

No. 5  
STATE OF MICHIGAN  
**Journal of the Senate**  
95th Legislature  
REGULAR SESSION OF 2009

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Senate Chamber, Lansing, Tuesday, February 3, 2009.

10:00 a.m.

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

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

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

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

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

Senator Valde Garcia of the 22nd District offered the following invocation:

Our Heavenly Father, we thank You for the day that You have given to us. We thank You for the opportunity to serve. We also thank You for those troops who are protecting us who are in harm's way today. We ask that You would watch over them and protect them as well.

Lord, we thank You. I thank You for each of my colleagues and the staff who are here to assist us. I just ask that You grant us wisdom and understanding for one another. I ask that You be with our President and our Governor and each one of us as we attempt to govern.

We ask all of these things in Your Son's name. Amen.

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

### Motions and Communications

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

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

Senator Cropsey moved that Senators Brown and Jansen be temporarily excused from today's session.  
The motion prevailed.

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

The Secretary announced that the Majority Leader has made the appointment of the following statutory standing committees:

**Administrative Rules** - Senators Pappageorge (C), Van Woerkom, Kuipers, Barcia and Clarke.

**Legislative Retirement Board of Trustees** - Senators McManus and Clarke.

**Michigan Capitol Committee** - Senators George (C), Garcia, Brown and Brater.

The statutory standing committee appointments were approved, a majority of the members serving voting therefor.

The following communications were received and read:  
Office of the Senate Majority Leader

February 2, 2009

Pursuant to MCL 390.1532, I am appointing Senator Tony Stamas to the Midwestern Higher Education Commission for a term from January 1, 2009 to December 31, 2010.

If you have any questions, please feel free to contact Bill Sullivan in my office at 373-2417.

February 2, 2009

Pursuant to MCL 141.1055(1), I am nominating Donald Gilmer, 7021 North 46th Street, Augusta, Michigan 49012, county of Kalamazoo, for the Michigan Municipal Bond Authority.

If you have any questions, please call Bill Sullivan in my office at 373-2417.

February 2, 2009

Pursuant to section 6(2)(d) of the Michigan Tobacco Settlement Finance Authority Act, I am nominating the following individuals to the Michigan Tobacco Settlement Finance Authority:

Donald Gilmer, 7021 North 46th Street, Augusta, Michigan 49012, county of Kalamazoo.

Howard Ryan, 5888 Bayonne, Haslett, Michigan 48840, county of Ingham.

If you have any questions, please call Bill Sullivan in my office at 373-2417.

February 2, 2009

Pursuant to PA 189 of 2008, (MCL 324.32803(1)(a)), I am making the following appointment to the water resources conservation advisory council:

Mr. Paul Zugger, 1522 North Genesee Drive, Lansing, Michigan 48915-1222, replacing Donna Stine as an individual representing a statewide angler association.

If you have any questions, please call Bill Sullivan in my office at 373-2417.

Sincerely,  
Michael D. Bishop  
Senate Majority Leader

The communications were referred to the Secretary for record.

The following communication was received and read:  
Office of the Auditor General

January 28, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Natural Resources for the period October 1, 2005 through September 30, 2007.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The audit report was referred to the Committee on Government Operations and Reform.

The following communication was received:  
Department of State Police

January 30, 2009

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2008 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,  
Peter C. Munoz  
Director

The communication was referred to the Secretary for record.

The following communications were received:  
Public Service Commission

January 30, 2009

The enclosed annual report, *Status of Competition for Video Services in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 12(2) of the Uniform Video Services Local Franchise Act (2006 PA 480). This report will be made available on the Commission's Web site at [www.michigan.gov/mpsc](http://www.michigan.gov/mpsc). The purpose of this report is to describe the status of competition in video services in Michigan. This report also includes information on activities of the Commission throughout 2008, responses from franchise entities and video/cable service providers, legislative amendments left pending in 2008, relevant issues at the Federal Communications commission, as well as the Commission's recommendations.

