

No. 31
STATE OF MICHIGAN
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REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, April 23, 2009.

10:00 a.m.

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

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

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

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

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

Pastor Steve Warman of Apostolic Church of Auburn Hills offered the following invocation:

Lord, I want to thank You for this absolutely awesome and gorgeous day in the state of Michigan. I thank You for the opportunity that we have for life today and for living our lives in a way that brings glory to You. I want to thank You that, according to the Word, You keep our future hidden from us so that we don't always know what we will face. If we knew in a moment everything that we would face from now until the end of our lives, our humanity would take over, and we would focus on the negatives instead of celebrating the positives and possibly be so frozen by the fear of what we would face that we would be unable to walk into every day. I thank You that it has been kept from us so that today when we arose, we knew not what we would face, but we know that You will give us strength and wisdom to do the right thing.

I pray for wisdom for this body, and I pray for strength to do the work of the people. We will give all glory and honor to You. Amen.

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

Motions and Communications

Senators Scott and Brown entered the Senate Chamber.

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

The motion prevailed.

Senator Kuipers' statement is as follows:

Members, I would ask that you would indulge me in a very special introduction today. In the east Gallery, we have this year's Teacher of the Year, Jen Haberling. Before I have her rise to be greeted by the Senate, I would like to give the members just an introduction on Jen and why she was selected as this year's Teacher of the Year.

Creativity and collaboration are the keys to great teaching and learning. Jen Haberling has had experience teaching students at the middle school, high school, and college levels through the lenses of secondary English and secondary English education. Jen grew up in the Kalamazoo area and graduated from Matawan High School. She attended Central Michigan University, focusing her studies on psychology. After earning a B.S. in psychology from Central Michigan, Jen earned a teaching certificate at Grand Valley State University, with an emphasis in secondary English.

After graduating from GVSU, Jen established herself as a teacher in the Cadillac Public Schools. Several years later, Jen and her husband took up residence in the Hudsonville area, and she began teaching seventh grade students English language arts. During the 2007-2008 school year, she and a teaching partner began an accelerated program for eighth grade students tackling the ninth grade curriculum a year early. She also now serves as an adjunct professor at Grand Valley State University.

Jen and her family live in Hudsonville with their seventh-grade daughter Alexis, ninth-grade son Devin, and husband Tim. She is currently serving as the 2008-2009 Michigan Teacher of the Year, while teaching full-time at the Baldwin Street Middle School.

In a few minutes, I will be presenting Jen with a tribute to congratulate her on this great achievement. I would ask now that the Senators please join me in welcoming her to the Michigan Senate.

Recess

Senator Cropsey moved that the Senate recess until 11:15 a.m.

The motion prevailed, the time being 10:16 a.m.

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

Recess

Senator Stamas moved that the Senate recess until 12:00 noon.

The motion prevailed, the time being 11:16 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

Senator Thomas moved that the Committee on Government Operations and Reform be discharged from further consideration of the following bills:

House Bill No. 4316, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2946 (MCL 600.2946), as amended by 1995 PA 249.

House Bill No. 4317, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

House Bill No. 4318, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending sections 2 and 3 (MCL 445.902 and 445.903), section 2 as amended by 2006 PA 508 and section 3 as amended by 2008 PA 310.

The question being on the motion to discharge,

Senator Cropsey moved that further consideration of the motion be postponed for today.

The motion prevailed.

Senator Thomas 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. 131

Yeas—18

| | | | |
|----------|----------|-----------|--------------|
| Allen | Cropsey | Kahn | Richardville |
| Birkholz | George | Kuipers | Sanborn |
| Bishop | Hardiman | McManus | Stamas |
| Brown | Jansen | Patterson | Van Woerkom |
| Cassis | Jelinek | | |

Nays—14

| | | | |
|---------------|---------|---------|-----------|
| Anderson | Clarke | Olshove | Switalski |
| Barcia | Gleason | Prusi | Thomas |
| Cherry | Hunter | Scott | Whitmer |
| Clark-Coleman | Jacobs | | |

Excused—0

Not Voting—5

| | | | |
|--------|--------|---------|-------------|
| Basham | Garcia | Gilbert | Pappageorge |
| Brater | | | |

In The Chair: Richardville

Protests

Senators Whitmer and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to postpone the motion to discharge the Committee on Government Operations and Reform from further consideration of House Bill Nos. 4316, 4317, and 4318.

