

**No. 105**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

---

---

Senate Chamber, Lansing, Friday, December 18, 2009.

12:10 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—excused  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—excused  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

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

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

Senator Alan L. Cropsey of the 33rd District offered the following invocation:

The prophet Isaiah in chapter 9, verses 6 and 7, says, "For unto us a child is born, unto us a Son is given; and the government will be upon his shoulders. And he will be called Wonderful Counselor, Mighty God, Everlasting Father, Prince of Peace. Of the increase of his government and peace there will be no end. He will reign on David's throne and over his kingdom, establishing and upholding it with justice and righteousness from that time on and forever. The zeal of the Lord Almighty will accomplish this."

Dear Lord God, we come before You this morning. I just pray that You would help us to find that Wonderful Counselor, and we would seek You out as the Mighty God, as the Everlasting Father, and that we would be looking for the Prince of Peace.

We ask this in the name of our Lord and Savior Jesus Christ. Amen.

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

### **Motions and Communications**

Senators Hunter, Kuipers and Bishop entered the Senate Chamber.

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

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

### **Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:15 a.m.

12:20 a.m.

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

### **Recess**

Senator Cropsey moved that the Senate recess until 1:30 p.m.  
The motion prevailed, the time being 12:21 a.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, was called to order by the Secretary of the Senate.

### **Recess**

Senator Cropsey moved that the Senate recess until 3:30 p.m.  
The motion prevailed, the time being 1:31 p.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, was called to order by the Secretary of the Senate.

### Recess

Senator Cropsey moved that the Senate recess until 8:00 p.m.  
The motion prevailed, the time being 3:31 p.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, was called to order by the Secretary of the Senate.

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 17:

<b>House Bill Nos.</b>	4324	4539	4540	4569	4904	4905	5018	5088	5089	5179	5180	5273	5274	5481
	5631	5632	5633	5634	5635	5662								

The Secretary announced that the following official bills were printed on Thursday, December 17, and are available at the legislative website:

<b>Senate Bill Nos.</b>	1031	1032	1033	1034	1035	1036	1037	1038	1039
<b>House Bill Nos.</b>	5701	5702	5703	5704	5705	5706	5707	5708	5709

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

#### **House Bill No. 5220, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

The House of Representatives has non-concurred in the Senate substitute (S-1) and appointed Reps. Lahti, Coulouris and Booher as conferees.

The message was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

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

December 18, 2009

Pursuant to Joint Rule 3, the House having non-concurred in the Senate substitute (S-1) to House Bill 5220, I hereby appoint the following members to sit on the conference committee:

Senator Michelle McManus

Senator Jud Gilbert

Senator Ray Basham

Thank you for your prompt consideration of this matter.

Respectfully yours,  
Michael D. Bishop  
Majority Leader  
State Senate, 12th District

The communication was referred to the Secretary for record.

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

December 17, 2009

Enclosed is a copy of the following audit report:

Performance audit of the Saginaw Correctional Facility, Department of Corrections.

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 Treasury

December 15, 2009

In compliance with the provisions of PA 232, 233, and 234 of 2008, I am forwarding information on the activities of the Department of Treasury in complying with the provisions of the statutes concerning divestment from Iran and Sudan. Please find attached the following:

- Copies of Treasury correspondence to scrutinized companies conducting business in Sudan and Iran.
- A copy of a report update, dated May 29, 2009, which removes Petroleo Brasileiro from the scrutinized lists.
- A copy of the latest reports, dated September 30, 2009, reviewing our investments for businesses on the scrutinized list for Iran and Sudan.
- A listing of the companies from which the state has divested in order to comply with these statutes.

In addition, the Department intends to avail itself of a one-year extension as allowed under MCL 129.300 (2)(b) in implementing the provisions of PA 234 as concerns Syria. The Department continues to work toward developing sufficient information in order to properly implement those provisions.

Larry Steckelberg  
Legislative Liaison

The communication was referred to the Secretary for record.

Senator Thomas moved that Senators Hunter and Clark-Coleman be excused from the balance of today's session. The motion prevailed.

The President pro tempore, Senator Richardville, resumed the Chair.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 8:06 p.m.

10:08 p.m.

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

During the recess, Senator Basham entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### Introduction and Referral of Bills

Senators Jansen, Sanborn, George, Kuipers and Bishop introduced

#### **Senate Joint Resolution P, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 8 to article XI, to provide for establishing uniform cost allocation requirements for health benefits for public employers.

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

Senators Van Woerkom, Jansen and Jelinek introduced

#### **Senate Bill No. 1040, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11522 (MCL 324.11522).

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

Senators Van Woerkom and Richardville introduced

#### **Senate Bill No. 1041, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 205 (MCL 257.205), as amended by 1980 PA 398.

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

Senator Richardville introduced

**Senate Bill No. 1042, entitled**

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," by amending section 4b (MCL 801.4b), as added by 2003 PA 124.

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

Senator Richardville introduced

**Senate Bill No. 1043, entitled**

A bill to amend 2003 PA 125, entitled "Local corrections officers training act," by amending the title and sections 2, 8, 9, 10, 11, 12, 13, 14, 15, and 16 (MCL 791.532, 791.538, 791.539, 791.540, 791.541, 791.542, 791.543, 791.544, 791.545, and 791.546) and by adding section 3a; 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 Judiciary.

Senator Richardville introduced

**Senate Bill No. 1044, entitled**

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 3 (MCL 28.603), as amended by 1998 PA 237.

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

Senators Gleason, Gilbert, George, Birkholz, Cherry, Basham, Clarke, Jacobs, Whitmer, Anderson, Clark-Coleman, Barcia, Switalski, Olshove, Prusi, Scott, Thomas, Brater, Kuipers, Hunter, Stamas, Sanborn, Cropsey and Richardville introduced

**Senate Bill No. 1045, entitled**

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

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

Senators Jansen, Sanborn, George, Kuipers, Bishop and Van Woerkom introduced

**Senate Bill No. 1046, entitled**

A bill to limit a public employer's portion of the cost of health insurance benefits; and to provide for exceptions.

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

Senators Sanborn, Jansen, George, Kuipers and Bishop introduced

**Senate Bill No. 1047, entitled**

A bill to provide for the creation and operation of a program to allow public employers to participate in the state health plan; and to prescribe powers and duties of certain state officers and agencies.

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

Senators Switalski and Olshove introduced

**Senate Bill No. 1048, entitled**

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

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

Senator Whitmer introduced

**Senate Bill No. 1049, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 36b.

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

Senator Whitmer introduced  
**Senate Bill No. 1050, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2008 PA 300.

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

Senator Whitmer introduced  
**Senate Bill No. 1051, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 2006 PA 655.

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

Senator Whitmer introduced  
**Senate Bill No. 1052, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5 (MCL 28.725), as amended by 2006 PA 402.

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

Senator Whitmer introduced  
**Senate Bill No. 1053, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.736) by adding section 5d. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Whitmer introduced  
**Senate Bill No. 1054, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2008 PA 191.

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

Senator Whitmer introduced  
**Senate Bill No. 1055, entitled**

A bill to amend 1962 PA 60, entitled "An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment," by amending section 1 (MCL 801.251), as amended by 1987 PA 146.

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

**House Bill No. 4324, entitled**

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending section 6 (MCL 287.266), as amended by 2000 PA 438.

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 Local, Urban and State Affairs.

**House Bill No. 4539, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 497 and 509v (MCL 168.497 and 168.509v), section 497 as amended by 1989 PA 142 and section 509v as added by 1994 PA 441.

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 Campaign and Election Oversight.

**House Bill No. 4540, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509w and 509x (MCL 168.509w and 168.509x), as added by 1994 PA 441.

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 Campaign and Election Oversight.

**House Bill No. 4569, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 2008 PA 406.

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. 4904, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5714 (MCL 600.5714), as amended by 2004 PA 105.

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. 4905, entitled**

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 34 (MCL 554.134), as amended by 2004 PA 106.

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. 5176, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 1 (MCL 28.291), as amended by 2008 PA 31.

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. 5177, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding section 34b.

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. 5178, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2008 PA 36.

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. 5179, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XI (MCL 771.14), as amended by 2000 PA 279.

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. 5180, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 37a.

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. 5273, entitled**

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

The 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. 5274, entitled**

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

The 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. 5481, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48721 (MCL 324.48721), as added by 1995 PA 57.

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 Hunting, Fishing and Outdoor Recreation.

**House Bill No. 5631, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3037 and 3135 (MCL 500.3037 and 500.3135), section 3037 as amended by 1980 PA 461 and section 3135 as amended by 2002 PA 697.

The House of Representatives has passed the bill.

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

**House Bill No. 5632, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 203.

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 Economic Development and Regulatory Reform.

**House Bill No. 5633, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111f.

The House of Representatives has passed the bill.

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

**House Bill No. 5634, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2027 (MCL 500.2027), as amended by 1998 PA 26, and by adding section 2027a.

The House of Representatives has passed the bill.

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

**House Bill No. 5635, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 503, 515, 527, and 543 (MCL 500.503, 500.515, 500.527, and 500.543), as added by 2001 PA 24, and by adding sections 504, 506, and 510; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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



**House Bill No. 5662, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 43509, 43532, and 43533 (MCL 324.43509, 324.43532, and 324.43533), sections 43509 and 43533 as amended by 1996 PA 585 and section 43532 as amended by 2002 PA 108.

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 Hunting, Fishing and Outdoor Recreation.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

**Senate Bill No. 851, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 507 (MCL 600.507), as amended by 2006 PA 607.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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 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.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 743**

**Yeas—31**

Allen	Clarke	Kahn	Richardville
Anderson	Cropsey	Kuipers	Scott
Basham	George	McManus	Stamas
Birkholz	Gilbert	Nofs	Switalski
Bishop	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Jacobs	Patterson	Whitmer
Cherry	Jansen	Prusi	

**Nays—1**

Sanborn

**Excused—6**

Barcia	Clark-Coleman	Hunter	Jelinek
Brater	Garcia		

**Not Voting—0**

In The Chair: Richardville

Senator Cropsy moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

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

**Resolutions**

Senator Richardville offered the following resolution:

**Senate Resolution No. 104.**

A resolution to urge the State Officers Compensation Commission to ensure that no compensation is earned by legislators or the governor beginning on July 1 of every year until the Michigan Legislature has passed a balanced budget.

Whereas, Each year, as the state heads toward the end of its fiscal year without the balanced budget required by the Michigan Constitution, anguish and uncertainty are heightened for people and businesses from Monroe to Ironwood. So, too, our central services, police and fire protection, local government, school districts, universities, community colleges, health care, and countless key functions are in jeopardy; and

Whereas, Legislators and the governor must fulfill their legal duties to craft the budget in accordance with the Constitution and in fulfillment of their obligation to those who elected them. Running up to or beyond the deadline of September 30 causes immeasurable distress for our families, businesses, schools, and other institutions, in addition to harming our reputation and credit rating, in both the short and long term; and

Whereas, As other public employees face the loss of compensation that would result from missing the constitutional fiscal-year deadline, it is essential that similar losses be imposed on the state's lawmakers and governor, whose inability to craft a balanced budget is the cause of this upheaval and potential damage to Michigan; and

Whereas, By having the budget in place by July 1 of the preceding fiscal year, state and local government agencies, school districts, and all other institutions will have adequate time to plan; now, therefore, be it

Resolved by the Senate, That we urge the State Officers Compensation Commission to ensure that no compensation is earned by legislators or the governor after July 1 of each year until the Michigan Legislature has passed a balanced budget; and to provide that for every day after July 1 the state is without a budget passed by the Legislature, a day's pay shall be deducted from the compensation for each legislator and the governor; and be it further

Resolved, That copies of this resolution be transmitted to the State Officers Compensation Commission.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations and Reform.

Senators Anderson, Nofs and Pappageorge were named co-sponsors of the resolution.

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 102****Senate Resolution No. 103****Senate Resolution No. 105**

The resolution consent calendar was adopted.

Senator Clarke offered the following resolution:

**Senate Resolution No. 102.**

A resolution to urge United States Department of Health and Human Services Secretary Kathleen Sebelius to continue the Perinatology Research Branch (PRB) facility in Detroit, Michigan.

Whereas, In 1999, the National Institutes of Health (NIH) awarded a ten-year contract to house the PRB at Wayne State University. The mission of the PRB is to conduct clinical and basic research in perinatal medicine with the goal of developing diagnostic, therapeutic, and preventative strategies to improve pregnancy outcomes. In addition, the mission also includes the training of physicians and scientists whose aim is to improve the health care of pregnant women and their unborn children; and

Whereas, The PRB has been transformational in the delivery of obstetrics care in the city of Detroit and state of Michigan. Over 15,000 pregnant women, mostly from indigent households, have received world-class care as a result of the PRB and its clinical partnership with Wayne State University; and

Whereas, The city of Detroit, the state of Michigan, the Detroit Medical Center, and Wayne State University have made significant investment in infrastructure in order to properly house the PRB at no cost to the NIH. These entities understand the value and importance the PRB brings to the region; and

Whereas, The PRB has had a tremendous economic impact on Detroit and the state of Michigan. It employs over 120 individuals in the state of Michigan, mostly in high-paying research and clinical positions. The PRB has also provided 150 indirect jobs due to the collaboration with Wayne State University. In addition to the jobs, the PRB has brought with it more than \$200 million in federal research money to our state over the last ten years; and

Whereas, During the last decade, the Detroit-based PRB has had an impressive list of research accomplishments, which were made possible because of the unique resources our region has provided to the facility. The PRB has been able to work with the Wayne State University School of Medicine, which is regarded as one of the top urban health research centers with its high level of expertise in obstetrics and gynecological research. Housed in the city of Detroit, the PRB has access to a unique and critical set of clinical access points of both racial and ethnic diversity; now, therefore, be it

Resolved by the Senate, That we urge United States Department of Health and Human Services Secretary Kathleen Sebelius to continue the work of the Perinatology Research Branch in the city of Detroit and continue its tremendous research in our state; and be it further

Resolved, That copies of this resolution be transmitted to Secretary Sebelius and Wayne State University.

Senator Richardville offered the following resolution:

**Senate Resolution No. 103.**

A resolution to memorialize Congress to enact the Investment in Rural Afterschool Programs Act.

Whereas, The importance of quality after-school care for our young people and our communities is well-documented. Increased safety, better performance in academics, more appropriate peer relationships, and far lower rates of delinquency all reflect both the short- and long-term impact of programs for students after the school day's last bell; and

Whereas, Rural areas of our state and nation face some unique challenges in the development and maintenance of after-school programs. These problems include high transportation costs, a lack of private partnership opportunities, limited community facilities, and the potential for more difficulties in training and retaining skilled staff. In more remote parts of our state, there may also be added issues related to longer distances parents may have to travel to jobs; and

Whereas, Legislation pending in Congress, the Investment in Rural Afterschool Programs Act (S.1281 and H.R.3078), would implement a grant program to enable rural communities to overcome the formidable barriers to creating and operating effective care options. This wide-ranging legislation would address transportation, professional development and training, access to technology, recruitment and retention of staff, and planning, as well as other key components of after-school care, such as nutrition and the encouragement of public-private partnerships. With almost 3 million young people in rural areas living in poverty, this is an issue that demands attention; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to enact the Investment in Rural Afterschool Programs Act; 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, and the members of the Michigan congressional delegation.

Senators Whitmer, Jacobs, Basham, Jansen, Clarke, Switalski, Richardville, Kuipers, Olshove and Cherry offered the following resolution:

**Senate Resolution No. 105.**

A resolution honoring Olympic torchbearer James Pivarnik, Ph.D.

Whereas, It is with admiration that we recognize Olympic torchbearer James Pivarnik, Ph.D., for his remarkable dedication to encouraging others and making a positive difference in so many lives; and

Whereas, On October 30, 2009, the 2010 Vancouver Torch Relay began; and

Whereas, For over three months, 12,000 torchbearers will carry the Olympic Flame on its 45,000-kilometer journey through over 1,100 Canadian communities, the longest relay held by a single country in the history of the Olympic Games; and

Whereas, Carrying the Olympic Flame is a once-in-a-lifetime honor, and Coca-Cola North America announced 20 inspiring people as United States torchbearers; and

Whereas, The torchbearers selected by Coca-Cola have all committed to living positively by making a difference in areas they felt passionate about—balanced living, their community, or recycling; and

Whereas, Being a champion of positive living in his community and using his passion for positive living to affect meaningful, enduring changes in Michigan, James Pivarnik, Ph.D., was nominated to carry the Olympic Torch; and

Whereas, Dr. Pivarnik is the president of the American College of Sports Medicine at Michigan State University in East Lansing, Michigan; and

Whereas, As director of the Center for Physical Activity and Health at Michigan State University, Dr. Pivarnik is dedicated to increasing awareness of the role that physical activity plays in reducing risk factors for chronic disease; now, therefore, be it

Resolved by the Senate, That we hereby recognize Olympic torchbearer James Pivarnik, Ph.D., for his remarkable dedication to making a greater impact by being responsive to the community where he lives and works; and be it further

Resolved, That a copy of this resolution be transmitted to James Pivarnik as a token of our esteem, as well as The Coca-Cola Company for promoting balanced living, community, and recycling.

Senator Richardville offered the following concurrent resolution:

**Senate Concurrent Resolution No. 30.**

A concurrent resolution to urge the State Officers Compensation Commission to ensure that no compensation is earned by legislators or the governor beginning on July 1 of every year until the Michigan Legislature has passed a balanced budget.

Whereas, Each year, as the state heads toward the end of its fiscal year without the balanced budget required by the Michigan Constitution, anguish and uncertainty are heightened for people and businesses from Monroe to Ironwood. So, too, our central services, police and fire protection, local government, school districts, universities, community colleges, health care, and countless key functions are in jeopardy; and

Whereas, Legislators and the governor must fulfill their legal duties to craft the budget in accordance with the Constitution and in fulfillment of their obligation to those who elected them. Running up to or beyond the deadline of September 30 causes immeasurable distress for our families, businesses, schools, and other institutions, in addition to harming our reputation and credit rating, in both the short and long term; and

Whereas, As other public employees face the loss of compensation that would result from missing the constitutional fiscal-year deadline, it is essential that similar losses be imposed on the state's lawmakers and governor, whose inability to craft a balanced budget is the cause of this upheaval and potential damage to Michigan; and

Whereas, By having the budget in place by July 1 of the preceding fiscal year, state and local government agencies, school districts, and all other institutions will have adequate time to plan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the State Officers Compensation Commission to ensure that no compensation is earned by legislators or the governor after July 1 of each year until the Michigan Legislature has passed a balanced budget; and to provide that for every day after July 1 the state is without a budget passed by the Legislature, a day's pay shall be deducted from the compensation for each legislator and the governor; and be it further

Resolved, That copies of this resolution be transmitted to the State Officers Compensation Commission.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations and Reform. Senators Anderson, Nofs and Pappageorge were named co-sponsors of the concurrent resolution.

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:27 p.m.

10:34 p.m.

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

By unanimous consent the Senate returned 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 Birkholz 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 bill:

**House Bill No. 5207, entitled**

A bill to authorize the state administrative board to release, accept, and convey certain interests in property in Kalamazoo county; to prescribe certain conditions for the release, acceptance, and conveyance of those interests; to

provide for certain powers and duties of the department of management and budget in implementing certain conveyances; to provide for disposition of certain revenue; and to repeal certain acts and parts of acts.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 5207**

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

The following bill was read a third time:

**House Bill No. 5207, entitled**

A bill to authorize the state administrative board to release, accept, and convey certain interests in property in Kalamazoo county; to prescribe certain conditions for the release, acceptance, and conveyance of those interests; to provide for certain powers and duties of the department of management and budget in implementing certain conveyances; to provide for disposition of certain revenue; and to repeal certain 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. 744**

**Yeas—29**

Anderson	Gilbert	McManus	Sanborn
Birkholz	Gleason	Nofs	Scott
Bishop	Hardiman	Olshove	Stamas
Brown	Jacobs	Pappageorge	Switalski
Cassis	Jansen	Patterson	Thomas
Cherry	Kahn	Prusi	Van Woerkom
Clarke	Kuipers	Richardville	Whitmer
George			

**Nays—1**

Cropsey

**Excused—6**

Barcia	Clark-Coleman	Hunter	Jelinek
Brater	Garcia		

**Not Voting—2**

Allen	Basham
-------	--------

In The Chair: Richardville

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

Senator Cropsey moved to reconsider the vote by which the bill was passed.  
The motion prevailed, a majority of the members serving voting therefor.  
The question being on the passage of the bill,  
The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 745****Yeas—30**

Allen	George	McManus	Sanborn
Anderson	Gilbert	Nofs	Scott
Birkholz	Gleason	Olshove	Stamas
Bishop	Hardiman	Pappageorge	Switalski
Brown	Jacobs	Patterson	Thomas
Cassis	Jansen	Prusi	Van Woerkom
Cherry	Kahn	Richardville	Whitmer
Clarke	Kuipers		

**Nays—1**

Cropsey

**Excused—7**

Barcia	Brater	Garcia	Jelinek
Basham	Clark-Coleman	Hunter	

**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.  
The Senate agreed to the title of the bill.

**Protest**

Senator Cropsey, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5207.

Senator Cropsey's statement is as follows:

Years ago when the land was first transferred to Western Michigan University, it was understood that the land would be used as a green space for that area. I think that Michigan State University actually had it in such a horticultural state that they were doing different studies and research for agriculture and fruit farming on that property. It was understood that it would remain a green space.

I find it ironic that after a couple of decades that now the use is being changed dramatically. Green space is going away. I just want this body to know that at least there is one true ardent environmentalist left in this august body who is going to stand up and speak out for the plants and animals that are so desperately needed in our urban centers.



By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

Recently in the *Detroit Free Press*, Jeff Gerritt quoted a Detroit resident Sylvester Long. Mr. Long makes about \$270 a week. His auto insurance on his 1995 Pontiac minivan costs him nearly \$200 a month. That is nearly a week's pay. That kind of high-priced auto insurance would give just about anyone fits no matter how much they make. Mr. Long was understandably upset. He can't afford auto insurance, so he dropped it.

He is one of the people I have talked about before when I have said that our inability to act on auto insurance rate reform helps turn people into lawbreakers. He doesn't make a lot of money, but he is willing to pay something if he could just find a policy that was affordable. He told Mr. Gerritt: "The insurance rates are ridiculous. They have to get the rates down to, say, \$100 a month for people to afford it." One hundred dollars a month is still going to be big bite out of his monthly pay, but he is willing to pay it.

People are willing to pay for auto insurance. I've said it before and I will say it again: No one is looking for a handout. They are only looking for affordable rates. Once again, I ask you to work with me. Hopefully, we could have had some Christmas presents to give out, but maybe we can have some New Year's presents.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

**Senate Bill No. 388, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2005, 2030, 74101, 74102, 74102a, 74116, 74117, 74120, 74122, 78101, 78105, and 83106 (MCL 324.2001, 324.2005, 324.2030, 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, 324.74122, 324.78101, 324.78105, and 324.83106), sections 2001, 2005, and 2030 as added and sections 74101, 74122, 78105, and 83106 as amended by 2004 PA 587, sections 74102, 74116, and 74120 as added by 1995 PA 58, section 74102a as amended by 2006 PA 307, section 74117 as amended by 2006 PA 477, and section 78101 as amended by 2006 PA 466, and by adding sections 1911, 2045, and 78119; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "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," by amending section 74117 (MCL 324.74117), as amended by 2006 PA 477.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 746**

**Yeas—20**

Anderson	Clarke	Jacobs	Sanborn
Birkholz	George	Kuipers	Scott
Bishop	Gilbert	Nofs	Switalski
Cassis	Gleason	Olshove	Thomas
Cherry	Hardiman	Prusi	Whitmer



**Nays—11**

Allen  
Brown  
Cropsey

Jansen  
Kahn  
McManus

Pappageorge  
Patterson  
Richardville

Stamas  
Van Woerkom

**Excused—7**

Barcia  
Basham

Brater  
Clark-Coleman

Garcia  
Hunter

Jelinek

**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. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

We very proudly passed key reform legislation over to the House. We worked with many interest groups and citizens from all over the state to work on this package. We held multiple hearings, worked hard to forge agreements on a laundry list of issues, and in short, we did our homework to get something positive done for our parks system, for our local economies, and more importantly, for the people of this state. However, instead the House Democrat leadership chose to abandon our solution and keep alive a funding system that we know is broken.

So what we have to vote on here tonight is a three-month extension of a fee structure that we know does not work. The only reason that I am supporting this is because Speaker of the House of Representatives Andy Dillon gave me his commitment that the three-month extension would be just that—a three-month extension of an old, outdated fee system.

I am preparing another bill that is exactly the same as it left the Senate here. We will begin to work on that in January, and I hope that you will join me at that time in passing a good bipartisan, bicameral package that will rescue our state parks system from another year of woeful funding. I ask that you vote for this House-passed version now.

**Recess**

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:58 p.m.

11:48 p.m.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Saturday, December 19, at 12:10 a.m.

The motion prevailed.

### Committee Reports

The Committee on Agriculture and Bioeconomy reported

**House Bill No. 4610, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101, 72102, and 72110 (MCL 324.72101, 324.72102, and 324.72110), section 72101 as amended by 1997 PA 129 and sections 72102 and 72110 as added by 1995 PA 58, and by adding sections 72114 and 72115.

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

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

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Birkholz

Nays: None

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

### Scheduled Meetings

#### Conference Committees -

**Air Emissions Fees (HB 5220)** - Saturday, December 19, 3:55 a.m., Room 424, Capitol Building (373-8080) (CANCELED)

**Flexibility in Failing Schools (HB 4788)** - Saturday, December 19, 2:25 a.m., Room 426, Capitol Building (373-2002)

**Identifying and Restructuring Failing Schools (HB 4787)** - Saturday, December 19, 2:20 a.m., Room 426, Capitol Building (373-2002)

**Reorganization of Failing Schools (SB 981)** - Saturday, December 19, 2:00 a.m. (CANCELED), 9:00 a.m., Room 426, Capitol Building (373-6920)

**Schools of Excellence Funding (SB 926)** - Saturday, December 19, 2:00 a.m. (CANCELED), 9:00 a.m., Room 426, Capitol Building (373-6920)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:49 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Saturday, December 19, 2009, at 12:10 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate