

No. 11
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Tuesday, February 9, 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 not 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—present
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—excused
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Samuel Buzz Thomas III of the 4th District offered the following invocation:

Heavenly Father, today we come before You with heads bowed low and hearts humbled. We recognize Your great works and ceaseless love. We ask that You bestow upon us the wisdom to do what is right and just. We ask that You give us the power to look upon our fellow men and women and not judge them upon the color of their skin or their political party, but whether they are carrying out Your wishes and Your plans; for You are the source for all that is right and just in this world.

You have the power to move mountains and move the hearts of nations. We have only You to thank for this day and every day that is given to us. I pray we spend today and every day doing Your work. In this we ask Your blessing. Amen.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:03 a.m.

10:15 a.m.

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

During the recess, Senators Gleason, Clark-Coleman, Stamas, Hardiman, Van Woerkom, Garcia, Jansen, Cassis, Nofs, Pappageorge, Brown, Jelinek, Sanborn, George, Gilbert, Richardville, Birkholz, Bishop and Kahn entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Cropsey moved that the following bills, now on the order of Messages from the Governor, be referred to the Committee on Appropriations:

Senate Bill No. 254, entitled

An act to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2010; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Senate Bill No. 237, entitled

An act to make appropriations for the department of agriculture for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Senate Bill No. 243, entitled

An act to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Senate Bill No. 245, entitled

An act to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end

balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Senate Bill No. 248, entitled

An act to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The motion prevailed.

Senator Cropsey moved that the following concurrent resolution, now on the order of Resolutions, be referred to the Committee on Appropriations:

Senate Concurrent Resolution No. 24.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

The motion prevailed.

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

The motion prevailed.

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

The motion prevailed.

Senator Cropsey moved that the following bills, now on the order of General Orders, be referred to the Committee on Agriculture and Bioeconomy:

Senate Bill No. 997, entitled

A bill to amend 1921 PA 13, entitled "An act to promote the agricultural interests of the state of Michigan; to create a state department of agriculture; to define the powers and duties thereof; to provide for the transfer to and vesting in said department of powers and duties now vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and officers the powers and duties of which are hereby transferred," by amending section 1 (MCL 285.1).

Senate Bill No. 998, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 180 (MCL 16.280).

The motion prevailed.

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

Michigan Public Service Commission

Mr. Greg R. White, an Independent, of 6633 Brookhills Court, S.E., Grand Rapids, Michigan 49546, county of Kent, succeeding Steven A. Transeth, whose term has expired, is appointed for a term commencing January 4, 2010 and expiring July 2, 2015.

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

Senator Cropsey moved that rule 3.902 be suspended to allow his guests admittance to the Senate floor, including the center aisle.

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

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

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 10:17 a.m.

10:37 a.m.

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

During the recess, Senator McManus introduced the Central Michigan University Women’s Soccer Team, in honor of their NCAA Tournament win; Senior Associate Athletic Director Marcy Weston; Head Coach Tom Anagnost; and player Amanda Waugh; and presented them with a Special Tribute.

Coach Anagnost responded briefly.

Senator Cropsey introduced the Central Michigan University Football Team, 2010 GMAC Bowl Champions; Interm President Kathy Wilbur; Athletic Director Dave Heeke; Head Coach Dan Enos; and players Nick Bellore and Kito Poblah; and presented them with a Special Tribute.

Messrs. Bellore and Poblah responded briefly.

During the recess, Senator Clarke entered the Senate Chamber.

The following communications were received and read:
Office of the Auditor General

February 2, 2010

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Tobacco Settlement Finance Authority, a blended component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

February 4, 2010

Enclosed is a copy of the following audit report:

Financial audit of the Emergency 9-1-1 Fund, Michigan Department of State Police and Department of Treasury, for the period October 1, 2006 through September 30, 2008.

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 Thursday, February 4:
House Bill Nos. 5649 5765

The Secretary announced that the following official bills and joint resolution were printed on Thursday, February 4, and are available at the legislative website:

Senate Bill Nos. 1098 1099 1100 1101 1102 1103 1104
Senate Joint Resolution S

The Secretary announced that the following official bills were printed on Friday, February 5, and are available at the legislative website:

Senate Bill Nos. 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114
House Bill Nos. 5779 5780 5781 5782 5783

Messages from the Governor

The following message from the Governor was received:

Date: February 3, 2010
Time: 5:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 689 (Public Act No. 3), being

An act to amend 1978 PA 368, entitled “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,” by amending section 7333 (MCL 333.7333), as amended by 2006 PA 451.

(Filed with the Secretary of State on February 4, 2010, at 10:04 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

Michigan Public Service Commission

Mr. Greg R. White, an Independent, of 6633 Brookhills Court, S.E., Grand Rapids, Michigan 49546, county of Kent, succeeding Steven A. Transeth, whose term has expired, is appointed for a term commencing January 4, 2010 and expiring July 2, 2015.

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. 38

Yeas—36

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

Nays—0

Excused—1

Scott

Not Voting—1

Kuipers

In The Chair: President

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

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 Switalski 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 without amendment, the following bills:

Senate Bill No. 574, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 2006 PA 298.

Senate Bill No. 1057, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74101, 74102, 74102a, 74116, 74117, 74120, and 74122 (MCL 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, and 324.74122), sections 74101 and 74122 as amended by 2004 PA 587, sections 74102, 74116, and 74120 as added by 1995 PA 58, section 74102a as amended by 2006 PA 307, and section 74117 as amended by 2009 PA 197; and to repeal acts and parts of acts.

The bills were 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. 1045, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending section 39 (MCL 256.659).

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

Senators Pappageorge, Cropsey, Bishop, Cassis, Jelinek, Van Woerkom, Allen, George, Jansen, Birkholz, Patterson, Nofs and Thomas introduced

Senate Joint Resolution T, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 31 of article IV and section 18 of article V, to limit the budget, to require certain deposits into certain state funds, and to require a 2/3 majority for certain appropriations.

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

Senators Hardiman, Pappageorge, Birkholz and Jansen introduced

Senate Bill No. 1115, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 306 (MCL 331.1306), as amended by 1998 PA 62, and by adding section 308.

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

Senators Hardiman, Pappageorge, Birkholz and Jansen introduced

Senate Bill No. 1116, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending sections 123 and 217 (MCL 450.2123 and 450.2217), section 123 as amended by 2008 PA 482, and by adding section 746.

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

Senators Birkholz, Cropsey, Van Woerkom, Sanborn, Hardiman, Pappageorge, Jansen and Richardville introduced
Senate Bill No. 1117, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80163 (MCL 324.80163), as added by 1995 PA 58.

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

Senators Gilbert, Birkholz, Cropsey, Van Woerkom, Pappageorge, Jansen, Hardiman and Richardville introduced
Senate Bill No. 1118, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17 of chapter XII (MCL 712.17), as amended by 2006 PA 488.

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

Senators Jacobs, Birkholz, Pappageorge, Jansen, Hardiman and Richardville introduced

Senate Bill No. 1119, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 15 of chapter XII (MCL 712.15), as amended by 2006 PA 488.

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

Senator Hunter introduced

Senate Bill No. 1120, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2008 PA 199.

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

Senators Barcia, Kahn, Basham and Pappageorge introduced

Senate Bill No. 1121, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2008 PA 562.

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

Senators Barcia, Kahn, Basham and Pappageorge introduced

Senate Bill No. 1122, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending the title and section 50b (MCL 750.50b), the title as amended by 2005 PA 105 and section 50b as amended by 2008 PA 339.

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

Senators Kahn, Basham and Pappageorge introduced

Senate Bill No. 1123, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 50 and 50b (MCL 750.50 and 750.50b), section 50 as amended by 2007 PA 152 and section 50b as amended by 2008 PA 339.

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

Senators Kahn, Basham and Pappageorge introduced

Senate Bill No. 1124, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 49 (MCL 750.49), as amended by 2006 PA 129.

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

Senators George and Kahn introduced

Senate Bill No. 1125, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2004 PA 205 and section 8371 as amended by 2005 PA 151.