Similar to the previous year's report, while the responses from both the franchise entities and providers indicate that there is not yet an overwhelming amount of video service competition occurring throughout Michigan at this time, there continues to be encouraging signs that competition is growing. Overall, providers are reporting a slight increase in competition in their franchise areas, as well as some communities reporting an increase of video/cable choice for residents. It is important to understand and reiterate that video/cable competition and the entrance of new providers will not occur immediately. However, information that has been provided in this report presents positive signs that competition is continuing to develop in communities throughout Michigan. As stated in the previous year's report, it should be noted that the Video Franchise Act, and therefore this annual report, does not include information on satellite providers, which may be viewed as another competitor in video.

The Commission provides recommendations for legislative revisions pursuant to Section 12(2) of 2006 PA 480. These recommendations if implemented will not only provide for better clarification, but will also improve the Commission's ability to more effectively implement 2006 PA 480.



The Secretary announced that the following official bills and joint resolutions were printed on Friday, January 30, and are available at the legislative website:

|                                 |            |            |            |            |            |            |            |            |            |            |            |            |            |            |
|---------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>Senate Bill Nos.</b>         | <b>132</b> | <b>133</b> | <b>134</b> | <b>135</b> | <b>136</b> | <b>137</b> | <b>138</b> | <b>139</b> | <b>140</b> | <b>141</b> | <b>142</b> | <b>143</b> | <b>144</b> | <b>145</b> |
|                                 | <b>146</b> | <b>147</b> | <b>148</b> | <b>149</b> | <b>150</b> | <b>151</b> | <b>152</b> | <b>153</b> | <b>154</b> | <b>155</b> | <b>156</b> | <b>157</b> | <b>158</b> | <b>159</b> |
|                                 | <b>160</b> | <b>161</b> |            |            |            |            |            |            |            |            |            |            |            |            |
| <b>Senate Joint Resolutions</b> | <b>D</b>   | <b>E</b>   | <b>F</b>   |            |            |            |            |            |            |            |            |            |            |            |

Senators Gleason and Brown entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Jacobs, Clark-Coleman, Hunter, Brater, Garcia and Birkholz introduced

#### **Senate Joint Resolution G, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 16 and 54 of article IV, to modify term limits for legislators and impose limits on chairmanships of legislative committees.

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

Senator Pappageorge introduced

#### **Senate Joint Resolution H, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to limit the increase in taxable value of real property under certain circumstances.

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

Senator Barcia introduced

#### **Senate Bill No. 162, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 1 (MCL 207.211), as amended by 2002 PA 667.

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

Senator Barcia introduced

#### **Senate Bill No. 163, entitled**

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 4 (MCL 28.4).

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

Senator Barcia introduced

#### **Senate Bill No. 164, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40114 (MCL 324.40114), as amended by 2008 PA 169.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

Senator Barcia introduced

#### **Senate Bill No. 165, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 621 and 622 (MCL 257.621 and 257.622), section 622 as amended by 2003 PA 66.

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

Senators Scott, Jacobs, Clarke, Clark-Coleman, Hunter and Brater introduced

**Senate Bill No. 166, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492.

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

Senators Scott, Jacobs, Switalski, Clark-Coleman, Hunter and Brater introduced

**Senate Bill No. 167, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Scott, Clark-Coleman, Anderson and Brater introduced

**Senate Bill No. 168, entitled**

A bill to provide compensation to individuals who are wrongfully incarcerated for crimes; to make appropriations for the compensation of wrongfully incarcerated individuals; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

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

Senators Scott, Jacobs, Clarke, Clark-Coleman, Hunter and Brater introduced

**Senate Bill No. 169, entitled**

A bill to amend 1978 PA 454, entitled "Truth in renting act," (MCL 554.631 to 554.641) by adding section 4a.

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

Senators Brater, Clark-Coleman, Hunter, Prusi, Cherry, Olshove, Scott, Thomas, Clarke and Jacobs introduced

**Senate Bill No. 170, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1561 and 1596 (MCL 380.1561 and 380.1596), section 1561 as amended by 1996 PA 339.

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

Senators Brater, Anderson, Switalski, Prusi, Thomas, Scott, Clarke and Jacobs introduced

**Senate Bill No. 171, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 208 (MCL 330.1208), as amended by 1995 PA 290.