Senator Whitmer's statement is as follows:

As a precursor to the comments I'm about to make, I would like to draw my colleagues' attention to a constituent of mine who is here in the balcony, Leslie Richter. Leslie has traveled here today, and she has been on a crusade since losing her husband a number of years ago to Vioxx. It is Leslie's crusade that has helped identify that Michigan citizens are put in a second-class state in this country in terms of rights when they are harmed by dangerous drugs. Leslie is here because she was hopeful that we were finally going to take some action here in the State Senate, but not today, sadly.

Senate Republicans continue to take their cue from special interests year after year and obstruct legislation that would repeal Michigan's one-in-the-nation drug immunity law, a law that grants drug manufacturers immunity to litigation regardless of the damage their products may cause. Some of them even boast about being a stopper on consumer protections like this.

One of the most appalling aspects of my colleagues' lack of action is that some of the Senators from across the aisle are doctors and lawyers. These are people who should understand more than anyone the importance of passing this legislation. But continuing to oppose this legislation is not acting in the name of justice or good health, and it's certainly not acting in the best interest of the people of the state of Michigan.

I personally find it embarrassing that our state is the only one in the nation that is not protecting our consumers in the way that it should. Instead, we are forfeiting their right to take legal recourse and favoring big drug companies that make and sell harmful products.

I don't know how you can look in the eyes of a victim or their family who has suffered due to taking a defective drug that was supposed to help them. How you can tell them that they don't deserve justice and that they have nowhere to turn? And that protecting drug companies is more important than protecting the rights of them and their loved ones? I don't know how you do that.

Today, these victims are forced to watch in vain from the Gallery as their claims were once again discredited and their justice was again delayed by Senate Republicans. This is not a partisan issue, and I don't know why my colleagues across the aisle continue to insist on making it one. It doesn't matter if you are taking blue pills or red pills. They can both be equally deadly if we've been misled by their manufacturers, or they are a faulty product. Vioxx, Celebrex, Rezulin, Fen-phen—these drugs could have been in any one of our medicine cabinets.

Any one of our loved ones could have suffered the same unfortunate fate as those who are here with us today, as their loved ones did. Many who are taking prescribed medicines need to know that they have rights if those drugs harm instead of heal. They deserve justice if the pills they take cause more pain and suffering than they were supposed to soothe.

As elected officials, it is our job to do what is best for our citizens, and we could have given all Michigan residents that trust, security, and justice with one push of a button here today. But instead, we continue to send the wrong message that big drug companies deserve special treatment at the expense of Michigan citizens, and that is wrong. That is why I voted against postponing the vote today. That is why I am going to continue to fight for that vote; continue to fight for the people in the Gallery; continue to fight for all Michigan citizens.

Senator Gleason's statement is as follows:

I rise for a "no" vote explanation on the denial once again of the rights of Michigan citizens to have access to our courts. A few times in the past, I have asked because I have been told by individual Senators that the citizens in my district who have had devastating results from Vioxx would have access to the courts; that they could go before an impartial judge and jury and find a legal remedy.

So, once again, today I am standing before this body saying to those who will tell me and the constituents across this state that they have legal recourse: Please give me the name and the address and the location of where they find relief for their suffering and their deaths. It should be quite easy. Please forward that to all of us Senators so that we can advise our constituents in each and every one of our individual districts where they can go get relief.

Death, death, too many times it is not an honorable and dignified way that these families encounter it. Once again, we say those who may suffer consequences from this decision today we might, but we probably won't, give them relief tomorrow. We passed this for the day. How many days are we going pass our responsibility to make sure that these individuals are given access to the courts?