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

House Bill No. 5649, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

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 Appropriations.

House Bill No. 5765, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16521, 17025, 17903, and 18705 (MCL 333.16521, 333.17025, 333.17903, and 333.18705), section 16521 as amended by 2006 PA 397, section 17025 as amended by 2006 PA 161, section 17903 as amended by 2006 PA 387, and section 18705 as amended by 2006 PA 407.

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.

Statements

Senators Cherry, Garcia, Cassis and Patterson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's statement is as follows:

These last few weeks we have been talking an awful lot about reforms and changing the way we do business, but we haven't been doing much in the Senate to create jobs and help the people of Michigan do business. Our economy is struggling, and the small business owners and working men and women of this state desperately need our help.

In December, the state's unemployment rate was 14.6 percent, with 701,000 people unemployed. That is nearly a million people in this state who are out of work—people in every county and every district we were sent here to represent. Nearly 1 million people need our help. We in the Legislature have the power to move legislation to stimulate our economy and support our workers, and we have an obligation to do so.

Leadership continues to do nothing to improve our economy or create jobs. Since the beginning of the year, we have taken 37 roll call votes. Do you know how many of those were directly related to jobs? Two and maybe one more. Those two bills were House bills, House-generated bills, to support the federal government's efforts to create jobs through the stimulus package. Frankly, that is just embarrassing.

Our people need jobs more than anything right now, but we are refusing to take action. I am tired of sitting idly by while we sit on our hands. Meanwhile, impactful legislation like Hire Michigan First and unemployment modernization are gathering dust in committee held up by leadership. We need jobs now, and I urge my colleagues to take action on current legislation to create jobs that have been sitting in their committees. I hope they will come to the table and work with us to come up with a plan to do even more.

Senator Garcia's statement is as follows:

I was gone for a little over two and a half weeks and missed seven session days. I would like to give my voting intentions for that time period that I was gone. On Roll Call Nos. 13 and 14, I would have voted "yes." On Roll Call Nos. 15-18, I would have voted "no." On Roll Call No. 19, I would have voted "yes." On Roll Call Nos. 20 and 21, I would have voted "yes." On Roll Call Nos. 22 and 23, I would have voted "no." On Roll Call Nos. 24-26, I would have voted "yes." It appears we had some spirited debate when I was gone. On Roll Call Nos. 27 and 28, I would have voted "no." On Roll Call Nos. 29-37, I would have voted "yes."

Senator Cassis' statement is as follows:

I would like to share with you an outstanding story of a company here in Michigan that has added real jobs in this economic environment. Certainly, we can all be proud of them. I'm particularly proud of them because they are Tata Technologies based in my hometown of Novi. Interestingly enough, they were omitted from the Governor's State of the State address. I don't know why, but let me share with you why I think they are so important and deserve being highlighted today.

Tata Technologies is an engineering consulting firm headquartered in Novi. It employs 470 individuals and an international workforce of 4,000 professionals in 14 countries. They have just added more employees. Why is that important? They have done so as a private, entrepreneurial, technology firm with no handouts from Michigan government. Can it be done? Absolutely, it can be done. It can be done without refundable credits and without all kinds of incentives if the company is well-positioned and highly-motivated as, obviously, this company is.

I would have encouraged the Governor to give them a special place at the State of the State address because of what they are showing. They are showing the path to bringing back Michigan and doing so in a very creative and innovative way. After all, isn't that what we all want to support in this great state of Michigan.

So to Tata Technologies, let me say, all the very best, Godspeed, keep up the good work, and be a continuing example and model for the rest of Michigan to follow.

Senator Patterson's statement is as follows:

I find interesting an article that appears in the *Star Tribune* today talking about a little problem they have up in Minnesota with their wind turbines. They have frozen in place. Oops, so much for electricity in Anoka, Chaska, and other communities in that part of Minnesota. Eleven wind turbines frozen in place. Oops, so much for wind turbines versus coal-based electric generation. It all has to do with a government mandate. Renewable portfolio standard? Oops, no electricity.