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

Senators Brater, Anderson, Switalski, Prusi, Thomas, Scott, Clarke and Jacobs introduced

**Senate Bill No. 172, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 85 to chapter VII.

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

Senators Brater, Switalski, Scott, Clark-Coleman, Jacobs, Hunter, Clarke and Thomas introduced

**Senate Bill No. 173, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 1b of chapter IX (MCL 769.1 and 769.1b), section 1 as amended by 1999 PA 87 and section 1b as amended by 1998 PA 520.

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

Senators Brater, Switalski, Scott, Clark-Coleman, Jacobs, Hunter, Clarke and Thomas introduced

**Senate Bill No. 174, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2006 PA 167.

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

Senators Scott, Switalski, Brater, Clark-Coleman, Jacobs, Hunter, Clarke and Thomas introduced  
**Senate Bill No. 175, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506b. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Switalski, Brater, Scott, Clark-Coleman, Jacobs, Hunter, Clarke and Thomas introduced  
**Senate Bill No. 176, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2d and 18 of chapter XIIA (MCL 712A.2d and 712A.18), section 2d as amended by 1998 PA 478 and section 18 as amended by 2004 PA 475.

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

Senators Hunter and Clark-Coleman introduced

**Senate Bill No. 177, entitled**

A bill to establish the autism research fund in the department of community health; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Senators Hunter, Clark-Coleman and Anderson introduced

**Senate Bill No. 178, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senators Hunter and Clark-Coleman introduced

**Senate Bill No. 179, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Senators Hunter and Clark-Coleman introduced

**Senate Bill No. 180, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7mm.

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

Senator Hunter introduced

**Senate Bill No. 181, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512a (MCL 206.512a), as added by 2003 PA 28.

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

Senators Olshove, Anderson, Birkholz, Brater, Jacobs and Cherry introduced

**Senate Bill No. 182, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17775.

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

Senators Olshove, Anderson, Birkholz, Brater, Jacobs and Cherry introduced

**Senate Bill No. 183, entitled**

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

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



Senators Olshove, Anderson, Birkholz, Brater, Jacobs and Cherry introduced

**Senate Bill No. 184, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 174a (MCL 750.174a), as amended by 2004 PA 255.

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

Senators Garcia, Anderson, Olshove, Jacobs, Birkholz, Van Woerkom, Cherry, Allen, Brater, Clarke and Richardville introduced

**Senate Bill No. 185, entitled**

A bill to amend 1972 PA 348, entitled “An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties,” (MCL 554.601 to 554.616) by adding section 1b.

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

### Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

I just want to remind my colleagues that this is the beginning of a new legislative session as far as bills are concerned, and I ask you to please take up my bills in committee. It’s been four years now and I’ve not had a hearing on my bills. I think it is important. It’s only fair that I get a hearing on these bills.

So I would encourage all of my colleagues to encourage the committee chair to please take up my bills. And then once we take up my bills, I want you to move my bills.

Senator Kahn’s statement is as follows:

This is a big day here in Lansing. We hear the vision of our Governor. It’s a day when we are facing more of what we’ve seen this century—declining revenue, red tape, job losses, and a real need for the political will to fix Michigan. The answer here, and for our people, starts with honestly identifying the problem and then finding ways to help our people. Realism and not empty promises that drive our children from our shores is, in fact, what we need.

We have a budget hole. We who serve on the Appropriations Committee are keenly aware of that and, of course, our people are aware of it, and everyone in this chamber is aware of it. Our budget by law and by right must be balanced. That means that we cannot spend what we do not have. Basic functions, like keeping our people safe and safe in their homes, are the proper functions of government. New spending for new programs is not. I have some thoughts, and I hope that tonight when our Governor speaks that some of these will be mentioned.

I believe that we need to freeze the EITC not because we don’t want to help the needy, but we cannot afford another \$100 million round of additional spending. We need to parole the aged, the blind, and the disabled prisoners. Yes, we’re mad at them, but their disabilities mean that we are no longer afraid of them. Paroled, they stop consuming in the excess of \$34,000 a year each, and they become eligible for federal support.

Our prison food costs are measured, as it turns out, in the calories provided. We are paying for 2,900 calories per day per prisoner. Florida pays for 2,500. Reducing the calories to a more reasonable number would save us over ten percent of the cost to feed 50,000 prisoners.

