

No. 65  
STATE OF MICHIGAN  
**Journal of the Senate**  
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Senate Chamber, Lansing, Wednesday, August 26, 2009.

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—excused  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—excused  
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—present  
Van Woerkom—present  
Whitmer—present

Senator Raymond E. Basham of the 8th District offered the following invocation:

Heavenly Father, we thank You for this day and that we are here safely gathered together. We thank You for Your bountiful goodness. We pray for strength, wisdom, and clarity of thought as we deliberate and consider the issues confronting this great state.

We ask that You would guide us in Your united effort for the common good. Bless our soldiers and those who work each day to protect the security and safety of this great state and nation. Keep them in Your care. We pray this in Your name. Amen.

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

### Motions and Communications

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

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

Senator Cropsey moved that rule 3.902 be suspended to allow the guest of Senator George admittance to the Senate floor.

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

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

The motion prevailed.

Senator George's statement is as follows:

We have with us on the floor a familiar face to many of us, and it is Mr. Bill Finch. Bill is the master decorative painter and preservation specialist who has helped make the Capitol such a great place to work. We often, I think, take for granted the fact that we work in this beautiful building. It is not little elves that come in the middle of the night and touch up all of the decorative work and maintain the plaster and the beautiful grandeur of this Capitol. It is, in fact, a real person.

Mr. Finch has been with the Capitol since the restoration project in 1989. We are recognizing him today because he has been recognized as a 2009 Michigan Heritage Award winner by the Michigan State University Museum. The Heritage Award recipients represent master practitioners in their trades who maintain continuous advocacy for the traditional arts and dedication to their family traditions.

Bill was born into a family of artisans, so it is no surprise that he is an accomplished woodcarver, furniture designer and builder, ornamental plasterer, homebuilder, sign painter, and graphic artist. He is skilled in the techniques which you see about us, which are marbling, wood graining, gilding, trompe-l'oeil, glazing, stripping, and freehand painting.

Early in his career, his skills lead him to work with one of the nation's leading traditional paint firms, John Canning and Company, where Bill was trained with the company founder, Scotland-born John Canning. Bill's skills were quickly noted, and he was then chosen to be part of the 43-person team responsible for restoration of the Capitol, including the Senate Chamber. That project was from 1989 to 1992. Since then, Bill has been the master decorative painter and preservation specialists for the Michigan Capitol Building.

Please join me and recognize Bill Finch for receiving this award; also if we can recognize his family and other Capitol staff who have joined us in the east Gallery.

Senators Sanborn, Hardiman, Jelinek, Gleason, Olshove and Barcia entered the Senate Chamber.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from January 1, 2009 through March 31, 2009, and are available in the Secretary's office during business hours for public inspection:

#### Committee

Agriculture and Bioeconomy  
Appropriations  
Banking and Financial Institutions

#### Chairperson

Senator Gerald Van Woerkom  
Senator Ron Jelinek  
Senator Randy Richardville

Campaign and Election Oversight	Senator Michelle McManus
Commerce and Tourism	Senator Jason Allen
Economic Development and Regulatory Reform	Senator Alan Sanborn
Education	Senator Wayne Kuipers
Energy Policy and Public Utilities	Senator Bruce Patterson
Families and Human Services	Senator Mark Jansen
Finance	Senator Nancy Cassis
Government Operations and Reform	Senator Michael Bishop
Health Policy	Senator Tom George
Homeland Security and Emerging Technologies	Senator Cameron Brown
Hunting, Fishing and Outdoor Recreation	Senator James Barcia
Judiciary	Senator Wayne Kuipers
Local, Urban and State Affairs	Senator Gerald Van Woerkom
Natural Resources and Environmental Affairs	Senator Patricia Birkholz
Senior Citizens and Veterans Affairs	Senator Jason Allen
Transportation	Senator Jud Gilbert

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

**House Bill Nos. 4244 4844 4846 4995 4999 5020 5144 5145 5146 5147 5148 5149 5150 5151**

The Secretary announced that the following official bills and joint resolution were printed on Thursday, August 20, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>743</b>	<b>744</b>	<b>745</b>	<b>746</b>	<b>747</b>	<b>748</b>	<b>749</b>	<b>750</b>	<b>751</b>	<b>752</b>	<b>753</b>	<b>754</b>	<b>755</b>	<b>756</b>
	<b>757</b>	<b>758</b>	<b>759</b>											
<b>House Bill Nos.</b>	<b>5240</b>	<b>5241</b>	<b>5242</b>	<b>5243</b>	<b>5244</b>	<b>5245</b>	<b>5246</b>	<b>5247</b>	<b>5248</b>	<b>5249</b>	<b>5250</b>	<b>5251</b>	<b>5252</b>	<b>5253</b>
	<b>5254</b>	<b>5255</b>	<b>5256</b>	<b>5257</b>	<b>5258</b>	<b>5259</b>	<b>5260</b>	<b>5261</b>	<b>5262</b>	<b>5263</b>	<b>5264</b>	<b>5265</b>	<b>5266</b>	<b>5267</b>
	<b>5268</b>	<b>5269</b>	<b>5270</b>	<b>5271</b>	<b>5272</b>	<b>5273</b>	<b>5274</b>	<b>5275</b>						
<b>House Joint Resolution</b>		<b>Z</b>												

**Messages from the Governor**

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:09 a.m.

11:48 a.m.

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

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

The following message from the Governor was received on August 20, 2009, and read:

EXECUTIVE ORDER  
No. 2009-41

**Amendment of Executive Order 2005-6**

**Governor's Office of Faith-Based and Neighborhood Partnerships**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Governor’s Office of Community and Faith-Based Initiatives was created within the Department of Human Services by Executive Order 2005-6;

WHEREAS, due to current economic conditions, it is necessary to strengthen the ability of faith-based and neighborhood organizations to effectively deliver vital services and to do so in partnership with federal, state, and local governments and with other private organizations;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

A. Section I.B. of Executive Order 2005-6 is amended to read as follows:

“B. “Governor’s Office of Faith-Based and Neighborhood Partnerships” or Office” means the office created within the Department under this Order.”

B. Section II. of Executive Order 2005-6 is amended to read as follows:

“II. CREATION OF GOVERNOR’S OFFICE OF FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS”.

C. Section III. of Executive Order 2005-6 is amended to read as follows:

“III. FUNCTIONS OF GOVERNOR’S OFFICE OF FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS”.

D. Section III.A. of Executive Order 2005-6 is amended to read as follows:

“1. Advise the Governor on policies, priorities, and objectives for state government activities to enlist, equip, enable, empower, and expand the work of community and faith-based organizations to address social needs in Michigan, to enhance partnerships with governmental entities, and to replicate successful community and faith-based programs. The Office shall provide other information, recommendations, or advice as requested by the Governor.

2. Facilitate coordination of state government efforts relating to community and faith-based initiatives, expand opportunities for community and faith-based organizations to address social needs in Michigan, and identify obstacles to effective and efficient collaboration.

3. Ensure that services paid for with state and federal funds are provided in a manner consistent with fundamental constitutional commitments guaranteeing the equal protection of the laws and the free exercise of religion and prohibiting laws respecting an establishment of religion.

4. Promote effective training for persons providing federally funded social services in faith-based and neighborhood organizations.

5. Promote the better use of program evaluation and research, in order to ensure that organizations deliver services as specified in grant agreements, contracts, memoranda or understanding, and other arrangements.

6. Provide a single point of contact for community and faith-based organizations to receive information, assistance, and referrals related to community and faith-based programs within state government.

7. Work closely with community and faith-based organizations to promote service activities and assist the organizations in identifying and applying for federal grants.

8. Identify, promote, and share innovative and model community and faith-based programs, initiatives, and best practices among community and faith-based organizations.

9. Seek financial support for the community and faith-based efforts of state government and for community and faith-based programs and services, including, but not limited to, application for funding to the Corporation for National and Community Service and other entities that administer federal grants to support the objectives established by the Office for community and faith-based programs.

10. Provide technical assistance, education, information, and other support to community and faith-based organizations.

11. Coordinate efforts with the Michigan Community Service Commission and other state departments and agencies as appropriate.”

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 20th day of August in the year of our Lord, two thousand and nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The executive order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on August 24, 2009, and read:

EXECUTIVE ORDER  
No. 2009-42

**Department of Community Health  
Department of State Police  
Department of Education**

**Executive Reorganization**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, under Executive Order 2009-2, all of the authority, powers, duties, functions, and responsibilities of the Office of Drug Control Policy were transferred from the Office of Drug Control Policy to the Department of Community Health and the Office of Drug Control Policy was abolished;

WHEREAS, transferring the legally mandated duties and functions of the Law Enforcement Grants Section and the Education Grants Section of the Office of Drug Control Policy from the Department of Community Health to the Departments of State Police and Education, respectively, is in the best interests of an efficient and effective government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. DEFINITIONS**

As used in this Order:

A. "Department of Community Health" or "Department" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health under Executive Order 1996-2, MCL 330.3101.

B. "Department of Education" means the principal department of state government created by Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

C. "Department of State Police" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

D. "Office of Drug Control Policy" means the office established as an autonomous entity within the Department of Management and Budget under Executive Order 1991-20, transferred to the Department of Community Health by Executive Order 1996-2, MCL 330.3101, and designated as a "Type II agency" within the Department of Community Health by Executive Order 1997-4, MCL 333.26324, and abolished by Executive Order 2009-2.

E. "State Budget Director" means the individual appointed by the Governor under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

F. "Superintendent of Public Instruction" means the principal executive officer appointed by the State Board of Education under Section 3 of Article VIII of the Michigan Constitution of 1963.

G. "Type II transfer" means that phrase as defined by Section 3(b) of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.103(b).

H. "Type III transfer" means that term as defined under Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

**II. TRANSFER OF CERTAIN AUTHORITY, DUTIES, POWERS, FUNCTIONS, AND RESPONSIBILITIES OF THE OFFICE OF DRUG CONTROL POLICY**

**A. Law Enforcement Grants Section**

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Office of Drug Control Policy related to the administration of federal grants received from the federal Department of Justice to support state and local law enforcement, including, but not limited to, the Edward Byrne Memorial Justice Assistance Grant Program, all of which were transferred from the Office of Drug Control Policy to the Department of Community Health under Executive Order 2009-2, are transferred by Type II transfer from the Department of Community Health to the Department of State Police.

2. The Director of the State Police may designate a point of contact for the federal Department of Justice Bureau of Justice Assistance.

3. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of Community Health for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.A of this Order are transferred from the Department of Community Health to the Department of State Police.

4. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of the transfers under Section II.A of this Order.

5. The Director of the Department of State Police shall administer the assigned functions transferred to the Department of State Police under Section II.A of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### **B. Education Grants Section**

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Office of Drug Control Policy related to the administration of federal grants received from the federal Department of Education, including, but not limited to, grants received pursuant to the Safe and Drug Free Schools and Communities Act of 2001, Title IV of the No Child Left Behind Act of 2001, Public Law 107-110, 20 USC 7101, all of which were transferred from the Office of Drug Control Policy to the Department of Community Health under Executive Order 2009-2, are transferred by Type II transfer from the Department of Community Health to the Department of Education.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Office of Drug Control Policy for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.B of this Order are transferred from the Department of Community Health to the Department of Education.

3. The Superintendent of Public Instruction shall provide executive direction and supervision for the implementation of the transfers under Section II.B of this Order.

4. The Superintendent of Public Instruction shall administer the assigned functions transferred to the Department of Education under Section II.B of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

#### **III. MISCELLANEOUS**

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 26, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 24th day of August in the year of our Lord, two thousand and nine.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The executive order was referred to the Committee on Government Operations and Reform.

The following messages from the Governor were received and read:

August 19, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 202 of The Judges Retirement Act of 1992, 1992 PA 234, MCL 38.2202:

#### **Michigan Judges Retirement Board**

The Honorable Alton T. Davis of 8190 Insley Avenue, Grayling, Michigan 49738, county of Crawford, is reappointed to represent judges, for a term expiring March 31, 2013.

August 19, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 2 of 1927 PA 360, MCL 209.102:

**State Tax Commission**

Mr. Robert H. Naftaly, a Democrat, of 5402 Pleasant Lake Drive, West Bloomfield, Michigan 48322, county of Oakland, is reappointed for a term expiring September 13, 2015.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations and Reform.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Jelinek, Pappageorge and Kuipers introduced

**Senate Bill No. 760, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33b (MCL 791.233b), as amended by 1994 PA 217.

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

Senators Jelinek, Pappageorge and Kuipers introduced

**Senate Bill No. 761, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 574.

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

Senators Jelinek and Kuipers introduced

**Senate Bill No. 762, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 171 (MCL 750.171).

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

Senators Jelinek, Pappageorge and Kuipers introduced

**Senate Bill No. 763, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 11 (MCL 750.11).

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

Senators Jelinek, Pappageorge and Kuipers introduced

**Senate Bill No. 764, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2004 PA 216.

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

Senators Jelinek, Pappageorge and Kuipers introduced

**Senate Bill No. 765, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing chapter LXVI (MCL 750.442 to 752.447).

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

Senators Jelinek, Pappageorge and Kuipers introduced

**Senate Bill No. 766, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2008 PA 412.

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

Senators Jelinek, Pappageorge and Kuipers introduced

**Senate Bill No. 767, entitled**

A bill to amend 2004 PA 403, entitled "Michigan unarmed combat regulatory act," by amending section 22 (MCL 338.3622), as amended by 2007 PA 196.

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

Senators Cherry, Gleason, Olshove, Prusi, Richardville, Scott and Clark-Coleman introduced

**Senate Bill No. 768, entitled**

A bill to regulate certain activities involving automatic fire protection systems; to establish certain licensing and endorsement standards; to provide for certain powers and duties for certain state agencies; to create boards; to create a fund for certain purposes and to impose fees; and to provide for penalties and remedies.

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

Senators Kuipers and Cropsey introduced

**Senate Bill No. 769, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 39 of chapter XVII (MCL 777.39), as amended by 2006 PA 548.

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

Senators Patterson and Cropsey introduced

**Senate Bill No. 770, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.736) by adding section 37.

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

Senator Cropsey introduced

**Senate Bill No. 771, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2005 PA 301.

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

Senator Kahn introduced

**Senate Bill No. 772, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4101 (MCL 487.14101).

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

Senator Cassis introduced

**Senate Bill No. 773, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 8 and 10 (MCL 207.808 and 207.810), section 8 as amended by 2008 PA 257 and section 10 as amended by 2006 PA 283.

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

Senator Cassis introduced

**Senate Bill No. 774, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431 (MCL 208.1431), as amended by 2008 PA 111.

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

**House Bill No. 4244, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2027a.

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. 4844, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3149.

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. 4846, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2038 (MCL 500.2038).

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. 4995, entitled**

A bill to require all official depictions of the state of Michigan to include both peninsulas of the state.

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 Commerce and Tourism.

**House Bill No. 4999, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2008 PA 579.

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 Transportation.

**House Bill No. 5020, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2203.

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. 5144, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2035.

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. 5145, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2026c.

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. 5146, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2027d.

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. 5147, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2026b.

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. 5148, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15a of chapter XVII (MCL 777.15a), as added by 2002 PA 206.

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. 5149, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2035a.

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. 5150, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2027c.

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. 5151, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2027b.

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.

By unanimous consent the Senate returned to the order of

**Messages from the House**

**Senate Bill No. 334, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 407****Yeas—33**

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

**Nays—2**

Cassis	Patterson
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**Excused—2**

Garcia	Hunter
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**Not Voting—0**

In The Chair: Richardville

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

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

The motion prevailed.

Senator Cropsey's statement is as follows:

I rise to explain a very reluctant "yes" vote on this bill. When the current administration first took office, one of the first consequences in the Department of Corrections was that some information was no longer posted on the Internet, or it was posted as late as years afterwards. Only recently have they finally met their basic obligation of letting some sunshine into the MDOC process.

I am concerned that is all about to change. The media has reported about the speeded-up parole process this administration is using to empty prisons so they can be closed. The fig leaf the Michigan Department of Corrections holds out to the public is that the Michigan Prisoner Re-entry Initiative, or MPRI, is a safety net to keep the surge in parolees from victimizing us yet again.

I am holding in my hand a rather unsettling document. This summer, the department ended all of their contracts with the MPRI administrators a year early. They put out a new request for proposal, or RFP, to put in place a new contract. Remember, these are the community providers and administrators who actually comprise the safety net. Among some of the troubling elements of the RFP, the department boasts of using a risk assessment tool, COMPAS, to evaluate prisoners. But on page 10 of the contract, mental health issues are not even a part of the COMPAS evaluation.

On page 19, the Michigan Department of Corrections is reserving the right to not fund vendors chosen by the local administrators. So much for local input or local control. On page 31, "the state will have the right to recommend and approve in writing the initial assignment, as well as any proposed reassignment or replacement, of any key personnel." On page 32, "contractor must not remove any key personnel from their assigned roles or the contract without the prior written consent of the state." Talk about micromanagement, the department will now be telling groups like the United Way and the Michigan Works! Association how to operate. You might want to ask your local administrators how they feel about that part of the contract.

On page 33, the state reserves the right to approve or disapprove any vendor chosen by the administrator. My question is, why even bother having an administrator? Worst of all, on page 29, section 2.031 in its entirety, “Media releases. News releases, including promotional literature and commercial advertisements, pertaining to the RFP and contract or project to which it relates shall not be made without prior written state approval, and then only in accordance with the explicit written instructions from the state. No results of the activities associated with the RFP and contract are to be released without prior written approval of the state and then only to persons designated.”

I can hardly believe what I’m reading. In 2009, under this administration, the MDOC is putting a gag order on every single administrator involved with the MPRI. Any information given to the media anywhere in the state must be written in Lansing, approved by Lansing, and then given only to whoever Lansing chooses to give it to. Systemic parole violations? You’ll never hear about them again—and no wonder. This spring, the department had the gall to tell our subcommittee that parolees who disappear are not failures. Lack of effective programming, which was how another state categorized the MDOC this summer? You’ll never hear about it. New crimes committed by parolees? You’ll never hear about it from the MPRI administrators.

Earlier this summer, I read this headline in the UAW 6000 newsletter: “MPRI program held together by chewing gum and bailing wire.” When the workers on the streets tell us we have a problem, we need to listen. Instead, this proposed contract is shutting down any public oversight of public safety. It shrouds the MPRI with an iron curtain of darkness. It is the most un-American contract I have ever read.

While I support this bill so our hardworking parole agents and tether monitors will get paid, we will regret the direction the department is taking this state. This contract and its soviet-style language ought to be a wake-up call to all of us. While I am voting for this bill, I am asking the administration, Madam Governor, rip up this contract.

### Third Reading of Bills

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:

**House Bill No. 5122**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5122, entitled**

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending sections 2, 7, 7a, 11a, 17, 18, and 21 (MCL 252.302, 252.307, 252.307a, 252.311a, 252.317, 252.318, and 252.321), sections 2, 7, 17, and 18 as amended and section 11a as added by 2006 PA 448 and section 7a as added by 2006 PA 447.

The question being on the passage of the bill,

Senator Gilbert offered the following substitute:

Substitute (S-3).

The substitute was adopted, a majority of the members serving voting therefor.

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

**Nays—0**

**Excused—2**

Garcia

Hunter

**Not Voting—0**

In The Chair: Richardville

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 provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

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 Brater 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 without amendment, the following bill:

**Senate Bill No. 597, entitled**

A bill to amend 2008 PA 23, entitled “Enhanced driver license and enhanced official state personal identification card act,” by amending section 6 (MCL 28.306).

The bill 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:

**House Bill No. 4199, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 41325.

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.

**Resolutions**

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

**Senate Resolution No. 41****Senate Resolution No. 17****Senate Concurrent Resolution No. 4**

The motion prevailed.

Senators Patterson, Kuipers, Cropsey, Sanborn and Stamas offered the following resolution:

**Senate Resolution No. 75.**

A resolution to extend subpoena power to the Senate Judiciary Committee.

Whereas, Full access to accurate information is essential for sound decision making by any public or private body. Section 1 of 1931 PA 118, being MCL 4.101, provides, in part, that:

“Committees and commissions of or appointed by the legislature may by resolution of the legislature be authorized to administer oaths, subpoena witnesses and/or to examine the books and records of any persons, partnerships or corporations involved in a matter properly before any of such committees or commissions.”

Section 1 of 1952 PA 46, being MCL 4.541, provides, in part, that:

“. . . any standing or select committee of the senate or the house of representatives, and any joint select committee of the senate and house of representatives, shall be authorized to subpoena and have produced before any such committee, or inspect the records and files of any state department, board, institution or agency; and it shall be the duty of any state department, board, institution or agency to produce before the committee as required by the subpoena, or permit the members of any such committee to inspect its records and files.”

Pursuant to Rule 2.102 of the Standing Rules of the Senate, the authority for a committee to issue subpoenas shall be granted by resolution; now, therefore, be it

Resolved by the Senate, That, pursuant to MCL 4.101 and MCL 4.541 and Rule 2.102 of the Standing Rules of the Senate, subpoena power is hereby granted to the Senate Judiciary Committee.

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 question being on the motion to suspend the rule,

Senator Cropsey moved that further consideration of the resolution be postponed for today.

The motion prevailed.

### Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Henry Clay once said, "Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people." If you and I are truly to benefit the people we serve, then we should elevate the issue of auto insurance reform to one of the top priorities that we settle during this last year and a half of this legislative term.

Their complaints have not gone away. The situation has not changed for many of my constituents or many of yours. They are still facing bills that don't make sense given their good driving records. They are still wondering why they have to pay so much more money for policies that cost less than the same policy for someone who lives in another city, town, or neighborhood. They don't cost just a little more; they cost a lot more for people in many of our urban areas.

It isn't fair, and it needs to change. Our constituents need our help. We need to work for their benefit, and give them auto insurance reform that will truly make their policies fair and more affordable.

Senator Barcia's statement is as follows:

I rise today to mourn the passing and celebrate the life of Senator Edward Kennedy. I first had the pleasure of meeting Senator Kennedy when I worked as a staffer for United States Senator Phil Hart back in 1971. Despite his famous family name and his instantly-recognizable face, Senator Kennedy was remarkably down to earth. He treated everyone with dignity and respect because he wholeheartedly believed in the value of every person and in the potential of each and every one of us to make a difference in this world.

The Kennedy family inspired generations of young people, including myself and many of my Senate colleagues, to devote their lives to public service. They believed, as I do, that the United States is a family and that we must overcome our differences and act with compassion to assist those in need.

Senator Kennedy fought and won countless landmark battles in the United States Senate, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, the 1990 Americans with Disabilities Act, the 1993 Family and Medical Leave Act, the WIC Program, and AmeriCorps. He worked effectively across the aisle and earned the respect of Democrats and Republicans alike. He will be sorely missed.

On many occasions when I was in Congress, I approached Senator Kennedy with a group of constituents anxious to meet him. I would ask him if he would be willing to take a picture, and without fail, he would take the camera, snap the picture, and hand it back. Humble to the core, it never occurred to him that we wanted him to be in the picture. Once we explained, he always graciously agreed.

In the days and weeks that follow, speakers and writers far more eloquent than myself will attempt to sift through Senator Kennedy's five decades in public service to somehow find the essence of this great statesman and capture it in words. But perhaps he is best remembered in the words he used to eulogize his brother Robert Kennedy in 1968: "He need not be idealized or enlarged in death beyond what he was in life. To be remembered simply as a good and decent man who saw wrong and tried to right it; saw suffering and tried to heal it; saw war and tried to stop it."

May he rest in peace. May we find peace in the knowledge that the work goes on, the cause endures, the hope still lives, and the dream shall never die.

Senator Thomas' statement is as follows:

I rise because earlier today House Bill Nos. 4244, 4844, 4846, 5020, 5144, 5145, 5146, 5147, 5148, 5149, 5150, and 5151 were referred to the Committee on Economic Development and Regulatory Reform. I object to those referrals and hope that the Senate would change that referral. I do so because the chair of the committee has already indicated, even before those bills were sent over to the Senate, that they would receive absolutely zero consideration or debate. In fact, one news report quoted the chair as saying, "Do you want these bills labeled do not resuscitate or dead on arrival when they come to the Senate?"

If that turns out to be the case, the real victims will not be the bills' sponsors or those members of the Legislature supporting this legislation, but the men and women of Michigan who played by the rules and were still devastated by insurance companies acting in bad faith. Let's be real. Michigan citizens who routinely and regularly pay their insurance premiums expect, when they file a claim, to be offered an opportunity at some form of benefit. The issue of insurance companies wrongfully denying consumers who have legitimate claims in their time of need deserves a thorough, open discussion in the Michigan Senate. Forty-six other states across the country have enacted protections for their consumers, families, and businesses who have been bankrupted by profiteering insurance companies who put profits above people.

If the chair of the committee is so confident in his position that he is willing to attend a House hearing and declare this effort over before it's even begun, he should have the courage to hold the hearings and take a vote. If he truly believes his own rhetoric and reasoning, debate your position and let us move on to a vote.

If the majority expects anyone to take them seriously when they claim to care about the economic struggles of Michigan families, they will refer these bills to a committee willing to consider them, since again, regrettably, the chair of the committee now with jurisdiction is apparently unwilling to hear from those who have been wronged.

Let's prove to the public we are capable of chewing gum and walking at the same time—that balancing budgets and protecting consumers are not exclusive of each other and that this Senate is not just a place where good legislation goes to die.

Senator Gleason's statement is as follows:

I don't believe that it is wholly inappropriate that the grandson of John Patrick Gleason and Mary Ellen Tallon, whose families came from Ireland and settled in America in the 1920s, rises today on behalf of a great statesman. In regard to many particular issues, whether his forthright love of students and his ability to be educated or the opportunity he undertook in his fatherland of Ireland when he worked on the Good Friday accord for peace in his fatherland.

I'll never forget the morning in November of 1960 when my grandparents were rejoicing that the young Kennedy boy had won. It happened on the front porch of my parents' home, along with nine other Gleason sons and daughters. It was a great celebration for our family and I think for our nation as a whole. Particularly for those of Irish descent and Catholic faith, it was such a benchmark.

Only a few years ago, Senator Kennedy was in East Lansing over at Michigan State University on one of his famous campaign swings. I had the great occasion to meet with him in the back room. We were talking about our families coming from Ireland and how much it meant to keep that faith and that family strength together in these difficult times. I had the occasion to meet him not to the extent that Senator Barcia did, but he came to Flint on a regular basis during the 1960 campaign. My grandparents felt that it was important that we attend that, and so did my parents and my aunts and uncles as well.

When you look at what he decided, no one could match his eloquence and few tried to match his efforts. There wasn't a division between the rich and the poor. In many regards, when you look at his personal situation, there was conflict because he came from a very affluent, well-positioned, and tremendously-influential family. Yet, those he worked for and those he spoke out on behalf of were in more troubling situations. I think the greatest trait that Senator Kennedy gave all of us—and many in this room ran for office at the local levels in the chamber here today and the other side of the Capitol—many local and community halls are represented by people who were inspired by Ted Kennedy and his brothers.

He lived the life of a true American and the son of immigrants as well. Many people understand that George Bernard Shaw wrote the famous play "My Fair Lady." Over the past several decades, the Kennedy family was renowned for quoting from George Bernard Shaw. Edward Kennedy thought that it was important that we live the words of George Bernard Shaw, and that was: "Some men see things as they are and ask why. Others dream things that never were and ask why not." Whether it was his work to make sure the children of this nation and this state were insured; whether it was to ensure that there was equality based upon race or ethnicity, he was always at the forefront.

I would ask at this particular time, all those who were inspired to run and all those who shared his ideals and his ideas, that we take a moment of silence for a truly legendary American who will live long after his service to this country.

A moment of silence was observed in memory of U.S. Senator Edward Kennedy.

Senator Sanborn's statement is as follows:

I rise to respond to the statement made previously from the good gentleman, my friend, and my vice chairman from the 4th District. You know, I have been the insurance chair for 12 years. My friend from the 4th District knows this because he

is my vice chair, and he served with me in the House of Representatives on the insurance committee. I have moved many bills from both the House and the Senate, for both Republicans and Democrats.

I am willing to work on real, serious insurance reforms that look out for the interests of all of our constituents. When the Democrats get serious about real, serious insurance reforms that look out for all of our constituents and not the trial attorney full and permanent employment act, I will be happy to meet with each and every one of you to move good legislation forward and not pure political pandering.

### Committee Reports

The Committee on Agriculture and Bioeconomy reported

#### **House Bill No. 5086, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8c (MCL 125.2688c), as amended by 2006 PA 284.

With the recommendation that the bill 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 and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Bioeconomy submitted the following:

Meeting held on Wednesday, August 19, 2009, at 9:00 a.m., Room 110, Farnum Building

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

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Federal Stimulus Oversight submitted the following:

Meeting held on Wednesday, August 19, 2009, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Gilbert, Pappageorge, Kahn, Jansen, Switalski, Cherry and Clark-Coleman

### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, August 19, 2009, at 11:40 a.m., Room 210, Farnum Building

Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

### Scheduled Meetings

**Agriculture and Bioeconomy** - Thursday, August 27, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** -

**Subcommittee** -

**Capital Outlay** - Thursday, September 10, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Education** - Thursday, August 27, 2:30 p.m., Room 210, Farnum Building (373-6920)

**Energy Policy and Public Utilities** - Thursday, August 27, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Homeland Security and Emerging Technologies and Transportation** - Monday, August 31, 10:00 a.m., SEMCOG, Ambassador Conference Room, 535 Griswold Street, Suite 300, Detroit (373-5932)

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

**Subcommittee -**

**Investment** - Tuesday, September 1, 2:00 p.m., Room 929, South Tower, House Office Building (373-0575)

**State Drug Treatment Court Advisory Committee** - Tuesday, September 29, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Transportation and Homeland Security and Emerging Technologies** - Monday, August 31, 10:00 a.m., SEMCOG, Ambassador Conference Room, 535 Griswold Street, Suite 300, Detroit (373-5932)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 12:39 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, August 27, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