Senator Kuipers entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 1001

House Bill No. 4723

House Bill No. 4724

Senate Bill No. 1071

Senate Bill No. 794

Senate Bill No. 795

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1001, 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 1c (MCL 247.651c), as amended by 1982 PA 438.

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. 39

Yeas—37

Allen
Anderson

Clark-Coleman
Clarke

Jacobs
Jansen

Patterson
Prusi

Barcia	Cropsey	Jelinek	Richardville
Basham	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Nofs	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer
Cherry			

Nays—0

Excused—1

Scott

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4723, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2008 PA 217, and by adding section 8g.

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. 40

Yeas—37

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

Nays—0

Excused—1

Scott

Not Voting—0

In The Chair: President

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 create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4724, entitled

A bill to provide for certain duties of certain state agencies.

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. 41**Yeas—37**

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

Nays—0**Excused—1**

Scott

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1071, entitled

A bill to amend 1994 PA 204, entitled “The children’s ombudsman act,” by amending section 10 (MCL 722.930), as amended by 2004 PA 560.

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. 42

Yeas—37

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

Nays—0

Excused—1

Scott

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Jacobs’ statement is as follows:

This bill, Senate Bill No. 1071, is tie-barred to Senate Bill No. 259, which I voted for and most of the people in this chamber did. This Senate bill requires that the Children’s Ombudsman provide reports to a newly-created child fatality examiner, created in Senate Bill No. 259. I did support this at the time, and I voted for final passage and will be voting for the final passage of Senate Bill No. 1071. But I did just want to put on record some of the concerns and reservations that I have about creating another office to review child deaths in Michigan, given that a child death review system already currently exists in Michigan.

There are several entities that currently review child deaths, including deaths of children in foster care. These entities include local child death review teams established under state law; the state Child Death Review Team established under state law; Michigan’s Citizen Review Panel required by the federal Child Abuse Prevention and Treatment Act; the Department of Human Services’ Quality Assurance office, which conducts reviews as mandated by the Dwayne B. v. Granholm settlement agreement; and, finally, the Office of Children’s Ombudsman. I also want you to know that the administration, as well as Verlie Ruffin from the Office of the Children’s Ombudsman, did testify about the duplicative nature of this bill.

Now both the state Child Death Review Team’s report and the Children’s Ombudsman annual report contain specific recommendations for legislation and are provided directly to each legislator. Also any legislator may contact the OCO and receive all statutorily-required reports and information under the Children’s Ombudsman Act. Essentially, this proposed

new legislative office would perform functions that are currently performed by other entities by reviewing information generated by those existing entities, and such information is currently accessible by legislators.

Now that being said, I understand that this is an emotional issue and that there have been some very high-profile cases, which I know have moved the sponsor to want to do this. I will reluctantly be voting “yes” on this, but I honestly feel that this is duplicative in nature.

The following bill was read a third time:

Senate Bill No. 794, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 1084.

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. 43

Yeas—34

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

Nays—3

Anderson	Switalski	Thomas
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Excused—1

Scott

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 795, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 219, 303, 625n, 732a, and 904d (MCL 257.219, 257.303, 257.625n, 257.732a, and 257.904d), section 219 as amended by 2005 PA 317, sections 303, 732a, and 904d as amended by 2008 PA 463, and section 625n as amended by 2008 PA 539, and by adding section 304.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 12, line 12, by striking out all of subdivision (J) and relettering the remaining subdivisions.
2. Amend page 22, line 19, by striking out all of subsection (5) and renumbering the remaining subsections.

The amendments were not adopted, a majority of the members serving not 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. 44

Yeas—34

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

Nays—3

Anderson	Switalski	Thomas
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Excused—1

Scott

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 794 and 795.

Senator Thomas' statement is as follows:

I voted "no" on Senate Bill Nos. 794 and 795 not because I oppose sobriety courts. I think they are a wonderful idea, and anytime we can get Michigan citizens on the road to sobriety, I think that is a great idea. What troubled me most about the legislation is that the legislation allows restricted driver's licenses to individuals who have demonstrated bad behavior and nonsobriety simply because they have enrolled in this program.