As I have said a few times in this chamber and more often in the other chamber when I was in the House, our Constitution says that we have three branches of government—the executive, the legislative, and the judicial—yet, once again, we deny access for our constituents of probably the most vital in the third branch of government, the judicial branch.

We all took an oath of office to be Senators, some of us took oaths to be doctors, and others took oaths to be attorneys to represent the citizens of this state. Let's undertake the responsibilities of the oaths that we took. How could any lawyer under the oath that they took say that their citizens and mine can't go to a court here in Michigan to have access for judicial relief? How dare any doctor in this state say that we will vote against access to the courts for maybe even the patients they themselves have seen and the families they had to talk to about the repulsive results of some of this medicine.

Let's take care of our citizens. Many of us have taken oaths other than a senatorial oath. Let's live up to that obligation. Too many have died. I have some in my own district not a quarter mile from my own home who have suffered these

results. You take it a step further, the folks I have talked to have suffered irreparable damage because of this medication. Their doctor tells them don't get involved with this public fight. I can as a Senator; they can't as a patient because their doctor tells them if they get involved with this, there may be a tendency by that patient to sue the doctor.

Let's get this back to where it belongs—in this chamber—and let's do the right thing. Nearly three-quarters of those in the other chamber said that this is the right thing to do. Let's take care of our business and quit the suffering and the deaths that are offered. Even the Supreme Court indicated with their language that we are irresponsible as a state. So let's move this legislation forward and quit the suffering and irresponsible deaths that are on our conscience; that are occurring on our watch and during our responsibility to take care of such issues.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 22:
House Bill Nos. 4277 4278 4279 4280 4281 4436

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, April 22, and are available at the legislative website:

Senate Bill Nos. 441 442 443 444 445 446 447 448 449 450
House Bill Nos. 4800 4801 4802 4803 4804 4805 4806 4807 4808 4809 4810 4811 4812 4813
4814 4815 4816 4817 4818 4819 4820
House Joint Resolution R

Third Reading of Bills

Senator Cropsey moved that Senators Garcia, Gilbert and Pappageorge be excused from today's session. The motion prevailed.

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

Senate Bill No. 149
Senate Bill No. 150

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 149, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending sections 3, 7, and 9 (MCL 445.63, 445.67, and 445.69), section 3 as amended by 2006 PA 566, and by adding section 7a.

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. 132

Yeas—34

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

Nays—0

Excused—3

Garcia

Gilbert

Pappageorge

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. 150, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2008 PA 430.

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. 133**Yeas—34**

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

Nays—0**Excused—3**

Garcia

Gilbert

Pappageorge

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Cherry, Olshove and Jacobs introduced

Senate Bill No. 459, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

Senators Cherry and Brater introduced
Senate Bill No. 460, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 2008 PA 487.

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

Senators Basham, Jacobs and Cherry introduced
Senate Bill No. 461, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending section 1 (MCL 722.641), as amended by 2006 PA 236.

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

Senators Richardville, Sanborn, Stamas, Olshove, Cherry, Anderson, Hardiman, Pappageorge, Patterson and Kahn introduced

Senate Bill No. 462, entitled

A bill to provide for the licensing of mortgage loan originators; to regulate the business practices of mortgage loan originators; to establish certain obligations of employees and principals of mortgage loan originators; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties.

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

Senators Stamas, Richardville, Sanborn, Olshove, Cherry, Anderson, Hardiman, Pappageorge, Patterson and Kahn introduced

Senate Bill No. 463, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending the title and sections 1a, 2, 8, 10, 11, 12, 14, 29, and 33 (MCL 445.1651a, 445.1652, 445.1658, 445.1660, 445.1661, 445.1662, 445.1664, 445.1679, and 445.1683), the title and section 1a as amended by 2008 PA 66, section 2 as amended by 2008 PA 328, section 8 as amended by 2008 PA 326, section 10 as amended by 2008 PA 69, sections 11 and 12 as amended by 2008 PA 62, section 14 as amended by 2008 PA 63, section 29 as amended by 2008 PA 529, and section 33 as amended by 2008 PA 324; 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.

