

No. 8
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, February 10, 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—present
Jacobs —present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present

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

Pastor Seon Thompson of Refuge Temple Church of Flint offered the following invocation:

Father, we thank You for this Senate session, and we pray for all of the precious Senators of this state of Michigan. I ask now that You would release the spirit of wisdom, understanding, and the spirit, God, of bipartisanship when it is necessary. I pray that harmony and unity would flow through the Senate Chamber today. We declare that this is a great day of peace, a day of getting things done for the state of Michigan.

We honor You for all of those who have the awesome task of helping Michigan stay afloat because Michigan is the hand of God. So as the state of Michigan goes, so goes the nation. May Your peace be upon us and Your presence here today. In Jesus' name, we pray. Amen.

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

Motions and Communications

Senators Clarke, Jacobs, Cherry, Garcia and Thomas entered the Senate Chamber.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee: **Judiciary** - Senator Whitmer (MVC) replacing Senator Clarke.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The following communication was received and read:
Office of the Senate Majority Leader

February 3, 2009

Public Act 394 of 2008 created the Electronic Waste Advisory Council within "the legislative branch of state government." We wish to designate the Legislative Council as the appropriate agency within the legislative branch for the Electronic Waste Advisory Council to reside.

You are hereby authorized to spend appropriated funds in order for that Council to fulfill its duties. Please be advised that our appointments to that Council will be forthcoming.

Sincerely,
Michael D. Bishop
Senate Majority Leader

Andy Dillon
Speaker of the House

The communication was referred to the Secretary for record.

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

The following communication was received:
Department of Labor and Economic Growth

November 13, 2008

As required by Section 220(7) and Section 315 of Act 135, P.A. of 1986, as amended, the Michigan Department of Labor and Economic Growth is submitting the enclosed annual report that addresses the status of licensing of asbestos abatement contractors, the amount of money generated by fees, the number of asbestos abatement projects inspected, the number of citations issued for violations of this act, and other applicable laws, rules, and regulations in the State of Michigan.

Questions regarding this report or the Asbestos Abatement Contractors Licensing Program may be directed to Douglas Kalinowski, Director, Michigan Occupational Safety and Health Administration, at 517-322-1817.

Sincerely,
Stanley "Skip" Pruss
Director

The communication was referred to the Secretary for record.

The following communication was received:
Legislative Retirement System

February 4, 2009

In accordance with Public Acts 232 and 233 of 2008, the Michigan Sudan and Iran divesture laws, the State of Michigan Legislative Retirement System (LRS) submits the following information to the Michigan Legislature in regard to companies that the LRS may be required to divest from its pension fund due to their activities in Sudan and Iran:

Scrutinized Companies List for Sudan:

ABB Ltd.

Schlumberger Ltd.*

Scrutinized Companies for Iran:

Petro Brasileiro

Information regarding these companies is attached to this memorandum.

Sincerely,
Christine Hammond
Director

The communication was referred to the Secretary for record.

The following communication was received:
Department of Human Services

February 5, 2009

Section 678 of 2007 Public Act 131 (Enrolled Senate Bill No. 232) requires the Department of Human Services to report on the activities of the Early Childhood Investment Corporation. Our report is attached.

If you have any questions, please contact John Sorbet, chief administrative officer, at 517-373-7787.

Sincerely,
Ismael Ahmed

The communication was referred to the Secretary for record.

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

Senate Bill Nos.	186	187	188	189	190	191	192								
House Bill Nos.	4128	4129	4130	4131	4132	4133	4134	4135	4136	4137	4138	4139	4140	4141	
	4142	4143	4144	4145	4146	4147	4148	4149	4150	4151	4152	4153	4154	4155	
	4156	4157	4158	4159	4160	4161	4162	4163	4164	4165	4166				
House Joint Resolution			G												

The Secretary announced that the following official bills and joint resolution were printed on Friday, February 6, and are available at the legislative website:

Senate Bill Nos.	193	194	195	196	197	198	199	200	201	202					
House Bill Nos.	4167	4168	4169	4170	4171	4172	4173	4174	4175	4176	4177	4178	4179	4180	
	4181	4182	4183	4184	4185	4186	4187	4188	4189	4190	4191	4192	4193	4194	
	4195	4196	4197	4198	4199	4200	4201	4202	4203	4204	4205	4206	4207	4208	
House Joint Resolution			H												

Messages from the Governor

The following message from the Governor was received on February 6, 2009, and read:

EXECUTIVE ORDER
No. 2009-1

Department of Energy, Labor, and Economic Growth Great Lakes Wind Council

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

WHEREAS, Section 52 of Article IV of the Michigan Constitution of 1963 provides that “[t]he conservation and development of the natural resources of the state are hereby declared to be matters of paramount public concern in the interest of the health, safety, and general welfare of the people”;

WHEREAS, the Great Lakes are Michigan's most precious natural resource and the government of this state has a solemn, perpetual, fiduciary responsibility to protect and preserve the waters of the Great Lakes in public trust for the citizens of Michigan;

WHEREAS, the Great Lakes provide tremendous economic value to the citizens of Michigan in the tourism, recreation, fishing, and shipping industries;

WHEREAS, the availability, consistency, and velocity of wind in the Great Lakes makes their waters uniquely attractive to wind energy developers seeking to build offshore wind energy systems;

WHEREAS, Michigan State University's Land Policy Institute recently issued a study determining that Michigan could produce a significant amount of electric generating capacity from offshore wind energy systems in the Great Lakes;

WHEREAS, wind developers are currently exploring offshore wind energy projects in many states, including in the Great Lakes waters of New York, Ohio, Ontario, and Wisconsin;

WHEREAS, the State of Michigan holds title to approximately 40% of the bottomlands of the Great Lakes;

WHEREAS, it is likely that in the near future wind energy developers will approach the State of Michigan with proposals to build offshore wind energy systems in the Great Lakes;

WHEREAS, Michigan does not currently have established criteria to govern the siting of offshore wind energy systems;

WHEREAS, Michigan must proactively prepare for the possibility of wind energy systems in the Great Lakes by ensuring that wind energy systems are not constructed in locations that would unduly impact Michigan's tourism, recreation, shipping, or fishing industries, its wildlife populations, its property values, or its citizens' quality of life;

WHEREAS, if developed properly, offshore wind energy systems in a very small portion of Michigan's vast share of the Great Lakes could provide a significant portion of Michigan's and the Midwest's electricity needs, improve Michigan's economy, and create jobs in this state;

WHEREAS, electricity generation from coal-fired power plants is a significant source of mercury, sulfur dioxide, and greenhouse gases that are harmful to the Great Lakes, while wind energy systems produce zero emissions of mercury, sulfur dioxide, and greenhouse gases;

WHEREAS, wind power is currently cost-competitive with other new sources of electricity generation, making wind power the fastest growing renewable energy resource in the United States and creating tens of thousands of jobs in this industry;

WHEREAS, because of the significant costs of transporting enormous utility-scale wind turbines, wind turbine manufacturers typically invest in manufacturing facilities in regions that have significant local markets for their products;

WHEREAS, the U.S. Department of Energy recently cited a study showing that Michigan is one of the top four states to expand jobs in wind turbine manufacturing, with a job creation potential of over 30,000 jobs;

WHEREAS, Michigan already is home to dozens of companies in the wind energy industry, and hundreds more Michigan companies are exploring expansions in this industry;

WHEREAS, a Great Lakes Wind Council would provide the citizens of Michigan with a public forum to begin to answer important questions about where in the Great Lakes wind energy systems might be prudently sited and where wind energy systems should never be sited;

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

I. DEFINITIONS

As used in this Order:

A. "Department of Energy, Labor, and Economic Growth" or "Department" means the principal department of state government created by Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20.

B. "Council" means the Great Lakes Wind Council created under Section II of this Order.

II. CREATION OF THE GREAT LAKES WIND COUNCIL

A. The Michigan Great Lakes Wind Council is created as an advisory body within the Department of Energy, Labor, and Economic Growth.

B. The Council shall consist of the following voting members:

1. The Director of the Department of Energy, Labor, and Economic Growth, or his or her designee.
2. The Director of the Department of Environmental Quality, or his or her designee.
3. The Director of the Department of Natural Resources, or his or her designee.
4. The Director of the Department of Transportation, or his or her designee.
5. The Director of the Department of History, Arts, and Libraries, or his or her designee.
6. The President of the Michigan Strategic Fund, or his or her designee.
7. The Chairperson of the Michigan Public Service Commission, or his or her designee.
8. The Director of the Office of the Great Lakes, or his or her designee.

9. The following members appointed by the Governor:

- a. One resident of this state representing a statewide environmental organization.
- b. One resident of this state representing the tourism industry.

- c. One resident of this state representing the commercial shipping industry.
- d. One resident of this state representing the charter fishing industry.
- e. Two residents of this state representing electric utilities.
- f. One resident of this state representing independent electric transmission companies.
- g. One resident of this state representing the wind energy development industry.
- h. One resident of this state representing Native American tribal governments.
- i. One resident of this state representing local government officials.
- j. Three other residents of this state.

C. Members of the Council shall serve until September 1, 2009.

D. A vacancy on the Council shall be filled in the same manner as the original appointment.

E. The Director of the Department, or his or her designee, shall serve as the Chairperson of the Council. The Council shall elect a member of the Council to serve as Vice-Chairperson of the Council.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity and shall do all of the following:

- 1. Identify criteria that can be used to review applications for offshore wind development.
- 2. Identify criteria for identifying and mapping areas that should be categorically excluded from offshore wind development as well as those areas that are most favorable to such development, and provide these criteria in a report to the Governor by September 1, 2009.
- 3. The Council's report shall include, but not be limited to, the following:
 - a. A recommended process for engaging the people of Michigan in a public dialogue about offshore wind to ensure that statewide interests are considered whenever significant permitting decisions are made.
 - b. A summary of lessons learned from American and international offshore experience related to public policy, regulatory, and citing concerns for offshore wind development.
 - c. Options for how the public could be compensated for bottomland leasing and wind rights for wind energy systems.
 - d. Recommendations for legislation and for changes in administrative rules and policies related to the siting and development of offshore wind energy systems.
 - e. A recommendation as to whether Michigan should support the preparation of a programmatic environmental impact statement by the federal government for permitting offshore wind development in the Great Lakes basin.
 - f. An estimate of the costs and description of the benefits of continuing the work of the Council, if the Council deems it advisable.
- 4. Other functions related to the Council's responsibilities as requested by the Governor.
- 5. The Council shall complete its work by September 1, 2009.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish advisory workgroups composed of representatives of entities participating in Council activities or others deemed necessary by the Council to assist the Council in performing its duties and responsibilities. Such members may include representatives from industry and the academic community, as well as individuals representing U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Department of the Interior, the National Oceanic and Atmospheric Administration, the Federal Aviation Administration, and the U.S. Coast Guard. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

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

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

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of February in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received and read:

February 6, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office Section 213 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213 and Executive Order 2003-18, MCL 445.2011:

Worker’s Compensation Board of Magistrates

Mr. David M. Kurtz, Jr., of 2018 Stone Hollow Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Andrew Sloss, who has resigned, representing lawyers, for a term commencing February 23, 2009 and expiring January 26, 2013.

Mr. Michael J. Mason of 2220 Rochelle Park Drive, Rochester Hills, Michigan 48309, county of Oakland, succeeding John Rabaut, who has resigned, representing lawyers, for a term commencing February 9, 2009 and expiring January 26, 2013.

Sincerely,
Jennifer M. Granholm
Governor

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

Third Reading of Bills

Senator Hunter entered the Senate Chamber.

The following bill was read a third time:

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.

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. 10**Yeas—37**

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

Nays—0**Excused—0****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. 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.

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. 11**Yeas—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn

Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

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. 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.

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. 12

Yeas—37

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman
Hunter

Jacobs
Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

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. 102, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321c (MCL 257.321c), as added by 1996 PA 240.

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. 13

Yeas—37

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

Nays—0

Excused—0

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. 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.

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. 14

Yeas—37

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

Nays—0

Excused—0

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. 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.

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. 15

Yeas—37

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

Nays—0

Excused—0

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. 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.

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. 16**Yeas—37**

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

Nays—0**Excused—0****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. 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.

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. 17**Yeas—37**

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

Nays—0**Excused—0**

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. 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.

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. 18

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Barcia, Gleason, Kahn and Allen introduced

Senate Bill No. 203, 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 sections 10 and 11 (MCL 247.660 and 247.661), section 10 as amended by 2007 PA 210 and section 11 as amended by 2002 PA 639.

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

Senators Olshove, Allen, Garcia, Pappageorge, Gleason, Barcia, Anderson, Scott and Basham introduced
Senate Bill No. 204, entitled

A bill to amend 1985 PA 148, entitled “Self-service storage facility act,” by amending sections 4 and 5 (MCL 570.524 and 570.525), as amended by 2000 PA 443.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Cherry, Anderson, Jacobs, Brater, Olshove, Basham and Barcia introduced
Senate Bill No. 205, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 19 (MCL 29.19), as amended by 2006 PA 337.

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

Senators Cherry, Anderson, Jacobs, Brater, Olshove, Basham and Barcia introduced
Senate Bill No. 206, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20180 (MCL 333.20180), as amended by 2002 PA 731.

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

Senators Kahn and Pappageorge introduced
Senate Bill No. 207, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16511 (MCL 333.16511), as amended by 2006 PA 397.

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

Senator Cherry introduced
Senate Bill No. 208, entitled

A bill to amend 1959 PA 243, entitled “An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts,” by amending section 41 (MCL 125.1041), as amended by 2008 PA 5.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Gilbert, Allen, Stamas and Clarke introduced

Senate Bill No. 209, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

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

Statements

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

The motion prevailed.

Senator Jansen’s statement is as follows:

I want to thank my colleagues for voting through the nine-bill package for the Friend of the Court. I appreciate their support and now look forward to working with the House.

Last week, we were working on the surcharge and eliminating that here in the Senate. I appreciate the support from my colleagues, and now I have a true story from my area. I have a company that is looking at adding 1,000 jobs, if not more than that. They are literally looking and working with state officials, local officials, but they are seriously looking at what we’re doing as tax policy here in the state of Michigan.

So I would ask my colleagues to work on their House colleagues to move my bill and try to get the surcharge eliminated, so that we have opportunity to go back home and encourage our business owners to not only stay here in Michigan, but to grow here in Michigan. So we have an opportunity, and I would hope that we do not miss that opportunity.

Senator Scott’s statement is as follows:

During the summer months, we heard a lot about champions as the Summer Olympics portrayed dozens of athletes standing on a platform and awarded Olympic medals. One name from history was often mentioned—that of Jesse Owens. To many of us, he is the consummate Olympian not just for his medal count, but for being a champion for people’s rights. His perspective was this: “The battles that count aren’t the ones for gold medals. The struggles within yourself—the invisible, inevitable battles inside of all of us—that’s where it’s at.” The struggles within yourself.

So before any of us can act or champion an issue, we must be confident within ourselves that we are committed to doing the right thing. I am hopeful that that’s where many of you are right now regarding my efforts at insurance reform. I can only assume you are struggling within yourself on how to deal with this issue. But I am confident that right will win out and that you will finally understand that the right thing to do is to move my bills.

Senator Jelinek’s statement is as follows:

If I may, through you, I wish to speak to my colleagues in this chamber as well as those across the rotunda, the Governor, and department people. I wish to address those friends in the lobby and all the people who are on staff in this Capitol Building.

A short time ago, I lost my best friend, my confidant, my inspiration, my lover, my dear and lovely wife, Diane. I miss her deeply, and the hurt in my heart is severe. But that hurt has been softened greatly by all of you. You have sent cards, flowers, e-mails, and made phone calls, all before Diane’s untimely death. Let me tell you how they brightened her days in the hospital and at home. She treasured each one and I thank you. Then after her departing this earth on January 30, 2009, you all were there again with support for me and love for her. Many of you attended Diane’s last service and showed all kinds of other expressions of caring. I am not sure if anyone was left in Lansing that day. Your actions were humbling. Clearly, you have proven that kindness knows no political boundaries.

Diane was a strong, caring lady. She gave her burdens to the Lord and seldom let on to the struggle that was going on inside of her body. She had a way of making others laugh, even while she was hurting. We all know that our time will come one day to leave this earth. Her goal was to stay on this earth until her 60th birthday and she made that goal and surpassed it by one week. Today, I ask that you remember her as a great supporter of this body and the wonderful person she was.

Please don’t ask how I’m doing because I grieve deeply. But, with God’s help and your good thoughts and prayers, I will carry on. From the bottom of my heart, I want to say thank you for all of your kindness that you have shown toward me and my family.

Thank you and may God bless you all. May my remarks be a part of today’s Journal as a tribute to the life of Diane Jelinek.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Thursday, February 5, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Brown, Birkholz, Kuipers, Richardville, Olshove, Clarke and Thomas

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, February 12, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

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

State Police and Military Affairs - Wednesday, February 11, 1:30 p.m.; Thursday, February 19, 3:00 p.m.; Tuesday, February 24, 10:00 a.m.; Tuesday, March 10, 3:00 p.m.; Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 3:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Wednesday, February 18, 8:30 a.m., Room 405, Capitol Building; Friday, February 27, 10:30 a.m., Grand Rapids, meeting place to be determined; and Wednesdays, March 4, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Appropriations, Senate/House - Thursday, February 12, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Banking and Financial Institutions - Wednesday, February 11, 9:00 a.m., Room 210, Farnum Building (373-3543)

Economic Development and Regulatory Reform - Wednesday, February 11, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, February 12, 1:00 p.m., Room 210, Farnum Building (373-7350)

Legislative Commission on Government Efficiency - Monday, March 2, 2:00 p.m., Room 428, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Friday, February 27, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:34 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 11, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

