

No. 9
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, February 3, 2010.

10:00 a.m.

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

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

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

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

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

Pastor Dan Stewart of Woodside Bible Church of Warren offered the following invocation:

Our Father, who art in heaven, hallowed be Thy name. We long for Your kingdom, the kingdom of brotherly love, justice, and right living. As Jesus Your Son taught us, Your kingdom is found in Your will. It is to Your will that we submit today.

I pray the blessing of wisdom and discernment upon the men and women in this place, so that Your will for this beloved state of Michigan will be understood and pursued. There is no avoiding the difficult economic challenges that lie before this group. We admit that there are no easy answers. We ask Your blessing of wisdom and discernment.

We acknowledge that there may be laws that would help our communities reflect more accurately Your kingdom. Give them the determination to write them well. There may be present legislation that is hindering what we long for, so it is godly wisdom that we need and that we invoke upon this group today.

We ask the blessing upon our Governor as she prepares to speak to us as the people tonight. I pray that You would protect and direct her in this final year of her service as our Governor. As Jesus said, "No greater love has a man than this, that he lay down his life for his friends." Then He did just that, giving His life as a ransom for ours.

Inspire us to do the same: to lay down our lives, our preferences, and our philosophies if doing so would bring greater justice and brotherly love to our land. As You perform Your work, we will declare that Yours is the kingdom and the power and the glory forever. Amen.

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

Motions and Communications

Senators Brown and Nofs entered the Senate Chamber.

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

Senator Anderson moved that Senators Clarke, Thomas and Scott be temporarily excused from today's session.
The motion prevailed.

The following communications were received and read:

Office of the Auditor General

January 29, 2010

Enclosed is a copy of the following audit report:

Financial statements of the State Building Authority, a blended component unit of the State of Michigan, as of and for the fiscal year ended September 30, 2009.

January 29, 2010

Enclosed is a copy of the following audit report:

Financial statements of the Michigan Higher Education Assistance Authority, a discretely presented component unit of the State of Michigan, as of and for the fiscal year ended September 30, 2009.

Auditor General

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 2:

House Bill Nos. 4194 5749

The Secretary announced that the following official bill was printed on Tuesday, February 2, and is available at the legislative website:

Senate Bill No. 1097

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

Senate Bill No. 980, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 1998 PA 247, and by adding section 682c.

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. 723, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 11 (MCL 722.121), as amended by 1980 PA 232, and by adding section 3g.

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. 724, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 11b (MCL 722.121b), as amended by 2007 PA 217.

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.

During the Committee of the Whole, Senators Clarke and Stamas entered the Senate Chamber.

By unanimous consent the Senate returned 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:

Senate Bill No. 995

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 995, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize

contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 12 (MCL 247.662), as amended by 2002 PA 498.

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. 32

Yeas—35

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

Nays—0

Excused—3

Garcia	Scott	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 75

Senate Resolution No. 88

Senate Concurrent Resolution No. 24

House Concurrent Resolution No. 28

The motion prevailed.

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

Senate Resolution No. 113.

A resolution commemorating the 100th Anniversary of the Boy Scouts of America.

Whereas, February 8, 2010, marks the 100th Anniversary of the Boy Scouts of America. The members of the Michigan Legislature consider it a great privilege to commemorate this occasion and proudly extend tribute to all the leaders, parents, friends, family, and scouts who have made the Boy Scouts of America successful across our state. This organization has had a profound impact on countless lives in our state and nation; and

Whereas, The scouting program was founded in 1907 by Robert Baden-Powell in Bronsea Island in Poole Harbour, England, to encourage young men to develop personal goals and actively pursue their personal interests. After an American journalist and publisher, William Boyce, learned of the scouting program on his visit to London, he was inspired to start one in America; and

Whereas, Today, the scouting program represents the largest voluntary youth movement in the world. Approximately 195 countries have scouting programs. Boy Scouts of America has 2.8 million registered scouts, over 1 million leaders, and over 100,000 registered units. Their goal is to train youth in responsible citizenship, character development, and self-reliance through participation in outdoor activities, educational programs, career-oriented programs, and community-service activities; and

Whereas, The councils that make up the scouting community in Michigan—the Bay-Lakes, Blue Water, Chief Okemos, Great Lakes, Gerald R. Ford, Great Sauk Trail, Hiawathaland, La Salle, Lake Huron Area, Scenic Trails, Southwest Michigan, Tall Pine, and Voyageurs Area Councils—will celebrate the 100th Anniversary of the Boy Scouts of America with a number of local events. These endeavors will serve as a reminder to us of the vital impact of the scouting program; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of praise and tribute be hereby offered in commemoration of the 100th Anniversary of the Boy Scouts of America; and be it further

Resolved, That a copy of this resolution be transmitted to the officials of the scouting program as evidence of the highest esteem of the members of the Michigan Legislature.

Pending the order that, under rule 3.204, the 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.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Allen's statement is as follows:

I would like to thank the body for allowing us to move this resolution forward on a bipartisan basis. February 11 will be the 100th anniversary of the Boy Scouts of America, and we will be celebrating this on February 10 at the Michigan Capitol. There are five Eagle Scouts in the Michigan Legislature who have been working on the host committee, and similar resolutions are being passed in the House today and next week.

The councils that make up the scouting community in Michigan are diverse, and they are the Bay-Lakes Council, the Blue Water Council, the Chief Okemos Council, the Great Lakes Council, the Gerald R. Ford Council, the Great Sauk Trail Council, the Hiawathaland Council, the La Salle Council, the Lake Huron Area Council, the Scenic Trails Council, the Southwest Michigan Council, the Tall Pine Council, and the Voyageurs Area Councils and will be celebrating their 100th anniversary with many local events. It will be an honor to present this resolution to the esteemed body gathered on February 10.

Today, the scouting program represents the largest youth voluntary movements in the world. Approximately 195 countries have scouting programs. Boy Scouts of America has almost 3 million registered scouts, over 1 million registered leaders, and over 100,000 registered units.

Their goal is to train youth in responsible citizenship, character development, and self-reliance through participation in outdoor activities, educational programs, career-oriented programs, and community services, which are of great value to this country. It is appropriate that this body recognize the valuable contributions that the Boy Scouts have made in the lives of millions of young men and women over the years.

The resolution recognizes the praise and tribute offered in commemoration of the 100th anniversary of the Scouts. I ask that my colleagues support this resolution. We have almost every member of this body as sponsors of this resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Thomas, Switalski, Clarke, Jacobs, Clark-Coleman, Whitmer, Gleason, Anderson, Hunter, Barcia, Prusi, Basham and Olshove introduced

Senate Joint Resolution S, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to require spending cuts or increased revenues for any bill that will have a negative impact on state revenues.

The joint resolution was read a first and second time by title and referred to the Committee on Appropriations.

Senator Cropsey introduced

Senate Bill No. 1098, entitled

A bill to authorize the state administrative board to convey certain state owned property in Isabella county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for disposition of the revenue from the conveyance.

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

Senator Jacobs introduced

Senate Bill No. 1099, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16340 and part 186.

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

Senators Olshove, Cherry, Jacobs, Nofs, Basham, Prusi, Hunter, Jansen, Gleason, Whitmer, Anderson, Brater, Birkholz, Barcia and Allen introduced

Senate Bill No. 1100, entitled

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

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

Senators Nofs, Olshove, Cherry, Prusi, Hunter, Jansen, Basham, Gleason, Whitmer, Anderson, Brater, Birkholz, Barcia and Allen introduced

Senate Bill No. 1101, entitled

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

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

Senators Olshove, Cherry, Jacobs, Nofs, Basham, Prusi, Hunter, Jansen, Gleason, Whitmer, Anderson, Brater, Birkholz, Barcia and Allen introduced

Senate Bill No. 1102, entitled

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

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

Senators Brater, Gleason, Scott and Jacobs introduced

Senate Bill No. 1103, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," by amending section 4 (MCL 801.4), as amended by 2006 PA 20.

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

Senators Brater, Gleason, Scott and Jacobs introduced

Senate Bill No. 1104, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 1002a (MCL 330.2002a).
The bill was read a first and second time by title and referred to the Committee on Appropriations.

House Bill No. 4194, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

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 Reforms and Restructuring.

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 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 Health Policy.

By unanimous consent the Senate returned to the order of

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess until 6:00 p.m.

The motion prevailed, the time being 10:30 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Senators Scott and Thomas entered the Senate Chamber.

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.902 be suspended to allow guests on the Senate floor.

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

Recess

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

The motion prevailed, the time being 6:01 p.m.

6:20 p.m.

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

Joint Convention

The Sergeant at Arms announced a committee from the House of Representatives, Representatives Nerat, Roy Schmidt, Knollenberg and Tyler, who reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Cherry, announced that the hour had arrived for the meeting of the two houses in Joint Convention.

Senator Cropsey moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention.

The motion prevailed, the time being 6:22 p.m.

(For proceedings in Joint Convention, see House Journal No. 9, p. 89.)

The Senate reconvened at the expiration of the recess at 8:07 p.m. and was called to order by the President pro tempore, Senator Richardville.

The President pro tempore, Senator Richardville, announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the State message by Governor Granholm.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Monday, February 1, 2010, at 10:00 a.m., University of Michigan Detroit Center, 3663 Woodward Avenue, Detroit

Present: Senators Allen (C), Clarke and Hunter

Excused: Senators Nofs and Stamas

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

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

Present: Senators Jansen (C) and Jacobs

Excused: Senator Hardiman

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Wednesday, February 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Capital Outlay - Thursday, February 4, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Community Colleges - Thursday, February 18, 1:30 p.m., Lansing Community College, Administration Building Board Room, 610 North Capitol Avenue; Friday, February 26, 10:30 a.m., Muskegon Community College, Stevenson Center, Room 1100, 221 South Quarterline Road, Muskegon; Monday, March 1, 1:30 p.m., Schoolcraft Community College, VisTaTech Center, Sutherland Room, 18600 Haggerty Road, Livonia (373-2768)

Economic Development and House Economic Development Appropriations Subcommittee - Wednesday, February 17, 10:30 a.m., Room 426, Capitol Building (373-2768)

Higher Education - Friday, February 19, 10:00 a.m., Saginaw Valley State University, Curtiss Hall, 7400 Bay Road, University Center; Monday, February 22, 10:00 a.m., Western Michigan University, Room 2028, Brown Hall, 1903 West Michigan Avenue, Kalamazoo; Monday, March 1, 10:00 a.m., Madonna University, Franciscan Center, 36600 Schoolcraft Road, Livonia; and Monday, March 8, 10:30 a.m., Ferris State University, Interdisciplinary Resource Center, 1301 South State Street, Big Rapids (373-2768)

Human Services Department and Senior Citizens and Veterans Affairs - Wednesday, February 10, 1:00 p.m., Room 100, Farnum Building (373-2768)

Judiciary and Corrections - Tuesday, February 16, 3:00 p.m.; Wednesday, February 17, 9:00 a.m.; Tuesdays, February 23, 2:30 p.m., March 2 and March 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Wednesday, February 17, and Thursday, February 18, 9:00 a.m., and Tuesdays, February 23, March 2 and March 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Tuesday, February 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Energy Policy and Public Utilities - Thursday, February 4, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Finance - Thursday, February 4, 11:00 a.m., Room 110, Farnum Building (373-1758)

Senior Citizens and Veterans Affairs and Human Services Department Appropriations Subcommittee - Wednesday, February 10, 1:00 p.m., Room 100, Farnum Building (373-2413)

State Drug Treatment Court Advisory Committee - Tuesday, February 23, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation - Tuesday, February 9, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsy moved that the Senate adjourn.

The motion prevailed, the time being 8:10 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, February 4, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