Senators Olshove, Richardville, Sanborn, Stamas, Clarke, Hunter, Cherry, Anderson, Hardiman, Pappageorge, Patterson and Kahn introduced

Senate Bill No. 464, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending the title and sections 1, 2, 6, 6a, 6b, 11, 13, 20, 22, and 27 (MCL 493.51, 493.52, 493.56, 493.56a, 493.56b, 493.61, 493.63, 493.70, 493.72, and

493.77), the title and sections 1, 2, 6, 6a, 6b, 11, 13, 20, and 22 as amended by 2008 PA 325 and section 27 as amended by 2008 PA 530; 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.

Senators Sanborn, Richardville, Stamas, Olshove, Cherry, Anderson, Hardiman, Pappageorge, Patterson and Kahn introduced

Senate Bill No. 465, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending section 9 (MCL 487.2059), as amended by 1999 PA 275.

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

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

Senate Bill No. 466, 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 6.

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

Senators Kahn and Pappageorge introduced

Senate Bill No. 467, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," (MCL 257.1801 to 257.1877) by adding section 58.

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

Senators Kahn and Pappageorge introduced

Senate Bill No. 468, 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.

Senators Hunter, Basham, Thomas, Anderson, Brater, Gleason, Jacobs, Scott and Clarke introduced

Senate Bill No. 469, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 129 and sections 12601, 12603, 12611, 12613, 12614, 12905, and 12915 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, 333.12905, and 333.12915), sections 12601 and 12613 as amended by 1988 PA 315, sections 12603 and 12611 as amended by 1993 PA 217, section 12614 as added by 1988 PA 296, section 12905 as amended by 1993 PA 242, and section 12915 as amended by 1982 PA 526, and by adding section 12606; 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 Government Operations and Reform.

House Bill No. 4277, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503, 11514, 11527a, and 11539 (MCL 324.11503, 324.11514, 324.11527a, and 324.11539), section 11503 as amended by 2007 PA 212, section 11514 as amended by 2008 PA 394, and section 11527a as added by 2004 PA 42.

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 Natural Resources and Environmental Affairs.

House Bill No. 4278, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 17201 (MCL 324.17201), as amended by 2006 PA 494, and by adding section 17208.

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 Natural Resources and Environmental Affairs.

House Bill No. 4279, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17209.

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 Natural Resources and Environmental Affairs.

House Bill No. 4280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17211.

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 Natural Resources and Environmental Affairs.

House Bill No. 4281, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 17210, 17215, and 17217.

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 Natural Resources and Environmental Affairs.

House Bill No. 4436, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

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

Statements

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

The motion prevailed.

Senator George's statement is as follows:

I wanted to comment a little bit on the FDA immunity issue that has been before us and that we have debated from time to time. I just want to make a couple of observations. You know, one of the questions that has come before us is, is the FDA approval process somehow flawed? If it is, should patients have a right to pursue a claim in court? That is one question, but if you think about if the process is flawed; if the approval process is somehow in error; if drugs are being approved that shouldn't be, wouldn't it be better to prevent future patients from being harmed? To do that, if the process is truly flawed, would require strengthening or reviewing the way the FDA is currently operating.

If we want to prevent harm to patients in the future, if we want to make sure that medications and treatments are as safe as possible, shouldn't we be calling on the current administration in Washington to strengthen and review this process? Shouldn't we be asking our U.S. Senators, Senators Levin and Stabenow, to review the FDA process to make sure it is as safe and reliable as possible?

I understand by reviewing the federal stimulus proposal that \$1.5 billion is being set aside to compare medical treatments. There are great questions out there in science that are unanswered in medicine. Is this treatment or that treatment better? Why do we always practice things this way? So, rightly so, there is a keen interest in comparing treatments to look for the safest and best course. Shouldn't then federal law be modified so that what is learned in these post-approval trials be somehow incorporated or reviewed by the FDA?