We need more prison infirmary beds. Why? Because when prisoners are being taken care of in the prison and in the infirmary, this cuts down on hospitalization expenses which are the single-most expensive hospital cost of our prisons.

Mental health needs to be integrated into the cost of total health care of the patient, and this needs to be done for continuity reasons. We need to expand MPRI as this cuts recidivism. Prison libraries need to be replaced by CD-ROMs. The savings here would affect our prison structurally if we would do them.

DHS needs to look at whom we are serving. It makes no sense to have people with \$500,000 still eligible for their services. Nor should automobiles with \$40,000 values be disregarded as assets. Other states have fixed this, and we can too.

Proof of residency in Michigan needs to be upgraded. There is talk of a county in Kentucky mostly supporting itself on Michigan Bridge Cards. This is truly an outrage. And, by the way, speaking of Bridges, there are just too many stories of people using them to buy junk food and not staples. We want those eligible for services to get them. But unless we do a better job of appropriate eligibility, we won’t have enough for the truly needy.



In our universities, we need to look at privatization of services. We are fast approaching \$50,000 a year for custodians. This is simply unsustainable. In DCH, we need to call a halt to the single-point-of-entry experiment. It has generated a new bureaucracy, driven up hospital costs, and unfortunately, saved nothing.

There is more that we can talk about, and I would be delighted to talk to each and every member about this. These ideas are a part of what we can do to find hope for our people and the ability to afford Senate Bill No. 1.

Senator Switalski's statement is as follows:

I would like to take a moment to acknowledge, on behalf of the Senate Democratic Caucus, our sadness on the passing of Diane Jelinek. My colleagues, and indeed everyone in the chamber, and everyone in the Capitol who has worked with Ron, all have deep affection for Ron; and we recognize what a rock Diane has been in his career. We are wearing these pink ribbons today in her memory.

Diane's life was celebrated in a beautiful ceremony yesterday at Three Oaks Free Methodist Church, which is the same place where Ron and Diane were married over 40 years ago. The minister told a really wonderful story about one of Ron and Diane's first dates. Ron had picked Diane up in his new Chevy convertible and took her out to the drive-in and bought her some hot chocolate, which she proceeded to spill on her new white pants. Ron, ever the sensitive man, said, "Did you get any on the carpet?" She said, "Take me home immediately." Which he did, she changed her pants, and they went out and had a great time.

They had a picture of their wedding set up at the reception afterward and the two of them cut quite dashing figures, I must say. She had a beehive, bouffant hairstyle which was popular in the mid-sixties and was quite a knockout. I have to say, we were researching the hairdos and there is a picture of Cary Grant and Audrey Hepburn that would compare quite closely to the two of them at their wedding.

Senator Anderson remarked to me during the drive to the gravesite that the cars coming in the opposite direction were all pulling off to the side of the road and parking out of respect for Ron and his wife Diane. He said this was very common where he hails from in Tennessee, and I had never seen such a thing, but it was very beautiful. A number of legislators were there and a number of staff also and they all enjoyed this beautiful ceremony. There was a meal afterward featuring some fabulous corn and green beans and food put together by the local parishioners there and a beautiful coming together of the community. It took the chill off of what was a very cold day.

So let's all keep Ron in our prayers, and may Diane rest in peace.

A moment of silence was observed in memory of Diane Jelinek.

By unanimous consent the Senate returned to the order of

### **Resolutions**

Senator George offered the following resolution:

#### **Senate Resolution No. 6.**

A resolution to memorialize the Congress of the United States to tie the federal economic stimulus package distribution to the unemployment rate in each state and to provide that those states with the highest unemployment rates receive a higher percentage of federal funds.

Whereas, Our nation, and the state of Michigan in particular, is facing an economic crisis, the depth and breadth of which has not been seen since the time of the Great Depression. In response to this crisis, the President of the United States and the Congress are crafting an economic stimulus package designed to help fix the economy; and

Whereas, With Michigan's historic reliance on the manufacturing industry, our state's economic struggles were a precursor to the nation's current economic troubles. Michigan has led the nation with the country's highest unemployment rate and one of the highest home foreclosure rates. The Great Lakes State has lost more than one-half million jobs so far this decade. These Michigan job losses account for roughly 20 percent of the nation's total job losses. Clearly, federal assistance is necessary to help Michigan fix its economic engine and drive the nation's economy back to full strength. Given the severity of Michigan's economic downturn, our state should be given priority in the distribution of federal stimulus dollars; and

Whereas, Indeed, the entire federal stimulus package should be tied to the rate of the states' unemployment rates. This would help assure that the federal investment would go where it is most desperately needed. Targeting federal infrastructure investment and other economic stimulus tools to the states with the highest historic unemployment rates will clearly pay the highest dividends for our nation's economic recovery; now, therefore, be it

Resolved by the Senate, That we hereby memorialize the Congress of the United States to provide that the federal economic stimulus package be tied to the unemployment rate in each state and to provide that those states with the highest unemployment rates receive a higher percentage of federal funds; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan House delegation, and, in particular, Senators Carl Levin and Debbie Stabenow.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

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

The motion prevailed.

Senator George's statement is as follows:

I rise to speak in favor of Senate Resolution No. 6 which calls on our congressional delegation to work to ensure that our state gets its fair share of the federal stimulus package by tying its distribution to each state's unemployment rate. It is important to do this on behalf of the citizens of Michigan who have suffered the brunt of the current economic crisis to make sure they are afforded the relief due to them and to ensure that the stimulus package is actually effective in its goal to turn our country's economy around.

You will recall, colleagues, that in the aftermath of Hurricane Katrina, federal relief efforts were concentrated in Louisiana and Mississippi, the states most affected by the hurricane's devastation. Our congressional delegation should insist that this economic relief package now being crafted likewise target states most affected by the current economic hurricane. By any measure, Michigan is one of the most severely damaged states. We lead the nation in unemployment, we have one of the highest mortgage foreclosure rates, and we have lost more jobs than any state this decade. With only 3.3 percent of the nation's population, Michigan's job losses this decade could account for as much as 20 percent of the jobs lost nationally. Nearly one-fifth of the jobs lost in America will have been lost here.

Unfortunately, the stimulus package as passed by the House of Representatives is blind to the particulars of Michigan's situation. Of the ten tax reductions and 29 spending programs proposed by Congress, only one is indexed to the unemployment rate of the recipient states. The net result is that if the stimulus package is left unchanged, Michigan will receive roughly a per capita share. If the package was tied to an economic index, such as the unemployment rate, however, Michigan would instead receive approximately one-fifth of the dollars allocated. This would more accurately reflect the degree of economic devastation our citizens have experienced. The failure of the stimulus package to target states such as Michigan that have been most affected by the economic downturn predicts its likely failure to fix our economy. Imagine the ineffectiveness of the Katrina relief efforts had it been spread evenly throughout country. Well, Michigan would have received levee repairs and FEMA trailers, while the people of Louisiana would have gone wanting.

There is still time to fix the stimulus package so that it can help repair Michigan's broken economy. Please join me in calling on our U.S. Senators and Representatives to make sure that the federal efforts are not wasted, but rather, they are focused here at the eye of the storm.

### **Recess**

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

The motion prevailed, the time being 10:33 a.m.

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

During the recess, Senator Jansen entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

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

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 6:03 p.m.

6:19 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 Huckleberry, Durhal, Green and Denby, 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 6:20 p.m.

(For proceedings in Joint Convention, see House Journal No. 4, p. 62.)

The Senate reconvened at the expiration of the recess at 8:06 p.m. and was called to order by the Assistant President pro tempore, Senator Sanborn.

The Assistant President pro tempore, Senator Sanborn, 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

The Committee on Finance reported

**Senate Bill No. 89, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 429 (MCL 208.1429).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 90, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 91, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 503 (MCL 208.1503).

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 92, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 117 (MCL 208.1117).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 98, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 501 (MCL 208.1501).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, January 29, 2009, at 12:42 p.m., Room 110, Farnum Building

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

The Committee on Families and Human Services reported

**Senate Bill No. 99, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 2a, 5, 5a, 9a, 11a, 13, 15, 17, 17b, 19, 27, and 28 (MCL 552.502, 552.502a, 552.505, 552.505a, 552.509a, 552.511a, 552.513, 552.515, 552.517, 552.517b, 552.519, 552.527, and 552.528), sections 2 and 2a as amended by 2004 PA 210, sections 5, 13, and 15 as amended and section 5a as added by 2002 PA 571, section 9a as added by 1999 PA 150, section 11a as added by 2002 PA 569, sections 17, 17b, and 19 as amended by 2004 PA 207, and section 28 as added by 1996 PA 365.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 100, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 3a, 5b, 5c, 5d, 5e, 7, 8, 9, 11a, 19, 24, 25a, 26b, 28, 29, 30, 31, 33, 35, 39, 44, 45, 46, and 48 (MCL 552.602, 552.603, 552.603a, 552.605b, 552.605c, 552.605d, 552.605e, 552.607, 552.608, 552.609, 552.611a, 552.619, 552.624, 552.625a, 552.626b, 552.628, 552.629, 552.630, 552.631, 552.633, 552.635, 552.639, 552.644, 552.645, 552.646, and 552.648), sections 2 and 3a as amended by 2004 PA 208, sections 3, 19, and 24 as amended by 2002 PA 572, section 5b as added and section 26b as amended by 2001 PA 106, section 5c as added and section 28 as amended by 2002 PA 565, section 5d as added by 2002 PA 570, section 5e as added by 2004 PA 211, sections 7, 33, and 35 as amended by 2004 PA 206, section 8 as amended by 1995 PA 236, sections 9, 11a, and 48 as amended by 1999 PA 160, section 25a as amended by 2004 PA 484, sections 29 and 30 as amended by 1998 PA 334, section 31 as amended by 2004 PA 569, and sections 44 and 45 as amended by 2002 PA 568.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 101, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7b (MCL 722.27b), as amended by 2006 PA 353.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 103, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2137, 2529, and 2538 (MCL 600.2137, 600.2529, and 600.2538), section 2137 as amended by 2001 PA 76, section 2529 as amended by 2004 PA 205, and section 2538 as amended by 2003 PA 178.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

## To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 104, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending sections 3 and 3a (MCL 400.233 and 400.233a), section 3 as amended by 2002 PA 564 and section 3a as amended by 1998 PA 112; and to repeal acts and parts of acts.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 105, entitled**

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 23 and 24 (MCL 552.23 and 552.24), section 23 as amended and section 24 as added by 1999 PA 159.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 106, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 2, 7, and 19a (MCL 722.712, 722.717, and 722.729a), section 2 as amended by 2004 PA 253, section 7 as amended by 2004 PA 209, and section 19a as added by 1999 PA 157; and to repeal acts and parts of acts.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**Senate Bill No. 107, entitled**

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 2, and 8a (MCL 552.451, 552.452, and 552.458a), section 1 as amended by 2002 PA 8 and sections 2 and 8a as amended by 2002 PA 574; and to repeal acts and parts of acts.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Hardiman and Jacobs  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:  
Meeting held on Thursday, January 29, 2009, at 9:00 a.m., Room 210, Farnum Building  
Present: Senators Jansen (C), Hardiman and Jacobs



**COMMITTEE ATTENDANCE REPORT**

The Committee on Agriculture and Bioeconomy submitted the following:  
Meeting held on Thursday, January 29, 2009, at 9:00 a.m., Room 110, Farnum Building  
Present: Senators Van Woerkom (C), Gilbert, Birkholz, Gleason and Whitmer

**COMMITTEE ATTENDANCE REPORT**

The Committee on Energy Policy and Public Utilities submitted the following:  
Meeting held on Thursday, January 29, 2009, at 1:00 p.m., Room 210, Farnum Building  
Present: Senators Patterson (C), Brown, Richardville, Olshove and Clarke  
Excused: Senators Birkholz, Kuipers and Thomas

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Economic Development** - Wednesdays, February 4 and February 11, 8:30 a.m., Room 110, Farnum Building (373-2768)

**State Police and Military Affairs** - Tuesday, February 10 and Wednesday, February 11, 3:00 p.m., Room 405, Capitol Building (373-2768)

**Energy Policy and Public Utilities** - Thursday, February 5, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Health Policy** - Wednesday, February 4, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Senator Brown moved that the Senate adjourn.  
The motion prevailed, the time being 8:07 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, February 4, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

