through our state. We pray that You will bless them and give them patience in their work.

We pray for a blessing upon us this morning as we deliberate. We pray that You will give us wisdom and guidance so that the decisions we make may be good and right in Your sight.

These things we ask in Your name. Amen.

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

Motions and Communications

Senators Birkholz, Prusi and Garcia entered the Senate Chamber.

Senator Thomas moved that Senators Brater and Gleason be temporarily excused from today's session.
The motion prevailed.

Senator Thomas moved that Senators Barcia, Hunter and Clarke be excused from today's session.
The motion prevailed.

The following communication was received and read:
Office of the Senate Minority Leader

February 5, 2008

Pursuant to Sec. 9c. (2) of Public Act 221 of 2007, I hereby appoint Senator Glenn Anderson to the alternative transportation funding task force.

As Minority Vice Chair of the Senate Transportation Appropriations Subcommittee, I am sure that Senator Anderson will be a valuable asset to the commission.

Thank you for your attention to this matter.

Sincerely,
Mark Schauer
Senate Democratic Leader, District 19

The communication was referred to the Secretary for record.

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

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

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1007

Senate Bill No. 1008

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

The Secretary announced that the following official bills were printed on Wednesday, February 6, and are available at the legislative website:

Senate Bill Nos. 1077 1078 1079 1080 1081 1082 1083

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 pro tempore, Senator Richardville, designated Senator Pappageorge 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. 1007, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending sections 2, 3, 4, 5, 6, 7, 20, 30, 31, 33a, 41, 44, 50, 53, 60, 61, 62, 63, 68, and 69 (MCL 288.472, 288.473, 288.474, 288.475, 288.476, 288.477, 288.490, 288.500, 288.501, 288.503a, 288.511, 288.514, 288.520, 288.523, 288.530, 288.531, 288.532, 288.533, 288.538, and 288.539), section 33a as added by 2004 PA 277.

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. 1008, entitled

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," by amending sections 10, 11, 12, 13, 15, 16, 17, 70, 90, 110, 110a, 111, 113, 114, 115, 116, 119, 125, 130, 131, 136, 137, 139, 140, 141, 142, 143, 152, and 159 (MCL 288.570, 288.571, 288.572, 288.573, 288.575, 288.576, 288.577, 288.630, 288.650, 288.670, 288.670a, 288.671, 288.673, 288.674, 288.675, 288.676, 288.679, 288.685, 288.690, 288.691, 288.696, 288.697, 288.699, 288.700, 288.701, 288.702, 288.703, 288.712, and 288.719), section 110a as added by 2004 PA 282.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 626, entitled

A bill to prohibit certain dog races; to prohibit the simulcasting of certain dog races; and to prescribe penalties.

Substitute (S-5).

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.

During the Committee of the Whole, Senators Gleason, Kuipers and Brater entered the Senate Chamber.

Resolutions

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

Senate Concurrent Resolution No. 22

The motion prevailed.

Senators Hunter and Schauer offered the following resolution:

Senate Resolution No. 146.

A resolution to memorialize the United States Congress to enact H.R. 4230, the School-Based Health Clinic Establishment Act of 2007.

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 healthcare providers, administer medications to students with chronic illnesses, and provide timely and cost-effective healthcare. 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, H.R. 4230, the School-Based Health Clinic Establishment Act of 2007, provides funding for the development and operation of school-based health clinics. Clearly, 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 H.R. 4230, the School-Based Health Clinic Establishment Act of 2007; 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 Health Policy.

The motion prevailed.

Senators Anderson, Cherry, Clark-Coleman, Gleason, Jacobs and Scott were named co-sponsors of the resolution.

Senators Hunter and Schauer offered the following concurrent resolution:

Senate Concurrent Resolution No. 26.

A concurrent resolution to memorialize the United States Congress to enact H.R. 4230, the School-Based Health Clinic Establishment Act of 2007.

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 healthcare providers, administer medications to students with chronic illnesses, and provide timely and cost-effective healthcare. 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, H.R. 4230, the School-Based Health Clinic Establishment Act of 2007, provides funding for the development and operation of school-based health clinics. Clearly, 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 (the House of Representatives concurring), That we memorialize the United States Congress to enact H.R. 4230, the School-Based Health Clinic Establishment Act of 2007; 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 concurrent 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 concurrent resolution,
 Senator Cropsey moved that the concurrent resolution be referred to the Committee on Health Policy.
 The motion prevailed.

Senators Anderson, Cherry, Clark-Coleman, Gleason, Jacobs and Scott were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of
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:

That fabulous Detroit-born diva and jazz singer Anita Baker once said, "People think I'm temperamental because I know what I want." People may think the same of me because I know what I want, and so do you.