Colleagues, it would seem to me if we really have the interest of the public's health at heart, which is given to us in the State Constitution, we should be calling on the federal government to do its job to make sure that the process is

working. Moreover, keep in mind that the process can be intimidating to pharmaceutical research. Pfizer just announced that they are no longer pursuing cardiovascular medications, in part, because of the difficulties in getting FDA approval. I would remind you that that is the single leading cause of death in Michigan—cardiovascular disease.

We have to balance our interest in finding treatments for people who suffer from cardiovascular disease, many of our constituents. We have to balance an interest in finding treatments for that with a safe and fair FDA review process. If it is flawed, then we ought to be calling on our U.S. Senators and the current federal administration to review that. That is the proper place for this debate if we are trying to help prevent injury in the future and to make our citizens as healthy as possible.

Senator Scott's statement is as follows:

The Nobel Prize-winning chemist Marie Curie said, "I never see what has been done; I only see what remains to be done." What remains to be done in my legislative career is meaningful auto insurance reform for all the people of Michigan. To make people wait another day for reasonable insurance rates is not just wrong, but it is injustice.

No one is trying to avoid paying their auto insurance bill. They just want the bill to be reasonable and a proper reflection of their driving record. That's not too much to ask, and it's high time that we give Michigan drivers the relief that they seek.

Senator Jelinek's statement is as follows:

In reference to some earlier remarks regarding the ability to sue drug manufacturers, in my layman's eyes, I thought that all prescriptions drugs must be FDA-approved. Why or how can Michigan supercede the FDA and the extensive research required of drug companies by the FDA in allowing drugs or allowing lawsuits against these drug companies? Because a person has an unknown or unexpected reaction to a drug, it does not become a known faulty medication and should not be designated as such.

You know, we all rely on research of some kind. We even stake our very lives on it when it comes to medications. Can we sue every time an exception occurs? That does not make sense. If the medication does not save a life, should we also be able to sue? Where does it end? Let's let common sense prevail. If you are going to challenge every approved drug that does not satisfy you, then the best answer is no drugs. And, of course, it's a great loss of life because we don't have those drugs due to a lack of cure.

What is your preference? Do drug, no lifesaving techniques, or the ability to sue in case it doesn't work? Let's let common sense prevail.

Senator Kahn's statement is as follows:

This issue about patient care, caring in general, safety, inaccuracy, and truth are issues certainly deserving time in this chamber for discussion, for decision-making, for providing for our people; not just us here elected, but our staffs, people in the Gallery, and people across our state; and insofar as Michigan in the past has been in the forefront of many things for our nation.

How those overarching ideals and needs, how that framework that led all of us to put our names on ballots, that issue of caring as resolved can be pretty complex, it appears. We need to start with accurate data; accurate understanding of the past, the present, and how these issues might go. For example, the notion that this is a one-of-a-kind law is just not so. Texas has this same law; Ohio, Oregon, Utah, New Jersey, Arizona, North Dakota, and others are pending. It does not add to the quality of the debate to mischaracterize the issue.

Let's talk for a moment about the poster child for this issue, Vioxx, which has about a 1-in-10,000—I believe, in being a physician, I've had the responsibility to deal with a lot of folks who have the pain, the crippling, and the suffering associated with arthritis. In medicine we deal with the issue of quality of life and quantity of life. It comes to us, too, as legislators. The inability to get out of a chair, being imprisoned within your body, issues that drugs like Celebrex, Vioxx, Motrin, ibuprofen, the sort of drugs that the Senator from East Lansing mentioned—those are part of the good things that those drugs are about. They are also not quality-of-life-saving; they are, in fact, lifesaving because they cut down on the incidence of gastrointestinal bleeding.

Now, as a physician, I want to describe to you what it is like when you watch someone vomit blood. It is frightening. Blood is partially digested by the contents of stomach acids. If you are bleeding so darn fast that you don't digest it, it comes up red, and if it's partially digested, it looks burgundy. These drugs have cut down the number of deaths in our country dramatically from gastrointestinal bleeds, but they are not all good because there is a small incidence of increase in heart attacks. These things are all in the product information that is present and given to patients at the time they are sold and on which doctors are educated. This should be part of the debate too, and it will be. Hopefully, caring will be what this is about.

