

No. 54
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Tuesday, June 3, 2008.

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 not present.

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

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

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

Reverend Mike Wicks of First Presbyterian Church of Sturgis offered the following invocation:

We are grateful this day, O God, for life; the chance to live and the chance to make a difference for those with whom we share it. We pray for the people of our state—for those in economic distress and those whose work will build the positive structures giving outline to our life together. We remember those who have gone on our behalf around the world with our nation’s military. Attend to them while they are absent from us. Grant us the joy reserved for those whose loved ones come home again.

We ask Your blessing upon this body as it attends to the work before it. Give each person the certainty that Your presence and purposes are woven into their daily work. There will be no voices from heaven nor appearance of angels as work proceeds this day, but You will be here. May it be enough.

Thank You, most wonderful God, for the responsibilities and opportunities we will encounter in this day. Shine Your light upon us, that our work may please You and benefit those who have sent us here to work for the common good. Amen.

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

Senators Van Woerkom, Jelinek, George, Kuipers, Pappageorge, Cassis, McManus, Birkholz, Bishop and Jansen entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senators Kahn, Garcia, Barcia, Hardiman and Stamas entered the Senate Chamber.

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

May 30, 2008

Enclosed is a copy of the following audit report:

Performance audit of the Collection of Delinquent State Taxes, Department of Treasury.

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 28:
House Bill Nos. 4998 5074 6048

The Secretary announced the enrollment printing and presentation to the Governor on Friday, May 30, for her approval the following bills:

Enrolled Senate Bill No. 515 at 9:24 a.m.

Enrolled Senate Bill No. 1234 at 9:26 a.m.

Enrolled Senate Bill No. 1308 at 9:28 a.m.

The Secretary announced that the following official bills were printed on Wednesday, May 28, and are available at the legislative website:

Senate Bill Nos. 1332 1333 1334 1335 1336 1337 1338 1339 1340 1341 1342 1343
House Bill No. 6182

The Secretary announced that the following official bills were printed on Thursday, May 29, and are available at the legislative website:

Senate Bill Nos. 1344 1345 1346 1347 1348 1349 1350 1351 1352 1353 1354 1355 1356 1357
1358 1359 1360
House Bill Nos. 6183 6184 6185

By unanimous consent the Senate proceeded to the order of
Messages from the Governor

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

Senate Bill No. 436

Senate Bill No. 222

Senate Bill No. 229

Senate Bill No. 232

Senate Bill No. 238

Senate Bill No. 240

The motion prevailed.

The following messages from the Governor were received:

Date: May 28, 2008

Time: 11:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 731 (Public Act No. 139), being

An act to amend 1967 PA 150, entitled “An act to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts,” (MCL 32.501 to 32.851) by adding section 236.

(Filed with the Secretary of State on May 28, 2008, at 2:40 p.m.)

Date: May 28, 2008

Time: 12:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 747 (Public Act No. 141), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1138.

(Filed with the Secretary of State on May 28, 2008, at 2:44 p.m.)

Respectfully,
 Jennifer M. Granholm
 Governor

The following messages from the Governor were received and read:

May 28, 2008

Pursuant to Section 29 of Article 5 of the Michigan Constitution of 1963, please be advised of the following appointment and reappointment to office:

Civil Rights Commission

Ms. Lisa P. Peeples-Hurst, a Democrat, of 2532 Bristol Terrace, St. Joseph, Michigan 49085, county of Berrien, succeeding Tarun K. Sharma, whose term has expired, appointed for a term commencing May 28, 2008 and expiring December 31, 2009.

Mr. Kelvin W. Scott, a Democrat, of 1000 Kensington Avenue, Grosse Pointe Park, Michigan 48230, county of Wayne, reappointed for a term expiring December 31, 2011.

May 28, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 511 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.511:

Self-Insurers’ Security Fund, Second Injury Fund, Silicosis, Dust Disease, and Logging Industry Compensation Fund Board of Trustees

Ms. Susan R. Azar of 17686 Rolling Woods Circle, Northville, Michigan 48168, county of Wayne, succeeding Mary L. Child, who has resigned, representing employers authorized to act as self-insurers, for a term commencing May 28, 2008 and expiring April 30, 2012.

May 30, 2008

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2 of the Michigan Tourism Policy Act, 1945 PA 106, MCL 2.102:

Michigan Travel Commission

Mr. Samuel Wendling of 5255 Beechwood Drive, Muskegon, Michigan 49445, county of Muskegon, succeeding Tanya M. Heidelberg-Yopp, who has resigned, representing owners and operators of small businesses, for a term commencing May 30, 2008 and expiring August 20, 2011.

Sincerely,
Jennifer M. Granholm
Governor

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

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

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

- Senate Bill No. 1193**
- Senate Bill No. 1241**
- Senate Bill No. 1272**
- Senate Bill No. 1304**

The motion prevailed.

Senators Whitmer, Schauer, Basham, Jacobs, Cherry, Allen, Gleason, Clarke, Brater and Hunter entered the Senate Chamber.

Senator Anderson moved that Senators Thomas and Olshove be excused from today’s session.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1193, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 356a (MCL 750.356a), as amended by 1998 PA 311.

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. 370

Yeas—35

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

Nays—1

Jacobs

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1241, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2004 PA 420.

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. 371

Yeas—36

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Gleason
Hardiman

Hunter
Jacobs
Jansen
Jelinek
Kahn
Kuipers
McManus
Pappageorge
Patterson

Prusi
Richardville
Sanborn
Schauer
Scott
Stamas
Switalski
Van Woerkom
Whitmer

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1272, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 77.

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. 372

Yeas—36

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

Nays—0

Excused—2

Olshove	Thomas
---------	--------

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1304, entitled

A bill to amend 1969 PA 38, entitled "Hospital finance authority act," by amending section 3 (MCL 331.33), as amended by 1994 PA 428.

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. 373

Yeas—36

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

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

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, Lieutenant Governor Cherry, designated Senator Richardville as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 1119, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2006 PA 550.

Senate Bill No. 1120, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2007 PA 103.

Senate Bill No. 1121, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

The bills were placed on the order of Third Reading of Bills.

Resolutions

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

Senate Concurrent Resolution No. 22

The motion prevailed.

Senators Gleason, Richardville and Cropsey offered the following resolution:

Senate Resolution No. 201.

A resolution to congratulate the Detroit Red Wings and the Pittsburgh Penguins for making the Stanley Cup Finals.

Whereas, Each team has persevered to come within four wins of hoisting the Stanley Cup and making the citizens of their home state proud to be fans; and

Whereas, In the sense of good sportsmanship and fair play, it is the hope that each team wins on their home ice, allowing these cities to support their teams over the duration of a long and competitive series; and

Whereas, Four games being played in the city of Detroit will help to stimulate the sale of octopi in the area, providing a boost to the local economy; now, therefore, be it

Resolved by the Senate, That we hereby congratulate the Detroit Red Wings and the Pittsburgh Penguins on making the Stanley Cup Finals; and be it further

Resolved, That a copy of this resolution be transmitted to the Detroit Red Wings as a sign of support for the team and the local economy of Detroit.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Commerce and Tourism.

The motion prevailed.

Senators Cherry, Clark-Coleman, Clarke and Jacobs were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 591

The motion prevailed.

The following bill was announced:

Senate Bill No. 591, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding chapter 30.

(This bill was read a third time on January 30, amendment offered and consideration postponed. See Senate Journal No. 8, p. 110.)

The question being on the adoption of the amendment offered by Senator Whitmer,

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Whitmer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 374

Yeas—18

Anderson	Clark-Coleman	Kahn	Schauer
Barcia	Clarke	Patterson	Scott
Basham	Gleason	Prusi	Switalski
Brater	Hunter	Richardville	Whitmer
Cherry	Jacobs		

Nays—18

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

Excused—2

Olshove	Thomas
---------	--------

Not Voting—0

In The Chair: President

The question being on the passage of the bill,

Point of Order

Senator Whitmer raised the Point of Order that Senate Bill No. 591 required a supermajority 2/3 vote for final passage because it is for a private purpose.

The President, Lieutenant Governor Cherry, ruled that it would appear under the language that the bill could apply to one or several companies. Therefore, it would not be for a private purpose.

The question being on passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 375**Yeas—21**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen

Jelinek
Kahn
Kuipers
McManus
Pappageorge

Prusi
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Patterson
Schauer

Scott
Switalski
Whitmer

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Whitmer, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 591 and moved that the statements she made during the discussion of the amendment she offered be printed as her reasons for voting “no.”

The motion prevailed.

Senator Whitmer's first statement is as follows:

This bill is about asbestos claims. This bill is about giving immunity to a particular company for asbestos claims. This bill was on General Orders a long, long time ago, so you may not recall some of the arguments that were made. Even if you sit on the committee, you may not recall some of the arguments that were made in committee.

I offered this amendment when it was up on General Orders and I would like to discuss it now. My good colleague from the 30th District, the chairman of Judiciary, used the phrase "due diligence" when discussing this bill under General Orders, and that is exactly what this amendment requires companies to do.

Companies that want relief under this act must have acted with due diligence, or, as the amendment states, they must have made a reasonably diligent inquiry into potential liabilities before they purchased the company. Due diligence. If we are going to give someone immunity for harming another person, they must have acted with due diligence. That is a legal standard that we impose on every company. That is a legal standard that we should impose today when we talk about taking someone's rights when they are hurt.

If we as a legislative body decide that Michigan citizens should be precluded from recovering further asbestos-related injuries, then we should not be rewarding willful ignorance on behalf of the benefiting companies. This is what we discussed at committee—exactly this.

This amendment also allows a judge to rule on this issue as a matter of law, or submit it to a jury if the judge believes there is an issue of material fact. I voted "yes" in committee because it was my impression that we were going to have a good-faith discussion about adoption this very amendment. The committee discussed it, but we have not taken that action, and right now is our opportunity to fix this bill to protect the people in the state of Michigan while effectuating some good public policy.

I ask for your support.

Senator Whitmer's second statement is as follows:

I appreciate the second opportunity to speak. I would just pose the question to the last speaker: If this, as he just said, is an act for one company, is this legislative action that requires a supermajority 2/3 vote because by his own words, this is an act for one particular company? I would submit that that is a reasonable question to have answered before we take action.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hardiman, Garcia, Jansen, Cropsey and Kuipers introduced

Senate Bill No. 1361, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1292. The bill was read a first and second time by title and referred to the Committee on Education.

Senators George, Garcia and Birkholz introduced

Senate Bill No. 1362, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 703. The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senators George and Birkholz introduced

Senate Bill No. 1363, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 442 (MCL 18.1442), as added by 1991 PA 72.

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

Senators George, Kahn and Birkholz introduced

Senate Bill No. 1364, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2603 (MCL 339.2603), as amended by 1999 PA 170.

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

Senators George, Van Woerkom and Birkholz introduced

Senate Bill No. 1365, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 11 (MCL 722.121), as amended by 1980 PA 232.

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

Senators George, Van Woerkom, Kahn and Birkholz introduced

Senate Bill No. 1366, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2006 PA 451.

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

House Bill No. 4998, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3149.

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. 5074, 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 sections 12606, 12606a, and 12606b; 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 Government Operations and Reform.

House Bill No. 6048, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20190.

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 Health Policy.

Statements

Senators Scott, Van Woerkom, Basham and Richardville asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Thaddeus Jones was an American jazz trumpeter, composer, and bandleader. Jones was born in Pontiac, Michigan, to a musical family of ten. He was a self-taught musician, performing professionally by the age of sixteen, and served in the United States Army bands during World War II.

After the war, he continued his professional music career, eventually winding up with Count Basie in 1954. He stayed with Basie for nine years. In 1965, he formed his own big band, earning a Grammy in 1978. Charlie Mingus, the great jazz musician and activist, called Jones "the greatest trumpeter I've ever heard in this life." And do you know what his secret was? I'm going to tell you. It was commitment. Thad Jones said, "Commitment is when you perform a note like it's the last note you'll ever play on earth. And you play every note that way."

I hope that my daily messages to you convey that kind of commitment because every day I speak to you about insurance, I try to speak as if it's the last message I'll ever make on earth. And if by some strange act of fate it is, you know my message will be to move my bills.

Senator Van Woerkom's statement is as follows:

This is not only asparagus day, but it is also dairy foods day. After you finish eating your vegetables, you can go down on the lawn and pick up some ice cream because I believe they are already serving ice cream down on the lawn.

The Michigan Dairy Foods Association was formed for the purpose of promoting and advancing the dairy foods industry in Michigan with Michigan's administrative and legislative opinion leaders. The association's membership represents 13 major dairy processing plants in Michigan which employ 2,250 workers. MDFA members of both large multi-state manufacturers and small niche manufacturing have made Michigan one of the top five dairy food processing states, due to its favorable treatment of agriculture, economic development, and a large dairy industry to draw from.

MDFA members' products are shipped all over the world, making the state a leader in dairy processing. Innovation is the key to a dairy processing industry in Michigan that has brought such new items in the product industry to compete with other beverages, such as single servings of flavored milk, specialty cheeses, advertising that promotes 3-A-Day and the milk mustache promotion by celebrities.

We have some representatives of the MFDA in the Gallery; I think they are right above me. We have Kevin Begin with Country Fresh, the MDFA president; Ken Martin with Quality Dairy, MFDA secretary/treasurer; Nick Bellows, president of the United Dairy Industry of Michigan and they do the 3-A-Day ads; Clay Galarneau with the Michigan Milk Producers Association; and Dave Whittkop also with Michigan Milk Producers Association. We would like to welcome them today.

Senator Basham's statement is as follows:

I received a letter today from the Michigan Restaurant Association. It was really interesting to actually read the letter. The last paragraph of the letter says, "We would encourage the Senate to oppose House Bill No. 5074 as it is replete with exemptions." I thought it was interesting that one of the reasons they oppose House Bill No. 5074 was that it has exemptions. Then I also read this morning from one of my constituents on that issue, who said, "Senator Basham, I have never before written a letter to any political person for any cause; however, the smoking ban issue is one that I cannot sit back on and let other people voice their opinions and not offer mine. I have never smoked a day in my life. However, in the past seven years, I have worked at Greektown Casino as a dealer in front of the public for eight hours a day, and in the last six months, I have developed smoker's cough and had to give up wearing contact lenses because my eyes could not take all the smoke. I don't believe that casinos will lose business if the whole state goes non-smoking at all. California is a non-smoking state and their casinos are doing just fine."

It is interesting to note that the Greektown Casino, which does allow smoking, is in Chapter 11 and so they can't blame that on going smoke-free. In fact, the New Jersey, the Atlantic City casinos are exempted, the carveout for casinos being smoke-free, and so they are now treating their patrons the same. Also, Mr. President, I noted from a constituent who said, "Great news"—talking about House Bill No. 4163—"we applaud the whole congressional group for uniting"—talking about the Senate—"on this issue and have already sent a copy of your e-mail to my daughter-in-law who worked in bars and restaurants while getting a master's degree to teach. As a non-smoker, she had been dealing with throat cancer for the past eight years because of secondhand smoke. Thanks to this bill passing, many others can hopefully be spared from this experience."

Mr. President, it is interesting to note, I received this letter today about exemptions in Omaha, Nebraska; smoking ban ruled unconstitutional by the Omaha Supreme Court. I would ask that my colleagues on both sides of the aisle pay attention to these comments and hopefully support a smoke-free public act that the whole state can be proud of because folks deserve to breathe clean indoor air.

Senator Richardville's statement is as follows:

We've seen an increase in copper thefts, and individuals are targeting catalytic converters, which contain small amounts of precious metals, like platinum, that are extremely valuable. These catalytic converters are attached to a vehicle exhaust system and are required by the Environmental Protection Agency to help filter environmentally-damaging engine emissions. Because car owners are required to replace the converters once they are aware the device has been removed, this can result in an expensive repair bill.

With challenges facing our state's economy, thieves are looking for the easy way out for quick cash. Selling the metals to local scrap dealers can be a lucrative deal. Local law enforcement officers have received reports of these thefts during broad daylight.

Senate Bill No. 1193 serves as a deterrent to thieves as well as a tool for law enforcement. The fact that stealing a catalytic converter is simply a misdemeanor has only added to the increase in this crime. By increasing the penalty for stealing catalytic converters, this body can send a strong message to would-be thieves.

Colleagues, I thank you for your support of this bill passing earlier this morning.

Scheduled Meetings

Appropriations -

Subcommittee -

Higher Education - Wednesday, June 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Campaign and Election Oversight - Wednesday, June 4, 12:30 p.m., Room 405, Capitol Building (373-1725)

Education - Wednesday, June 4, 2:30 p.m., Room 210, Farnum Building (373-6920)

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

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

Legislative Commission on Government Efficiency - Friday, June 27, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Wednesday, June 25, 2:00 p.m., Room 327, South Tower, House Office Building (373-0212)

Natural Resources and Environmental Affairs - Wednesday, June 4, 1:00 p.m., Room 110, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, June 10, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:54 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, June 4, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