You know, it's been almost four years that I made my pledge to speak every session day on insurance to this body, but I don't call that temperamental. I call that committed, I call that dedicated, and I call that my mission. I know you're getting tired, and, believe me, I get tired too. But I'm gonna keep talking, keep preaching, and keep beseeching until I get what I want—fair and accessible insurance for the citizens of Michigan.

Four years and counting.

Committee Reports

The Committee on Agriculture reported

Senate Bill No. 1007, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending sections 2, 3, 4, 5, 6, 7, 20, 30, 31, 33a, 41, 44, 50, 53, 60, 61, 62, 63, 68, and 69 (MCL 288.472, 288.473, 288.474, 288.475, 288.476, 288.477, 288.490, 288.500, 288.501, 288.503a, 288.511, 288.514, 288.520, 288.523, 288.530, 288.531, 288.532, 288.533, 288.538, and 288.539), section 33a as added by 2004 PA 277.

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.

Gerald Van Woerkom
 Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

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

The Committee on Agriculture reported

Senate Bill No. 1008, entitled

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," by amending sections 10, 11, 12, 13, 15, 16, 17, 70, 90, 110, 110a, 111, 113, 114, 115, 116, 119, 125, 130, 131, 136, 137, 139, 140, 141, 142, 143, 152, and 159 (MCL 288.570, 288.571, 288.572, 288.573, 288.575, 288.576, 288.577, 288.630, 288.650, 288.670, 288.670a, 288.671, 288.673, 288.674, 288.675, 288.676, 288.679, 288.685, 288.690, 288.691, 288.696, 288.697, 288.699, 288.700, 288.701, 288.702, 288.703, 288.712, and 288.719), section 110a as added by 2004 PA 282.

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

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

Gerald Van Woerkom
 Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Birkholz, Gleason and Whitmer

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, January 31, 2008, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

The Committee on Banking and Financial Institutions reported

Senate Bill No. 948, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 950, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 24f.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 951, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 1 (MCL 125.1401), as amended by 1998 PA 33.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

House Bill No. 5443, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32a (MCL 125.1432a), as amended by 2004 PA 535.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

House Bill No. 5446, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32 (MCL 125.1432), as amended by 2004 PA 535.

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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Stamas, Hunter, Clarke and Olshove

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, February 6, 2008, at 1:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, February 6, 2008, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, February 6, 2008, at 3:06 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George (C), Patterson, Sanborn, Allen, Clarke, Gleason and Jacobs

Scheduled Meetings

Appropriations - Wednesday, February 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay - Thursday, February 14, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-8080)

Community Health Department - Thursdays, February 14, February 21 and February 28, 1:00 p.m., and March 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Tuesday, February 12, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Tuesday, February 19, 1:00 p.m., Michigan State University, Radiology Building, 184 Service Road, East Lansing; Friday, February 22, 10:30 a.m., Alma College, Tyler-Van Dusen Campus Center, 614 W. Superior Street, Alma; Monday, February 25, 10:00 a.m., Grand Valley State University, Cook-DeVos Center for Health Sciences, 301 Michigan Street NE, Grand Rapids; and Monday, March 3, 10:00 a.m., University of Michigan-Dearborn, Institute for Advanced Vehicle Systems Building, Borg Warner Auditorium, 4901 Evergreen Road, Dearborn (373-2768)

Human Services Department and Families and Human Services - Tuesday, February 12, 1:00 p.m., Room 100, Farnum Building (373-2768)

Judiciary and Corrections - Wednesdays, February 13, 3:00 p.m. or later immediately following Senate Appropriations meeting, February 20, February 27, March 5 and March 12, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

K-12, School Aid, Education - Tuesdays, February 19, February 26, March 4 and March 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Retirement - Tuesday, February 19, 12:00 noon, Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, February 14, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Economic Development and Regulatory Reform - Thursday, February 14, 12:00 noon, Room 100, Farnum Building (373-7670)

Families and Human Services and Human Services Department Appropriations Subcommittee - Tuesday, February 12, 1:00 p.m., Room 100, Farnum Building (373-2768)

Judiciary - Tuesday, February 12, 1:00 p.m., Room 210, Farnum Building (373-6920)

Legislative Commission on Government Efficiency - Thursday, February 14, 11:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Wednesday, February 13, 2:00 p.m., Room 210, Farnum Building (373-0212)

Local, Urban and State Affairs - Tuesday, February 12, 3:00 p.m., Room 110, Farnum Building (373-1635)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:23 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, February 12, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate