

No. 47
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Thursday, May 20, 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—excused
Cropsey—present

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

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

Minister Jason Steckel of Rochester Church of Christ of Rochester Hills offered the following invocation:

Father, today we begin by praying for those in this chamber and their families. We thank You for the loved ones who sacrifice time with these men and women so they are able to engage in the work of the Senate. Protect the husbands, wives, children, and others who are back home.

Father, we also thank You for the millions of citizens across the state of Michigan who are represented by those who sit here. I ask You to remind these Senators about those whom they represent as they debate, deliberate, and decide on the legislation before them. Help them to always be mindful of those whom they have been elected to represent.

Father, please provide wisdom for these men and women. Let them lean on eternal wisdom from above which can only be provided by You. Help them to look beyond themselves, and provide them with the ability to discern what is best not for their self-interests, but for the people of the state of Michigan.

Father, I ask that dialogues and debates that occur today will be carried out with a measure of civility. Let words of passion be tempered with humility. May words of disagreement be softened by compassion. Allow anger to be resolved without malice and forgiveness to be the rule rather than the exception.

Father, in the laws that are written, debated, and voted upon, allow there to be a measure of justice. May the laws this body approves consider those who are overlooked, forgotten, neglected, or otherwise mistreated. Let divine justice, the justice that sets the world right, be the justice that emerges from this chamber.

In addition, Father, we ask for mercy to be at the heart of the business of this body. While we acknowledge the importance of the law, let us never forget the importance of mercy. Law without mercy leads to oppression. Mercy without law leads to disorder. Let us seek a balance of justice and mercy that protects all, serves all, and provides everyone with the ability to pursue the dreams You have planted in their hearts.

Father, as these men and women begin the work of their day, help them, above all, to remember that they have been granted a unique and special opportunity. They have been chosen by their neighbors across this great state to determine the laws that will govern us. Help them to embrace the gravity and significance of this task and not become absorbed in their own political preservation. Allow the decisions made in this chamber to be about the future of the state of Michigan, not the political aspirations of the men and women assembled in this room.

We offer this prayer to You in the name of the One who created us and provided us with the ability to serve and love others; the God who shows us grace and mercy and asks us to do the same for one another. Amen.

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

Motions and Communications

Senators Garcia, Barcia, Hunter, Brater and Stamas entered the Senate Chamber.

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, May 19:
House Bill No. 6098

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 19, for her approval the following bill:

Enrolled Senate Bill No. 1227 at 10:51 a.m.

The Secretary announced that the following official bills were printed on Wednesday, May 19, and are available at the legislative website:

Senate Bill No.	1339													
House Bill Nos.	6168	6169	6170	6171	6172	6173	6174	6175	6176	6177	6178	6179	6180	6181
	6182	6183	6184	6185	6186	6187	6188							

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Cherry's statement is as follows:

I have special guests who are here today to celebrate the retirement of someone in the Brandon Township Clerk's office who has been instrumental over the past 30 years. I appreciate the privilege to read the tribute that we are presenting to Karen McArthur:

"LET IT BE KNOWN, That it is with great pleasure to extend our thanks and best wishes to Karen McArthur upon the occasion of her retirement from the Brandon Township Clerk's office. It is definitely a privilege to recognize this amazing woman who has contributed so much of her time and talents to benefit all those living in Oakland County.

Mrs. McArthur has been an impeccable role model to all of those who have worked alongside her during her career in the Brandon Township Clerk's office. Her genuine concern for the people of her community has been exemplary through her great distinction and poise over the course of over 30 years as Deputy Clerk. Throughout her career, Mrs. McArthur has served three clerks, has been the township bookkeeper, human resources coordinator, and elections coordinator. Her amazing qualities do not stop there; she has also shared her decadent bakery skills by baking as well as decorating for birthdays and meetings.

Her insights, attention to detail, and compassion have given her the ability to work outside of the office and share her wonderful qualities through community service. Mrs. McArthur has been involved in countless organizations, such as the Edna Burton Senior Center, Ortonville Area Historical Society, the American Cancer Society's Relay for Life, Brandon Township Fire Department, Teens and Seniors Rocking and Raking, and has held a special place in her heart for the Masonic Eastern Stars.

The generations of Mrs. McArthur's family have been imprinted in the Brandon Township community, beginning when her grandfather was the Fire Chief, father was a firefighter, her grandmother was the Village Treasurer, her mother was the Township Clerk, and her loving husband is the current Fire Chief. Now, her outstanding efforts have been recognized and admired by her peers and she will be greatly missed, but never forgotten.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to honor and thank Karen McArthur for her exceptional efforts on behalf of the people of Brandon Township. We offer our best wishes to her, her husband, and three daughters on this happy occasion."

This tribute has been signed by myself, State Representative Marleau, my brother, the Lieutenant Governor, and Governor Jennifer Granholm. Mr. President, I would like to introduce my guests who are up in the west Gallery. With Mrs. McArthur is Jeannie McCreery, who is the Township Clerk for Brandon Township, and some of the assistants in the office. I offer good wishes to Jeannie as she tries to replace Mrs. McArthur.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsy moved that rule 3.901 be suspended to allow photographs to be taken from the Gallery. The motion prevailed, a majority of the members serving voting therefor.

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I am joined today by a good friend and colleague, Representative Dave Hildenbrand, and together we would like to offer this memorial tribute to Sergeant Lucas Beachnaw. It is always difficult, but very meaningful, attending the funeral services for one who has given his life for his country. That is the experience I had some weeks ago as I attended the funeral services for Sergeant Lucas Beachaw.

Lucas was a 2004 Lowell High School graduate. He was on his second tour in Afghanistan after being deployed in December. His earlier deployment was a 15-month stint in 2006 and 2007. He was on patrol in eastern Afghanistan when a firefright erupted and his life was taken.

Relatives describe Lucas as someone who liked outdoor sports, particularly snowboarding, and who had quite a sense of humor. At the funeral, he was described as someone who had a fun-loving personality. He loved playing practical jokes and believed in living life to the fullest. And even though there were tears shed, there was also laughter as we celebrated the life of this outstanding young man.

Sergeant Beachnaw loved his family. He was sincerely dedicated to serving his country. This phrase was tattooed on Sergeant Beachnaw's side and a motto he believed in which was also inscribed on his headstone. It said, "We sleep soundly in our beds because rough men stand ready in the night to visit violence on those that would cause us harm."

Now I would like to read the tribute:

"In memory of Lucas Beachnaw
Sergeant, United States Army
1986-2010

‘Peace I leave with you; my peace I give to you; not as
the world gives do I give to you. Do not let your heart be
troubled, nor let it be fearful.’

—John 14:27

LET IT BE KNOWN, That it is a distinct privilege to pay tribute to this exemplary and extraordinary individual, Sergeant Lucas Beachnaw, United States Army, and to extend our condolences to his loved ones and cohorts. This incredible man has given his own life to protect ours, serving his personal higher calling and enlisting in the United States Army. Humanity has learned to depend on people such as Sergeant Beachnaw. Their courage and commitment to creating a better world have shown the true depth, humanity, and character of our society. Those who are willing to sacrifice everything for the opportunity to serve and protect continuously deserve our absolute admiration and unwavering support.

Following in the traditions of his family, Sergeant Lucas Beachaw enlisted in 2006 and had since been thriving in the Armed Forces. Sergeant Beachnaw went through sniper training and earned the top-gun honor as best in his class, as well as successfully completing a course on helicopter landing zones and air navigation. At the time of his passing, he was a squad leader assigned to the 2nd Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team. Sergeant Beachnaw is leaving behind a wealth of family and friends who are missing him deeply, along with a team of fellow soldiers who are left without his wisdom and optimism. The state of Michigan has truly lost one of her greatest citizens, a gap in our strength and character that will never be filled. The loss of such an individual weighs heavily on the state and nation, and we once again offer our most sincere sympathy to his family, friends, and fellow soldiers. It has been said that Sergeant Beachnaw was someone who had a fun-loving personality and believed in living life to the fullest, but was sincerely dedicated to serving his country. It is with memories such as those that we must remember to celebrate his life, ambitions, and personality, knowing that the strength of his dedication will continue to carry on his legacy.

THEREFORE IN MEMORIAL, This document is signed and dedicated to commend and mourn Sergeant Lucas Beachnaw, United States Army. May his family and the state of Michigan know of our high esteem and appreciation of his incredible commitment and immeasurable sacrifice; our thoughts are with them all during this incredibly difficult time.”

I would just add that many times it seems that the good die too young, but we appreciate his sacrifice. I would ask that we honor his family who has filled the Gallery. I would like to ask his mother, father, stepmother, his wife Kim, and numerous family and friends to stand.

A moment of silence was observed in memory of Army Sergeant Lucas Beachnaw.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:24 a.m.

10:30 a.m.

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

Senator Cropsey moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

Central Michigan University Board of Control

Mr. Robert F. Wardrop II, of 144 Morningside, S.E., Grand Rapids, Michigan 49506, county of Kent, succeeding Jacqueline Garrett, who has resigned, is appointed to represent the general public, for a term commencing March 24, 2010 and expiring December 31, 2014.

Oakland University Board of Control

Mr. Ronald E. Robinson of 39801 Moravian Drive, Clinton Township, Michigan 48036, county of Macomb, succeeding Dennis Pawley, whose term will expire August 11, 2010, is appointed to represent the general public, for a term commencing August 12, 2010 and expiring August 11, 2018.

Mr. Mark E. Schlüssel of 28755 Bell Road, Southfield, Michigan 48034, county of Oakland, succeeding Ann Nicholson, whose term will expire August 11, 2010, is appointed to represent the general public, for a term commencing August 12, 2010 and expiring August 11, 2018.

Mr. Jayprakash B. Shah of 182 Dourdan Place, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Ganesh Reddy, who has resigned, is appointed to represent the general public, for a term commencing March 25, 2010 and expiring August 11, 2014.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

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 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. 1253, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173a (MCL 333.20173a), as amended by 2008 PA 444.

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. 1254, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34b (MCL 400.734b), as amended by 2008 PA 442.

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. 1255, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 134a (MCL 330.1134a), as amended by 2008 PA 446.

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.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 1341, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1502 (MCL 380.1502), as amended by 1993 PA 335.

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

Senator Stamas introduced

Senate Bill No. 1342, 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 bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senators Stamas and Allen introduced

Senate Bill No. 1343, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 240.

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

House Bill No. 6098, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 59 and 59a (MCL 125.1459 and 125.1459a), as added by 2008 PA 456.

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 Finance.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received:

Date: May 19, 2010

Time: 12:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 484 (Public Act No. 74), being

An act to amend 1982 PA 204, entitled "An act to provide for and regulate the use of interpreters in administrative and judicial proceedings and in certain other instances; to establish standards for interpreters; to provide compensation for interpreters; to prescribe the powers and duties of certain state departments and agencies; to prescribe penalties for the violation of the provisions of this act; and to provide for the promulgation of rules," (MCL 393.501 to 393.509) by adding section 8f.

(Filed with the Secretary of State on May 19, 2010, at 1:17 p.m.)

Date: May 19, 2010

Time: 12:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1227 (Public Act No. 75), being

An act to amend 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 4, 25, 26, 41, 42, 43c, 61, 81, 86, 87, and 91 (MCL 38.1304, 38.1325, 38.1326, 38.1341, 38.1342, 38.1343c, 38.1361, 38.1381, 38.1386, 38.1387, and 38.1391), section 4 as amended by 2008 PA 354, sections 25 and 26 as amended by 1997 PA 143, section 41 as amended by 2007 PA 15, section 42 as amended by 1996 PA 268, section 43c as amended by 1998 PA 213, section 61 as amended by 2006 PA 158, section 81 as amended by 1989 PA 194, and section 91 as amended by 2007 PA 110, and by adding sections 41b, 43e, 81b, 81c, and 92a and article 7.

(Filed with the Secretary of State on May 19, 2010, at 1:19 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received:

May 19, 2010

Today I have signed Enrolled Senate Bill 1227, a bill that institutes critical reforms in the Michigan Public School Employees Retirement System. These reforms are necessary not only to address the increased strain pension costs are placing on public school budgets throughout the state, but also to open up thousands of job opportunities in our public schools for new college graduates looking to start careers in Michigan's public education system.

The reforms contained in this legislation will save school districts across Michigan nearly \$680 million in fiscal year 2011 alone, and more than \$3.1 billion over the next decade. Specifically, Enrolled Senate Bill 1227 contains the following major provisions:

- Provides for a slightly enhanced pension for over 56,000 public school employees who choose to retire between July 1 and September 1, 2010.
- Beginning July 1, 2010, employees will contribute 3 percent of their salary to a health care funding account. These funds will be used to offset employer contributions for health care costs of current retirees.
- Employees hired on or after July 1, 2010 will participate in a new lower-cost Defined Benefit/Defined Contribution hybrid retirement plan.

I commend the Legislature for its diligent work on this legislation, as it contains the reforms necessary to lay the groundwork for the 2010-2011 School Aid Fund budget. I also urge the Legislature to act on further pension reforms by passing similar measures for state employees.

Respectfully,
Jennifer M. Granholm
Governor

Central Michigan University Board of Control

Mr. Robert F. Wardrop II, of 144 Morningside, S.E., Grand Rapids, Michigan 49506, county of Kent, succeeding Jacqueline Garrett, who has resigned, is appointed to represent the general public, for a term commencing March 24, 2010 and expiring December 31, 2014.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 265

Yeas—36

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

Nays—0

Excused—1

Jelinek

Not Voting—1

Clarke

In The Chair: Richardville

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

The motion prevailed.

Oakland University Board of Control

Mr. Ronald E. Robinson of 39801 Moravian Drive, Clinton Township, Michigan 48036, county of Macomb, succeeding Dennis Pawley, whose term will expire August 11, 2010, is appointed to represent the general public, for a term commencing August 12, 2010 and expiring August 11, 2018.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 266**Yeas—36**

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

Nays—0**Excused—2**

Clarke	Jelinek
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Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Switalski's statement is as follows:

I rise in support of Ron Robinson. I came to know him a couple of years ago when he was active in the move to get a county executive in Macomb County. I actually had him on my TV show and discussed it with him, even though I wasn't a big fan of the idea. But we had a good debate about it. I found him to be a first-rate thinker, and I think he will do an excellent job on the board. So I support his appointment and hope all members will vote for him.

Oakland University Board of Control

Mr. Mark E. Schlüssel of 28755 Bell Road, Southfield, Michigan 48034, county of Oakland, succeeding Ann Nicholson, whose term will expire August 11, 2010, is appointed to represent the general public, for a term commencing August 12, 2010 and expiring August 11, 2018.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 267**Yeas—36**

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

Nays—0

Excused—2

Clarke

Jelinek

Not Voting—0

In The Chair: Richardville

Oakland University Board of Control

Mr. Jayprakash B. Shah of 182 Dourdan Place, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Ganesh Reddy, who has resigned, is appointed to represent the general public, for a term commencing March 25, 2010 and expiring August 11, 2014.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 268

Yeas—36

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

Nays—0

Excused—2

Clarke

Jelinek

Not Voting—0

In The Chair: Richardville

By unanimous consent the Senate proceeded to the order of

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. 5749

The motion prevailed.

The following bill was read a third time:

House Bill No. 5749, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17967 (MCL 333.17967), as added by 2008 PA 471.

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. 269

Yeas—36

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

Nays—0

Excused—2

Clarke	Jelinek
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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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

House Concurrent Resolution No. 57

The motion prevailed.

Senate Resolution No. 162.

A resolution to express dismay and deep regret at the lack of immediate federal actions to prevent the Asian carp from entering the Great Lakes and to urge the Michigan Attorney General to pursue further legal actions.

(This resolution was offered on May 19 and the rule suspended for immediate consideration. See Senate Journal No. 46, p. 841.)

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Barcia, Cassis, Cropsey, Garcia, Gleason, Jansen, Kuipers, Olshove, Pappageorge, Richardville and Switalski were named co-sponsors of the resolution.

Senators Allen and Birkholz asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Allen's statement is as follows:

The current state of affairs favors the economic interests of the two Great Lakes over the economic and environmental interests of the Great Lakes states and provinces with jurisdiction over 95 percent of the lakes. The interests seeking to keep the canals open have done everything to gain delays because the longer we wait before we close the Great Lakes to Asian carp, the more likely it is that Asian carp will successfully invade the Great Lakes, making closure of the canals irrelevant.

We urge your support to express our dismay and deep regret that the United States Supreme Court rejected the request to take up the Asian carp issue and that the Obama Administration and the United States Congress have failed to take other measures to end the threat of Asian carp.

We urge the Michigan Attorney General to take action, on behalf of the people of Michigan, pursuant to Michigan law and the Michigan environmental protection act, to seek an injunction to close the locks connecting the Great Lakes to the Mississippi River basin in a lower federal court of appropriate jurisdiction.

Senator Birkholz's statement is as follows:

We appreciate your indulging us today. We have two resolutions which are the same—one is a concurrent resolution. Senator Jason Allen and I are going to share discussing these resolutions.

We ask today for your support for a resolution to express our dismay and deep regret at the lack of immediate federal actions to prevent the Asian carp from entering our Great Lakes and to urge the Michigan Attorney General to continue to pursue further legal actions.

Once these huge, voracious fish reach Lake Michigan, they will cause a path of destruction that will completely devastate our waters. Asian carp threaten Michigan's commercial and recreational fishing industry, which contributes \$7 billion to our state's economy and the recreational boating industry which adds another \$9 billion in tourism activity. Previous steps taken to stop the fish have not worked. Closing the canal is the only foolproof way to prevent the spread of Asian carp from getting into our Great Lakes. Once established in the Great Lakes, Asian carp will be impossible to eradicate. We know that the Asian carp is a hot topic right now, but the truth is that all invasive species could cause significant harm to our Great Lakes.

The U.S. Supreme Court has chosen to ignore this imminent risk to Michigan's fishing industry, our economy, and risk our Great Lakes. We want to work with the support of the other Great Lakes states and Ontario to shut down those canals. I will note that very recently, the Great Lakes Fisheries Commission, which not only represents all the Great Lakes states, the Canadian provinces, and the Native American population, issued recommendations and a letter to the administration stating in a very politically-correct way that only a permanent separation between the canal and the Great Lakes would solve this problem. The Great Lakes Fisheries Commission has stepped up to the plate, and we now need our administration in Washington and our United States Supreme Court to also help with this issue.

Senator Birkholz offered the following concurrent resolution:

Senate Concurrent Resolution No. 42.

A concurrent resolution to express dismay and deep regret at the lack of immediate federal actions to prevent the Asian carp from entering the Great Lakes and to urge the Michigan Attorney General to pursue further legal actions.

Whereas, Asian carp are on the verge of invading the Great Lakes through the man-made connections between the Great Lakes and the Mississippi River basin. Asian carp pose a billion-dollar threat to the Great Lakes ecosystem, fisheries, and economy. Once established in the Great Lakes, Asian carp will be impossible to eradicate and become a permanent part of life in the Great Lakes region; and

Whereas, The most effective way to prevent the Asian carp from invading the Great Lakes is the immediate closure of the canals and waterways connecting the Great Lakes to the Mississippi River basin and the permanent separation of the Great Lakes from the Mississippi River basin; and

Whereas, The U.S. and Canadian advisors to the Great Lakes Fishery Commission support immediate and permanent separation of the Great Lakes from the Mississippi River basin; and

Whereas, The U.S. Supreme Court has ignored the imminent risk to the Great Lakes and rejected requests by Michigan—with the support of five other Great Lakes states and the province of Ontario—to immediately shut down canals and waterways connecting the Great Lakes to the Mississippi River basin and move forward with permanent separation; and

Whereas, The Obama Administration has failed to take the bold actions necessary to protect the Great Lakes. The administration's plan of studying the problem and reliance on experimental barriers and controls continue the failed federal policies that delay any real action or difficult decisions and have led us to the brink of an Asian carp invasion; and

Whereas, The U.S. Congress has failed to take actions to address the imminent threat from Asian carp. Federal bills that would require separation of the Great Lakes from the Mississippi River basin and prevent commercial movement of Asian carp continue to languish in Congress; and

Whereas, The current state of affairs favors the economic interests of two Great Lakes states over the economic and environmental interests of the Great Lakes states and provinces with jurisdiction over 95 percent of the lakes. The interests seeking to keep the canals open have everything to gain by delay because the longer we wait before we close the Great Lakes to Asian carp, the more likely it is that Asian carp will successfully invade the Great Lakes, making closure of the canals irrelevant; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express dismay and deep regret that the U.S. Supreme Court rejected the request to take up the Asian carp issue; and be it further

Resolved, That we urge the Michigan Attorney General to take action, on behalf of the people of Michigan, pursuant to MCL 324.3115 and the Michigan Natural Resources and Environmental Protection Act to seek an injunction to close the locks connecting the Great Lakes to the Mississippi River basin in a lower federal court of appropriate jurisdiction; and be it further

Resolved, That we express dismay and deep regret that the Obama Administration and the U.S. Congress have failed to take other measures to end the threat of Asian carp; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Michigan Attorney General.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Barcia, Cassis, Cropsey, Garcia, George, Gleason, Jansen, Kuipers, Olshove, Pappageorge, Richardville and Switalski were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

Statements

Senators Basham and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's statement is as follows:

Just to let the members know, things are looking up in Michigan—although slowly. Traffic at the Ambassador Bridge is up 12 percent from January through April compared to the same time last year. Also commercial traffic, which is more lucrative than cars due to higher tolls, increased to 21.5 percent on the bridge from January to April. The number was 875,894 trucks from 720,862 in the same period a year ago.

April traffic was up month over month from 2009 levels, and also there is a \$5.3 billion joint U.S. and Canadian public bridge to be built about two miles south of the Ambassador Bridge. The increase in traffic justifies the need for a new crossing. Having said that, no one actually owns traffic, Mr. President. Traffic is just something that people who own the vehicles, whether commercial or private, determine where and when they want to cross and how long the delays they want.

This is just another reason we need to proceed with the joint DRIC crossing two miles south of the current Ambassador Bridge. It's good for commerce. You know, if the current Ambassador Bridge was shut down, it would cost \$1 billion in commerce per day lost. You would see U.S. factories, parts suppliers, and many other businesses shut down immediately.

We have many reasons to take a serious look at this issue that will be coming before the Michigan Senate, and I am just trying to share with my colleagues on both sides of the aisle some of the factual information because there has been a lot of misinformation the past several months. I want to make sure members know what they are going to be voting on.

Senator Scott's statement is as follows:

The English writer Thomas Carlyle said, "Our grand business is to do what lies clearly at hand." What lies clearly at hand for us is action on insurance reform. This reform is just as urgent as any other reform we will tackle this year. Reasonable and fair insurance rates will put money back in the pockets of our constituents. They will then have more money to spend on other things which can only help our economy.

As legislators, it is our business to do what is right for the citizens of Michigan. Michigan drivers have lived with the unfair auto insurance rates of no-fault for long enough. It is high time that we changed the system that can result in a person living on one side of a block paying far higher rates than someone living on the other side of the block.

If you have a good driving record, you should pay a reasonable rate. And right now, too many good drivers don't have that option. It's time to change this sad state of affairs, and it's up to us to do it now before another year of unfair rates goes by.

Scheduled Meetings

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

Subcommittees -

Community Health Department - Thursday, May 27, 1:00 p.m., Room 110, Capitol Building (373-2768)

State Police and Military Affairs - Tuesday, June 22, 1:00 p.m., Wednesday, June 23, 3:00 p.m. and Tuesday, June 24, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Tuesday, May 25, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 11:06 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, May 25, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