I think there are thousands of people across the state of Michigan who have been unable to pay driver responsibility fees, and they have also lost their licenses. They do not have a pathway towards getting a restricted driver's license because they can go into some program. I think it would have been more appropriate after completion of the program; then you can look at whether or not a person should be eligible to drive.

Simply not allowing poor people who can't pay the very, very excessive driver responsibility fees the opportunity to not get a restricted driver's license and almost rewarding those people who have multiple DUIs an opportunity to get a driver's license just doesn't seem to be the right path. It doesn't seem to be fair. That is why I voted "no."

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

The motion prevailed.

Senator Birkholz's statement is as follows:

This bill, Senate Bill No. 795, and its companion bill that Senator Cropsey is sponsoring is the very hard work of one of the most respected judges in the state of Michigan, actually across the United States, and that is Eaton County Judge Harvey Hoffman. He and now-retired Judge Smay from Kalamazoo are known as the godfathers of the drug courts. They started

pilots for drug courts which eventually became very successful. They were the leaders. This work led to the sobriety courts and drug courts being replicated across the United States—a way to put accountability into this system and to help families.

This bill is the next step. It will allow us to use an ignition interlock system which checks the BAC before, even when and when not driving. This way we can make sure that in the sobriety courts for the most egregious, addicted alcoholics can have a real tough-love program to help them to get their lives back.

Our judges are doing what we have asked them, as legislators, to do. We have asked them to help people, to help save lives, and to make more accountability in this system; thus, a less costly system. This is about accountability to our communities but also to many families across the state of Michigan.

I would encourage any of you who have not to visit a drug court and to see a graduation ceremony. It is truly something remarkable to behold when you can see families reestablished and put back together again. You do have an invitation on your desks to visit one next week. It is right across the street, and I hope you will join us.

So we are talking about saving lives and helping families be more together and to be healthy again and reduce the prison population. So I hope that you will support us in passing this bill today, and help move Michigan forward in that regard at the same time.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 251, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (S-1) previously recommended by the Committee on Appropriations be rejected.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1092, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 12 (MCL 125.2692), as amended by 2002 PA 745.

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

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Cropsey, George, Jansen, Brown, McManus, Stamas and Switalski

Nays: Senators Kahn, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

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

The Committee on Appropriations reported

House Bill No. 5657, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 12412 (MCL 333.12412).

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5658, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12431 (MCL 333.12431), as amended by 2005 PA 43.

With the recommendation that the bill pass.

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

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 3, 2010, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus, Stamas, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, February 4, 2010, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators McManus (C), Jelinek, Brown, Cropsey, Hardiman, Pappageorge, Switalski, Cherry, Clark-Coleman and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, February 4, 2010, at 11:28 a.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy Policy and Public Utilities submitted the following:

Meeting held on Thursday, February 4, 2010, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Patterson (C), Brown, Kuipers, Richardville, Nofs, Olshove, Clarke, Thomas and Clark-Coleman

Excused: Senator Birkholz

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, February 11, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations and House Appropriations - Thursday, February 11, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

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

Higher Education and House Higher Education Appropriations Subcommittee - Wednesday, February 24, 3:00 p.m. or later after committees are given leave to meet, House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department and House Human Services Department Appropriations Subcommittee - Thursday, February 18, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department and Senior Citizens and Veterans Affairs - Wednesday, February 10, 12:30 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 - Tuesdays, February 23, March 2 and March 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education and House School Aid and Education Appropriations Subcommittee - Wednesday, February 17, and Thursday, February 18, 9:00 a.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)

Campaign and Election Oversight - Wednesday, February 10, 12:00 noon, Room 405, Capitol Building (373-1725)

Economic Development and Regulatory Reform - Wednesday, February 10, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, February 11, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Finance - Thursday, February 11, 1:00 p.m., Room 110, Farnum Building (373-1758)

Hunting, Fishing and Outdoor Recreation - Thursday, February 11, 1:00 p.m., Room 100, Farnum Building (373-1777)

Natural Resources and Environmental Affairs - Wednesday, February 10, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs and Human Services Department Appropriations Subcommittee - Wednesday, February 10, 12:30 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 23, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:36 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 10, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate