

No. 98
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, December 1, 2009.

10:00 a.m.

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

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

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

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—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

Reverend Dr. Russell H. Bone of Lincoln Park Church of Christ of Lincoln Park offered the following invocation:

Our Heavenly Father, we combine our thoughts today in one accord to ask You to hear and act on our petition. Father, into Your hands, we commit this prayer and exalt You in everything.

Father, we are concerned, and please allow us to request that You give our communities the ability to work together as this body does Your will. Father, strengthen their faith. Help them to give places of hope and healing. Help them to unify our communities. Father, bless their efforts to reclaim our neighborhoods for You.

Father, our government leaders at every level—local, state, and national—are under a tremendous pressure and temptation. They need Your prayers and need to know that we are praying for them. Father, please continue to provide courage to make a stand for truth and rightness.

Father, help our leaders to serve You in a manner worthy of their position of authority. Father, give strength to these leaders as they oppose darkness. Help them bring a positive change to our country. Help them reflect Your morals and values in their work. Father, help them and lead them with Your action in their lives.

Father, we are recipients of so many blessings. We have enjoyed a measure of peace and prosperity, and even at this time, Father, we realize there are girls and boys from our own country who are serving us throughout the world. Some of them are in harm's way, as we speak. Father, we pray that You will protect them and guard them and build a hedge around them until they can come home to their families.

Father, we have abounded in wealth and power as no other nation. We pray, O Father, for whom You have construed leadership of this nation at this moment in history. We pray that You'll help them bring our state together so that we may rise above partisan politics and seek the larger vision of Your will for our nation.

Father, use this body of legislators to bring reconciliation between the races, healing to political wounds, that we may truly become one nation under You. Father, give these Senators calmness in the face of storms, encouragement in the face of frustration, and even humility in the face of success. Father, we know that our public citizens react to global and local unrest, and they observe our Senators in their reactions. So, Father, please give these Senator complete calmness in the eye of the storm. Give them the wisdom to know and to do what is right and the courage to say no to all that is contrary to Your statutes.

Father, we pray for their families, even during this time and so many hours spent here on the budget and so many other issues. Father, be with these Senators' families, especially their spouses, that they may sense their presence and Your comfort.

Today, Father, we entrust to You our Senators. Father, lead them as they journey through new doors of opportunity and serve their constituents.

Father, may this be the beginning of a new dawn for the great state of Michigan as we humble our selves before You and acknowledge You alone. Search us, O God, and know our hearts today. Guide us and bless these men and women as they have been sent to direct us to the center of Your will.

In the name of the Lord of lords and King of kings, we pray. Amen.

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

Motions and Communications

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

12:06 p.m.

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

During the recess, Senators Hunter and Thomas entered the Senate Chamber.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations and Reform from further consideration of the following bills be postponed until Thursday, December 31:

House Bill No. 4316

House Bill No. 4317

House Bill No. 4318

The motion prevailed.

Senator Whitmer requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 609**Yeas—21**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	McManus	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey			

Nays—13

Anderson	Cherry	Hunter	Prusi
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Gleason	Olshove	Whitmer
Brater			

Excused—0**Not Voting—4**

Clarke	Nofs	Scott	Thomas
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In The Chair: Richardville

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

Protest

Senator Whitmer under her constitutional right of protest (Art. 4, Sec. 18), protested against the motion to postpone until December 31 the motion to discharge the Committee on Government Operations and Reform from further consideration of House Bill Nos. 4316, 4317, and 4318 and moved that the statement she made during the discussion of the motion be printed as her reasons for voting "no."

The motion prevailed

Senator Whitmer's statement is as follows:

After several weeks of inaction by this body, we have an opportunity before us today to institute some real reform and return justice to Michigan citizens now by repealing our state's archaic drug industry immunity law. This is an urgent matter, a matter that has been postponed time and time again.

Unfortunately, and as has far too often become the norm in this chamber, you chose to postpone legislation again and again instead of giving it the proper consideration.

It's an issue that impacts all Michigan citizens and thousands of Michigan victims and their families it stands to help. They deserve to have our debate. Your move once again to ignore Michigan victims and families by postponing this issue demonstrates the death grip that powerful special interests like drug companies have over this body and over this town.

Headline after headline comes across the front pages about these big drug companies getting caught red-handed, and yet, your inaction results in them continuing to get away with it. This is an urgent matter that deserves deliberation and a vote today. Just this past week, the news has been filled with stories like, "Some Justices Voice Skepticism of Merck in Vioxx Case" in the *Wall Street Journal* and "Vioxx risks could have been identified years earlier" in the *L.A. Times*.

This is urgent. Michigan families are sick of being treated this way, ignored and abandoned while special interests after special interests get their way breaking the rules, and I am getting sick of it too. When are you going to stand up and realize that enough is enough? This matter deserves debate today.

People who work hard and play by the rules and still get ripped off or injured by these guys deserve to have their voices heard or at least see that their Legislature is taking their needs seriously. These victims deserve justice, and this issue deserves a vote.

You can run from this vote. You can hide from this vote, but eventually, you are going to pay for it just like all the victims in Michigan have been paying for it with their lives and with their injuries. We need to take action today, not put this off for another four weeks. I highly doubt you will even be here on New Year's Eve, much less be here to vote on these bills and for the people who have been hurt by these drug companies.

I ask that we not postpone this again. We have the robust debate that our people deserve, and we change the laws to protect our citizens.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 12:

House Bill Nos. 5267 5327 5458 5469

The Secretary announced the enrollment printing and presentation to the Governor on Friday, November 13, for her approval the following bill:

Enrolled Senate Bill No. 608 at 1:55 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, November 17, for her approval the following bill:

Enrolled Senate Bill No. 776 at 1:29 p.m.

The Secretary announced that the following official bills and joint resolutions were printed on Thursday, November 12, and are available at the legislative website:

Senate Bill Nos. 980 981 982 983
Senate Joint Resolution O
House Bill Nos. 5581 5582 5583 5584 5585 5586 5587 5588
House Joint Resolution NN

The Secretary announced that the following official bills and joint resolution were printed on Friday, November 13, and are available at the legislative website:

Senate Bill Nos. 984 985 986 987 988
House Bill Nos. 5589 5590 5591 5592 5593 5594 5595 5596 5597 5598 5599 5600 5601 5602
5603
House Joint Resolution OO

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

House Bill Nos. 5604 5605 5606 5607 5608 5609 5610

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

Senate Concurrent Resolution No. 24

The motion prevailed.

Senator Cropsey offered the following resolution:

Senate Resolution No. 99.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate is hereby amended to read as follows:

“2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Agriculture and Bioeconomy (5 members)

Appropriations (18 members)

Banking and Financial Institutions (7 members)

Campaign and Election Oversight (5 members)

Commerce and Tourism (5 members)

Economic Development and Regulatory Reform (7 members)

Education (5 members)

Energy Policy and Public Utilities (8-10 members)

Families and Human Services (3 members)

Finance (7 members)

Government Operations and Reform (7 members)

Health Policy (7 members)

Homeland Security and Emerging Technologies (7 members)

Hunting, Fishing and Outdoor Recreation (5 members)

Judiciary (8 members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Senior Citizens and Veterans Affairs (5 members)

Transportation (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Michigan Capitol Committee (4 members) (see MCL 4.1701).”

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, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Banking and Financial Institutions - Senator Nofs replacing Senator Stamas.

Commerce and Tourism - Senator Nofs replacing Senator Gilbert.

Energy Policy and Public Utilities - Senators Nofs and Clark-Coleman, as members.

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

Messages from the Governor

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

Senate Bill No. 254

Senate Bill No. 237

Senate Bill No. 243

Senate Bill No. 245

Senate Bill No. 248

The motion prevailed.

The following messages from the Governor were received:

Date: November 13, 2009

Time: 4:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 418 (Public Act No. 144), being

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,” by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

(Filed with the Secretary of State on November 13, 2009, at 4:47 p.m.)

Date: November 13, 2009

Time: 4:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 608 (Public Act No. 145), being

An act 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.

(Filed with the Secretary of State on November 13, 2009, at 4:49 p.m.)

Date: November 19, 2009

Time: 1:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 776 (Public Act No. 151), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 151d (MCL 600.151d), as amended by 2008 PA 197.

(Filed with the Secretary of State on November 19, 2009, at 2:27 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

November 18, 2009

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following reappointment to office under Section 2 of 1968 PA 191, MCL 123.1002:

State Boundary Commission

The Honorable Cameron G. Priebe of 8325 Harding, Taylor, Michigan 48180, county of Wayne, is reappointed to represent the general public, for a term expiring November 15, 2012.

November 18, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 2402 of The Insurance Code of 1956, 1956 PA 218, MCL 500.2402:

Data Collection Agency Governing Board

Mr. John W. Schrock of 1042 West Colonial Park Drive, Grand Ledge, Michigan 48837, county of Eaton, is reappointed to represent the executive branch of state government, for a term expiring December 31, 2010.

November 18, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 6 of the Michigan Tobacco Settlement Finance Authority Act, 2005 PA 226, MCL 129.266:

Michigan Tobacco Settlement Finance Authority Board of Directors

Ms. Charlotte P. Edwards of 1624 Broad Court, Flint, Michigan 48503, county of Genesee, is reappointed to represent individuals with knowledge, skill, or experience in the business or financial fields, for a term expiring December 15, 2013.

November 20, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Cherry Marketing Program Committee

Mr. Brian N. Altonen of 4143 Powell Lane, Kewadin, Michigan 49648, county of Antrim, succeeding John King, whose term has expired, is appointed to represent District 1 tart cherry growers, for a term commencing November 20, 2009 and expiring February 1, 2012.

Mr. James E. Nugent of 10266 East Revold Road, Suttons Bay, Michigan 49682, county of Leelanau, succeeding Jeffrey Send, whose term has expired, is appointed to represent District 1 tart cherry growers, for a term commencing November 20, 2009 and expiring February 1, 2012.

November 20, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Sections 16121 and 16621 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16621:

Michigan Board of Dentistry

Mr. John A. Molinari, Ph.D., of 44045 Deep Hollow Circle, Northville, Michigan 48168, county of Wayne, succeeding Faiz Khan, whose term has expired, is appointed to represent the general public, for a term commencing November 20, 2009 and expiring June 30, 2013.

Mr. William D. Wright, D.D.S., of 4010 River Cove Drive, Lansing, Michigan 48917, county of Eaton, succeeding Charles Marinelli, whose term has expired, is appointed to represent dentists, for a term commencing November 20, 2009 and expiring June 30, 2013.

Mr. Lawrence M. Haber, D.D.S., of 3300 Mimosa, Commerce Township, Michigan 48390, county of Oakland, is reappointed to represent dentists, for a term expiring June 30, 2013.

Ms. Joanne A. Hodder of 2060 Lamont Avenue, N.W., Grand Rapids, Michigan 49534, county of Kent, is reappointed to represent dental hygienists, for a term expiring June 30, 2013.

November 20, 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 under Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523:

State Plumbing Board

Mr. Daniel A. Nixon of 34630 Wisteria Lane, Richmond, Michigan 48062, county of Oakland, succeeding Richard Gaber, who has resigned, is appointed to represent licensed journey plumbers, for a term commencing November 20, 2009 and expiring June 30, 2012.

Mr. Ronald M. Krochmalny of 441 South Beech Daly, Dearborn Heights, Michigan 48125, county of Wayne, succeeding Charlie Whipple, who has resigned, is appointed to represent the general public, for a term commencing November 20, 2009 and expiring June 30, 2011.

Senator Thomas moved that Senator Barcia be temporarily excused from the balance of today's session. The motion prevailed.

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 full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 583, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 142 (MCL 389.142), as amended by 2008 PA 237.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Barcia entered the Senate Chamber.

Senate Bill No. 674, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 7 (MCL 124.287), as amended by 2002 PA 241.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 675, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 1 (MCL 124.281), as amended by 1981 PA 154.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 676, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies," by amending section 10 (MCL 124.290), as amended by 1981 PA 154.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 677, entitled

A bill to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 8 (MCL 124.288), as amended by 1981 PA 154.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 678, entitled

A bill to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 4d (MCL 124.284d), as added by 1985 PA 178.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 679, entitled

A bill to amend 1955 PA 233, entitled “An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending section 4e (MCL 124.284e), as added by 1985 PA 178.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded 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. 882

Senate Bill No. 934

House Bill No. 4507

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 882, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5839 (MCL 600.5839), as amended by 1985 PA 188.

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. 611**Yeas—36**

Allen
Anderson

Cherry
Clark-Coleman

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

Nays—0

Excused—2

Clarke	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 934, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81101 (MCL 324.81101), as amended by 2004 PA 587.

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. 612

Yeas—35

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

Nays—1

Brater

Excused—2

Clarke	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4507, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81131 (MCL 324.81131), as amended by 2008 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. 613**Yeas—34**

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

Nays—2

Brater	Cherry
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Excused—2

Clarke	Scott
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Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Hunter as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4234, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by repealing section 2629 (MCL 339.2629).

House Bill No. 5052, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," (MCL 141.1201 to 141.1291) by adding sections 21a and 41a.

Senate Bill No. 808, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 7107 (MCL 289.7107).

Senate Bill No. 809, entitled

A bill to amend 2003 PA 258, entitled "Land bank fast track act," by amending sections 7, 9, and 10 (MCL 124.757, 124.759, and 124.760).

Senate Bill No. 810, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9, 34d, 78g, and 78m (MCL 211.9, 211.34d, 211.78g, and 211.78m), section 9 as amended by 2008 PA 337, section 34d as amended by 2007 PA 31, section 78g as amended by 2003 PA 263, and section 78m as amended by 2006 PA 498.

Senate Bill No. 811, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending sections 2 and 4 (MCL 289.822 and 289.824), section 2 as amended by 2005 PA 282 and section 4 as amended by 2005 PA 283.

Senate Bill No. 812, entitled

A bill to amend 2008 PA 398, entitled "Michigan supply chain management development commission act," by amending section 3 (MCL 125.1893).

Senate Bill No. 813, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811i (MCL 257.811i), as amended by 2006 PA 562.

Senate Bill No. 814, entitled

A bill to amend 1996 PA 101, entitled "Property rights preservation act," by amending section 4 (MCL 24.424).

Senate Bill No. 815, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 26 (MCL 78.26), as amended by 1995 PA 211.

Senate Bill No. 816, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 423 (MCL 280.423), as amended by 1996 PA 552.

Senate Bill No. 817, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending section 10 (MCL 125.1780).

Senate Bill No. 818, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 578.

Senate Bill No. 819, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 5, 6, and 17 (MCL 125.2305, 125.2306, and 125.2317), as amended by 2006 PA 328.

Senate Bill No. 820, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 2005 PA 69.

Senate Bill No. 821, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending section 3 (MCL 285.303).

Senate Bill No. 822, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 204 (MCL 259.204), as amended by 2006 PA 193.

Senate Bill No. 823, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending sections 2b and 2d (MCL 21.142b and 21.142d), section 2b as amended by 1996 PA 31 and section 2d as added by 2000 PA 280.

Senate Bill No. 824, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and section 2 (MCL 325.1002), as amended by 1998 PA 56.

Senate Bill No. 908, entitled

A bill to amend 2000 PA 147, entitled "Safe drinking water financial assistance act," by amending section 2 (MCL 141.1452).

Senate Bill No. 909, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending section 20 (MCL 288.490), as amended by 2008 PA 136.

Senate Bill No. 910, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81d and 224a (MCL 750.81d and 750.224a), section 81d as amended by 2006 PA 517 and section 224a as amended by 2006 PA 457.

Senate Bill No. 911, entitled

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 3f (MCL 445.573f), as added by 1996 PA 384.

Senate Bill No. 912, entitled

A bill to amend 2008 PA 295, entitled "Clean, renewable, and efficient energy act," by amending sections 27 and 77 (MCL 460.1027 and 460.1077).

Senate Bill No. 913, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 71 (MCL 559.171), as amended by 2002 PA 283.

Senate Bill No. 914, entitled

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending section 13 (MCL 338.3523).

Senate Bill No. 915, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

Senate Bill No. 916, entitled

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 3, 6, 7, and 14 (MCL 287.953, 287.956, 287.957, and 287.964), as amended by 2006 PA 561.

Senate Bill No. 917, entitled

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending section 4 (MCL 286.874), as amended by 2003 PA 272.

Senate Bill No. 918, entitled

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 4 (MCL 286.474), as amended by 1999 PA 261.

Senate Bill No. 919, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 105, 116, and 117 (MCL 560.102, 560.105, 560.116, and 560.117), section 102 as amended by 1996 PA 591, section 105 as amended by 1997 PA 87, and sections 116 and 117 as amended by 2004 PA 525.

Senate Bill No. 924, entitled

A bill to amend 1959 PA 241, entitled "An act relating to the marking of stationary containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing, or other removal of those marks; to prohibit the filling, refilling, trafficking in, or use of those containers without authority; to provide for the powers and duties of certain state officers; to prohibit violations and prescribe penalties; and to provide remedies," by amending section 2 (MCL 429.112), as amended by 2006 PA 504.

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 amendment, the following bill:

House Bill No. 4182, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 7 and 8 (MCL 12.257 and 12.258), section 7 as amended by 2009 PA 62 and section 8 as amended by 2008 PA 102.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 3, following line 23, by inserting:

“(8) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010 ONLY, \$37,500,000.00 OF THE FUNDS IN THE 21ST CENTURY JOBS TRUST FUND IS TRANSFERRED TO AND SHALL BE DEPOSITED INTO THE GENERAL FUND.”.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 901, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 1006.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 989, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

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

Senator Jacobs introduced

Senate Bill No. 990, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding section 9b.

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

Senator Brown introduced

Senate Bill No. 991, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3130, 3140, 3145, 3232, 3240, and 3248 (MCL 600.3130, 600.3140, 600.3145, 600.3232, 600.3240, and 600.3248), section 3140 as amended by 2004 PA 538 and section 3240 as amended by 2006 PA 579, and by adding section 3240a; and to repeal acts and parts of acts.

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

Senator Brown introduced

Senate Bill No. 992, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending sections 48g, 48i, 48j, 49h, 49j, 49m, and 49s (MCL 125.1448g, 125.1448i, 125.1448j, 125.1449h, 125.1449j, 125.1449m, and 125.1449s), sections 48g, 48j, 49h, 49m, and 49s as added by 1981 PA 173 and sections 48i and 49j as amended by 2004 PA 540; and to repeal acts and parts of acts.

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

Senator Brown introduced

Senate Bill No. 993, entitled

A bill to amend 1899 PA 188, entitled “Michigan estate tax act,” by amending section 3 (MCL 205.203), as amended by 2004 PA 539.

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

House Bill No. 5267, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 3240 (MCL 600.3240), as amended by 2006 PA 579.

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 Banking and Financial Institutions.

House Bill No. 5327, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9f (MCL 211.9f), as amended by 2008 PA 573.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5458, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 507, 517, and 550 (MCL 600.507, 600.517, and 600.550), section 507 as amended by 2006 PA 607, section 517 as amended by 2006 PA 101, and section 550 as amended by 1990 PA 54.

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 Judiciary.

House Bill No. 5469, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 434 (MCL 208.1434), as amended by 2009 PA 110.

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 Commerce and Tourism.

Statements

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

The motion prevailed.

Senator Patterson’s statement is as follows:

It is an interesting time in our history. It’s a difficult time. There are lots of conversations about funding, some concept of stimulus dollars. There’s little to be said about debt, lots said about promises—promises broken. Relative to an aspect of the aforementioned, I actually read Public Act No. 479 of 2006, the act known as the Michigan Promise grant act. I noted all the sponsors of said public act.

Imagine my surprise when I compared the actual language of the act to what was being portrayed and said about what the wording was—what the intent and the promise were. None other than the Harvard-educated lawyer, a former Attorney General, and the current Governor of Michigan seems to be ignoring the express language of the public act that she signed into law.

More specifically, in pertinent parts, it’s Sections 3 and 6(4) and the very important legal concept of conditions subsequent, which my law school made sure I learned and which was a concept tested on the bar exam. Apparently, that was not the case for certain lawyers. Perhaps they don’t understand the condition subsequent. Perhaps they just purposely ignore the concept. The condition subsequent is an important lesson to be learned when lecturing the rest of us. When forgotten, it is sad—how very sad. How telling, why we have such a difficult time.

Senator Gleason stated that had he been present on November 12 when the vote was taken on concurring in the House amendments to the following bills, he would have voted “yea”:

House Bill No. 5246

Senate Bill No. 776

Senator Gleason stated that had he been present on November 12 when the vote was taken on the passage of the following bill, he would have voted “nay”:

Senate Bill No. 807

Senator Gleason stated that had he been present on November 12 when the votes were taken on the passage of the following bills, he would have voted "yea":

House Bill No. 5514
Senate Bill No. 713
Senate Bill No. 605
Senate Bill No. 388
Senate Bill No. 389
House Bill No. 4161
House Bill No. 4674
House Bill No. 5120

Senator Gleason stated that had he been present on November 12 when the votes were taken on the adoption of the following concurrent resolutions, he would have voted "yea":

Senate Concurrent Resolution No. 23
Senate Concurrent Resolution No. 24

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, December 3, 8:30 a.m., Room 110, Farnum Building (373-1635)

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

Subcommittees -

Capital Outlay - Thursday, December 3, 9:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

State Police and Military Affairs - Wednesday, December 9, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Commerce and Tourism - Wednesday, December 2, 8:30 a.m., Room 100, Farnum Building (373-2413)

Economic Development and Regulatory Reform - Wednesday, December 2, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, December 3, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Legislative Commission on Statutory Mandates - Thursday, December 10, 9:00 a.m., Bloomfield Conference Room, 5th Floor, Oakland County Executive Office Building, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Natural Resources and Environmental Affairs - Wednesday, December 2, 1:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:10 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Wednesday, December 2, 2009, at 10:00 a.m.