I look forward to further discussions of this important issue.

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

April 23, 2009

Pursuant to Senate Rule 3.203, I am hereby re-referring Senate Bill 455 from the Senate Committee on Campaign and Election Oversight to the Senate Committee on Education.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully yours,
Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

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

April 23, 2009

Pursuant to Joint Rule 3, the House of Representatives having non-concurred in the Senate substitute (S-1) to House Bill 4453, appoints the following members to sit on the conference committee:

Senator Randy Richardville
Senator Alan Sanborn
Senator Tupac Hunter

Thank you for your prompt consideration of this matter.

April 23, 2009

Pursuant to Joint Rule 3, the House of Representatives having non-concurred in the Senate substitute (S-1) to House Bill 4454, appoints the following members to sit on the conference committee:

Senator Randy Richardville
Senator Alan Sanborn
Senator Tupac Hunter

Thank you for your prompt consideration of this matter.

April 23, 2009

Pursuant to Joint Rule 3, the House of Representatives having non-concurred in the Senate substitute (S-1) to House Bill 4455, appoints the following members to sit on the conference committee:

Senator Randy Richardville
Senator Alan Sanborn
Senator Tupac Hunter

Thank you for your prompt consideration of this matter.

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

The communications were referred to the Secretary for record.

Committee Reports

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 430, entitled

A bill to amend 1950 (Ex Sess) PA 23, entitled "Airport zoning act," (MCL 259.431 to 259.465) by adding section 24a. With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 4479, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 37 (MCL 211.37), as amended by 1994 PA 415.

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

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Gleason and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Tuesday, April 21, 2009, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Birkholz, Gleason and Basham

Absent: Senator Allen

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, April 22, 2009, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Patterson and Basham

Excused: Senator Gleason

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

Capital Outlay - Thursday, May 7, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Community Colleges - Friday, April 24, 10:00 a.m., Kellogg Community College, Severin Classroom Building, Room A-206, 450 North Avenue, Battle Creek; Monday, May 11, 10:00 a.m., Alpena Community College, Roger C. Bauer Board Room, Charles R. Donnelly Natural Resources Center, Room 400, 665 Johnson Street, Alpena; and Wednesday, May 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursdays, April 30, May 7 and May 21, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Environmental Quality Department - Wednesdays, May 6, May 13 and May 20, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Higher Education - Monday, April 27, 10:00 a.m., Central Michigan University, Park Library, 250 East Preston Road, Mt. Pleasant; Monday, May 4, 10:30 a.m., Northwood University, Sloan Family Building for Aftermarket Studies, 400 Whiting Drive, Midland; and Friday, May 15, 10:00 a.m., University of Michigan-Ann Arbor, Michigan League, Vandenberg Room, 911 North University Street, Ann Arbor (373-2768)

Judiciary and Corrections - Tuesdays, April 28, May 5, May 12 and May 19, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

K-12, School Aid, Education - Tuesdays, April 28, May 5, May 12 and May 19, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Natural Resources Department - Tuesday, April 28, 12:00 noon or later immediately following session, Room 405, Capitol Building; Tuesday, May 5, 12:00 noon or later immediately following session, Rooms 402 and 403, Capitol Building; and Tuesday, May 19, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768)

Health Policy - Wednesday, April 29, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Statutory Mandates - Tuesday, April 28, 12:00 noon, Oakland County Executive Office Building, Executive Conference Room, 6th Floor, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursdays, June 4, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Local, Urban and State Affairs - Tuesday, April 28, 3:00 p.m., Room 110, Farnum Building (373-1635)

Michigan Capitol Committee - Thursday, April 30, 3:30 p.m., Room 426, Capitol Building (373-1972)

State Drug Treatment Court Advisory Committee - Friday, May 8, 8:30 a.m., Michigan Hall of Justice Conference Center, Conference Room 1S69, 925 West Ottawa Street, Lansing (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:44 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, April 28, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

