

No. 40
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, May 14, 2009.

10:00 a.m.

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

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

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

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

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

Deacon Ron Kenney of St. John the Evangelist Catholic Parish of Fenton offered the following invocation:

God, Creator of all things, lead us today to be a people who are not afraid to stand up for what is good and what is right in our world. Let us do all that we can to stand against greed, violence, and self-destruction. Help this Legislature to see themselves not only as servants of the people, but also as Your instruments in a world that needs to see peace, love, compassion, understanding, tolerance, justice, and a hope for a stronger tomorrow.

God, we are Your people; You are God. Lift us, protect us, and guide us today and always. In Your name, we say, "Amen."

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

Motions and Communications

Senators Whitmer and Hunter entered the Senate Chamber.

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

Grand Valley State University Board of Control

Ms. Sue C. Carnell of 38672 Thorncroft Court, Wayne, Michigan 48184, county of Wayne, succeeding Donna Brooks, whose term has expired, is appointed for a term commencing March 27, 2009 and expiring December 31, 2016.

Mr. David L. Way of 905 West Geneva Drive, DeWitt, Michigan 48820, county of Clinton, succeeding Daniel Aronoff, whose term has expired, is appointed for a term commencing March 27, 2009 and expiring December 31, 2016.

Michigan Technological University Board of Control

Mr. Thomas L. Baldini of 815 Pine Street, Marquette, Michigan 49855, county of Marquette, succeeding David Brule, whose term has expired, is appointed for a term commencing April 8, 2009 and expiring December 31, 2016.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 13:

House Bill Nos. 4203 4763 4764 4765 4766 4767 4768 4769 4899 4900 4901

The Secretary announced that the following official bills were printed on Wednesday, May 13, and are available at the legislative website:

Senate Bill Nos. 559 560 561 562 563 564 565 566 567 568 569 570 571 572
573 574

House Bill Nos. 4907 4908 4909 4910 4911 4912 4913 4914 4915 4916 4917 4918 4919 4920
4921 4922 4923 4924 4925 4926 4927 4928 4929 4930 4931 4932

Messages from the Governor

Grand Valley State University Board of Control

Ms. Sue C. Carnell of 38672 Thorncroft Court, Wayne, Michigan 48184, county of Wayne, succeeding Donna Brooks, whose term has expired, is appointed for a term commencing March 27, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 177

Yeas—36

Allen
Anderson
Barcia

Cherry
Clark-Coleman
Clarke

Jacobs
Jansen
Jelinek

Prusi
Richardville
Sanborn

Basham	Cropsey	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer

Nays—0

Excused—0

Not Voting—1

Garcia

In The Chair: President

Senator Garcia entered the Senate Chamber.

Grand Valley State University Board of Control

Mr. David L. Way of 905 West Geneva Drive, DeWitt, Michigan 48820, county of Clinton, succeeding Daniel Aronoff, whose term has expired, is appointed for a term commencing March 27, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 178

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Michigan Technological University Board of Control

Mr. Thomas L. Baldini of 815 Pine Street, Marquette, Michigan 49855, county of Marquette, succeeding David Brule, whose term has expired, is appointed for a term commencing April 8, 2009 and expiring December 31, 2016.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 179**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:16 a.m.

10:48 a.m.

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

Messages from the House

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

Senate Bill No. 363

The motion prevailed.

Senate Bill No. 409, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43542 (MCL 324.43542), as added by 1995 PA 57.

The House of Representatives has amended the bill as follows:

1. Amend page 1, following line 6, by inserting:

"(2) THE FEE FOR A MULTIYEAR LICENSE, PERMIT, OR APPLICATION SHALL BE THE ANNUAL FEE FOR THAT LICENSE, PERMIT, OR APPLICATION MULTIPLIED BY THE NUMBER OF YEARS DESIGNATED BY ORDER OF THE COMMISSION." and renumbering the remaining subsection.

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

Pursuant to rule 3.202, the bill was laid over one day.

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. 433

Senate Bill No. 264

Senate Bill No. 416

Senate Bill No. 480

Senate Bill No. 494

Senate Bill No. 495

Senate Bill No. 540

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 433, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 2005 PA 179.

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. 180

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 264, entitled

A bill to prohibit the sale of certain uncertified cigarettes; to provide standards for testing and fire safety certification of cigarettes; to provide remedies and civil sanctions; to provide for the powers and duties of certain state governmental officers and entities; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 181

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 416, entitled

A bill to amend 2005 PA 92, entitled "School bond qualification, approval, and loan act," by amending section 9 (MCL 388.1929), as amended by 2006 PA 71.

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. 182

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 480, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 515 (MCL 208.1515), as amended by 2007 PA 145.

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. 183

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 494, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806, 809, 810b, 811d, 811e, and 811h (MCL 257.208b, 257.217a, 257.232, 257.801, 257.802, 257.803b, 257.803r, 257.804, 257.806, 257.809, 257.810b, 257.811d, 257.811e, and 257.811h), sections 208b and 232 as amended by 2005 PA 173, sections 217a and 804 as amended and section 803r as added by 2003 PA 152, section 801 as amended

by 2008 PA 7, section 802 as amended by 2004 PA 163, section 803b as amended by 2004 PA 426, section 806 as amended by 2008 PA 281, section 809 as amended by 2008 PA 280, section 810b as amended by 2006 PA 549, and sections 811d, 811e, and 811h as amended by 2006 PA 562; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 184

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 495, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 2005 PA 174.

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. 185

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 540, 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 7 (MCL 28.297), as amended by 2005 PA 172.

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. 186

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

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 Kuipers 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 with a substitute therefor, the following bill:

Senate Bill No. 113, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 15 (MCL 169.215), as amended by 2001 PA 250.

Substitute (S-1).

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

1. Amend page 6, line 14, after "**VIOLATION**" by inserting "**AND ANY CORRESPONDENCE REGARDING THAT VIOLATION BETWEEN THE SECRETARY OF STATE AND THE COMPLAINANT OR THE PERSON AGAINST WHOM THE COMPLAINT WAS FILED**".

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

Resolutions

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

Senate Resolution No. 41

The motion prevailed.

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

Senate Resolution No. 52

The resolution consent calendar was adopted.

Senator Cherry offered the following resolution:

Senate Resolution No. 52.

A resolution recognizing May 2009 as Hearing Loss Awareness Month in the state of Michigan.

Whereas, Currently 31 million Americans have hearing loss. As baby boomers reach retirement age starting in 2010, this number is expected to rapidly climb and nearly double by the year 2030; and

Whereas, It is estimated that 1.4 million people in the state of Michigan have hearing loss; and

Whereas, Among seniors, hearing loss is the third most treatable disabling condition, preceded by arthritis and hypertension; and

Whereas, While 95 percent of people with hearing loss could be successfully treated with hearing aids and listening devices, only 22 percent currently use them; and

Whereas, Every day approximately 3 in 1,000 infants are born profoundly deaf or with a partial hearing loss, making hearing loss the No. 1 birth defect in America; and

Whereas, Hearing loss can greatly hinder everyday, ordinary communication, and people with a hearing loss often feel a sense of isolation and decreased self-confidence; and

Whereas, It is important that people with hearing loss in the state of Michigan be aware that there are many deaf, deaf/blind and hard-of-hearing organizations, audiologists and hearing professionals, assistive listening device manufacturers, and support groups that offer a large range of solutions to help people with hearing loss; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2009 as Hearing Loss Awareness Month in the state of Michigan.

Senators Clark-Coleman, Clarke, Gleason, Hardiman, Hunter, Jacobs, Pappageorge, Richardville and Scott were named co-sponsors of the resolution.

Senators Whitmer, Cherry, Olshove, Anderson, Thomas, Prusi, Brater and Gleason offered the following resolution:

Senate Resolution No. 51.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 1.117 and Rule 1.404 of the Standing Rules of the Senate are hereby amended to read as follows:

"1.117 SENATE ADMINISTRATION AND OFFICE BUDGETS

a) The Senate Majority Leader shall assign duties to Senate employees not specified by other rules, and shall have final approval authority for all expenses for the operation of the Senate, except as provided by law.

b) In the absence of the Senate Majority Leader, the Assistant Majority Leader shall assume the duties and responsibilities of the Senate Majority Leader.

c) The Secretary of the Senate shall create a budget with the concurrence of the Senate Majority Leader, discuss it with the Senate Minority Leader and present it to the Committee on Appropriations at the beginning of each budget year. The form of the budget shall parallel, as closely as practical, the departmental budgets presented to the Committee on Appropriations.

d) The Senate financial records shall be open for public inspection. Upon a request that describes the financial record sufficiently to enable the Senate to find the financial record, a person has a right to inspect, copy, or receive copies of that financial record of the Senate. Documents shall be available for inspection during normal business hours. The Secretary of the Senate shall keep a record of these requests. A copy of the Senate financial records shall be on file with the Secretary of the Senate, who shall have overall authority to administer the Senate financial records under the direction of the Senate Majority Leader. The Secretary of the Senate shall provide to each Senator access to information regarding the status of the Senator's staff account, office operations account, and committee operations account for any standing committee that he or she chairs. The Senate Majority Leader shall have access to the reports for the accounts of all Senators.

1) The Secretary of the Senate shall serve as the Senate Information Officer to respond to requests for Senate financial records from the public and the media on behalf of a Senator or the Senate. All requests must include the first and last name, mailing address, and phone number of the requester. When the Secretary of the Senate receives a written request for a public record, the Secretary shall immediately, but not more than 5 business days after the day the request is received unless otherwise agreed to in writing by the person making the request, respond to the request by 1 of the following:

A) Grant the request.

B) Issue a written notice to the requesting person denying the request.

C) Grant the request in part and issue a written notice to the requesting person denying the request in part.

D) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Senate shall respond to the request. The Senate shall not issue more than 1 notice of extension for a particular request.

If the Senate fails to respond to the written request within these guidelines, there will be a fine of \$250 and all Senate copying and inspection fees shall be waived.

2) As used in this section, "financial record" means a budget, account, contract, purchase order, an expenditure authorization, voucher, check, warrant, lease, audit report, balance sheet, travel voucher, or other such summaries of financial transactions.

The following information contained in Senate financial records is exempt from disclosure under this rule:

A) Information of a personal nature contained in financial records where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. Such exempt information would include, but not be limited to, the following:

(i) An employee's social security account number, financial institution record, electronic transfer fund number, deferred compensation, savings bonds, W-2 and W-4 forms, and any court enforced judgment.

(ii) An employee's benefit selection.

(iii) Telephone bill detail including the telephone number and name of individual called.

(iv) Unemployment compensation and workers' disability compensation records.

B) Records and information specifically described and exempted from disclosure under statute or subject to attorney-client privilege.

C) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.

D) Commercial or financial information or trade secrets voluntarily provided to the Senate for use in developing government policy if submitted upon a promise of confidentiality by the Senate.

E) Communications, notes, and electronic data within the Senate or between the Senate and other public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to the final Senate determination of policy or action.

3) The Senate may charge a reasonable fee for providing a copy of a financial record. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

4) The Senate may also charge a reasonable fee for providing for the inspection of financial records. This fee may include the actual incremental cost of supervising the inspection including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

The Senate may adopt any such other rules and policies as are necessary to provide for the orderly dissemination of materials to the public.

e) Each Senator shall be allotted ~~separate~~ **EQUAL** budget amounts for the annual staff account and the annual office operations account, ~~as determined by the Senate Majority Leader~~, to be used on a fiscal year basis, **WHICH WILL INITIALLY BE THE LEVELS THE MINORITY OFFICES HAD AT THE START OF THE 95TH LEGISLATURE**. Each standing committee chairperson shall be allotted a separate budget amount for the annual committee operations

account, ~~as determined by the Senate Majority Leader.~~ The amounts allocated to these accounts may be adjusted for all Senate offices **JOINTLY** by the Senate Majority Leader **AND SENATE MINORITY LEADER**. Any unused amount in a fiscal year shall not be carried into the succeeding year. A Senator shall not exceed the annual limits for each of these accounts without approval of the Senate Majority Leader **AND SENATE MINORITY LEADER**.

f) The Senate Majority Leader shall establish guidelines to allow Senators to transfer a limited amount of funds between their own staff account and their office operations account.

G) BOTH CAUCUS STAFFS SHALL HAVE THE SAME LEVEL OF OVERALL COMPENSATION, WHICH WILL INITIALLY BE THE LEVEL THE MINORITY CAUCUS STAFF HAD AT THE START OF THE 95TH LEGISLATURE.

H) ANY EXCESS FUNDING WITHIN THE SENATE SHALL REVERT TO THE DEPARTMENT OF STATE POLICE, RATHER THAN TO THE SENATE MAJORITY LEADER'S OFFICE.

I) ALL INFORMATION REGARDING THE SENATE'S COMPENSATION AND EXPENSES SHALL BE MADE AVAILABLE TO THE PUBLIC ON THE SENATE'S WEB SITE.

1.404 EMPLOYEE COMPENSATION

a) Compensation for Senate employees shall be established by each Senator within the limits of the budget guidelines in accordance with Senate rules and subject to policies issued by the Senate Majority Leader.

b) ~~The Senate shall not provide more than three fringe benefit packages for the staff of each minority Senator or more than five fringe benefit packages for the staff, including committee staff, of each majority Senator unless otherwise determined by the Senate Majority Leader."~~

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations and Reform. Senators Clark-Coleman, Clarke, Jacobs and Scott were named co-sponsors of the resolution.

Senator Pappageorge offered the following resolution:

Senate Resolution No. 53.

A resolution to express united support for the applications submitted by Michigan companies for United States Department of Energy advanced battery manufacturing grants.

Whereas, Michigan is home to unparalleled expertise and experience in deploying large-scale new manufacturing technologies. Our state, which has borne the full brunt of the transformation taking place in our economy and some of the nation's highest unemployment rates over an extended period, has made a strong commitment to redirecting our capabilities to incorporate the latest generation of battery technology; and

Whereas, Congress included \$2 billion in advanced battery manufacturing grants in the American Recovery and Reinvestment Act (ARRA) to invest in vital homegrown technologies and job creation in a new industry essential to jump-start the development of a U.S. manufacturing base for batteries and to accelerate development and commercialization of reliable, safe, and affordable electric drive vehicle systems. This new grant program is also viewed as a vital component of reducing dependence on foreign fuels, lowering vehicular emissions, and helping vehicle manufacturers meet higher fuel economy standards; and

Whereas, Michigan is uniquely prepared to offer an American-led solution that meets these important goals. While Michigan's auto industry is facing historic challenges, this is also a time of unprecedented opportunity for our highly-skilled workers to take a leadership role in meeting critical national needs. Nine of the world's top original equipment manufacturers (OEMs) and 46 of the top 50 global suppliers have significant investments in our state, much of those now focused on developing the zero or near-zero emission vehicles of the future; and

Whereas, On a bipartisan basis, our state government has taken aggressive action to organize our considerable research, development, and manufacturing assets, including passage of unmatched state-level incentives to further leverage federal advanced energy investments. These incentives include \$700 million in state tax credits for battery pack manufacturing, research and development, engineering, and construction of production-scale battery plants; and

Whereas, Utilizing these tax credits, four companies announced plans last month to invest more than \$1.7 billion to launch advanced battery manufacturing in Michigan:

- Johnson Controls-Saft Advanced Power Solutions (JCS), together with Ford Motor Company;
- LG Chem-Compact Power, together with General Motors;
- KD Advanced Battery Group, a joint venture of Dow Chemical Company, Kokam America, Inc., and Townsend Ventures LLC; and
- A123 Systems, together with Chrysler LLC.

In addition, Michigan is already stimulating second-generation lithium-ion technology development through a Centers of Energy Excellence program, one of which includes the University of Michigan spinout Sakti3, and has formed various alliances with other academic and governmental entities, including Oak Ridge National Laboratory and the U.S. Army Tank-Automotive Research, Development and Engineering Center. These alliances position the United States to take immediate advantage of Michigan's strategic assets to establish the supply chain needed to support cell manufacturers, their suppliers, and vehicle OEMs. This supply chain will allow faster deployment throughout the product life cycle, from battery material development to recycling, reuse, and reclamation; and

Whereas, Establishing a North American battery “center of gravity” in Michigan will significantly improve the federal government’s ability to more swiftly meet its ambitious vehicle electrification goals, and it will pay dividends across the industrial Midwest through development of a strong supply chain. The job creation potential in Michigan holds great promise to invigorate our state and enhance the lives of thousands of families. As the department begins its review process, it is clear that our nation needs to get it right the first time in deploying these recovery grant dollars; now, therefore, be it

Resolved by the Senate, That we express united support for the applications submitted by Michigan companies for U.S. Department of Energy advanced battery manufacturing grants. We urge the department to strongly consider the importance of deploying the unmatched abilities and resources being offered by a state that has time and again persevered through regional and national challenges; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy.

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

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Introduction and Referral of Bills

Senator Barcia introduced

Senate Bill No. 575, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 310b (MCL 750.310b), as added by 1996 PA 539.

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

Senator Allen introduced

Senate Bill No. 576, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 251 (MCL 18.1251), as amended by 1999 PA 8.

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

Senators Patterson and Basham introduced

Senate Bill No. 577, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2005 PA 35.

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

Senators Brown, Allen, Stamas, Van Woerkom, Kuipers, Sanborn and Cropsey introduced

Senate Bill No. 578, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 72101 (MCL 324.72101), as amended by 1997 PA 129, and by adding section 72114.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators George, Jansen, Birkholz and Hardiman introduced

Senate Bill No. 579, entitled

A bill to promote the availability and affordability of health coverage in this state and to facilitate the purchase of that coverage; to create MI-Health; to provide for a determination of eligible health coverage plans; to provide for a determination of eligibility for assistance of certain enrollees; to provide for a health access surcharge; to prescribe certain powers and duties of certain officials and departments of this state; to provide for certain funds; to provide for the collection and disbursement of certain payments and surcharges; and to provide for certain reports.

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

Senators Pappageorge, George, Birkholz, Patterson, Hardiman, Barcia, Jansen, Cropsey, Brown and Cassis introduced **Senate Bill No. 580, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 3406f, 3501, 3503, 3519, and 3539 (MCL 500.2213b, 500.3406f, 500.3501, 500.3503, 500.3519, and 500.3539), section 2213b as amended by 1998 PA 457, section 3406f as added by 1996 PA 517, section 3501 as added by 2000 PA 252, section 3503 as amended by 2006 PA 366, and sections 3519 and 3539 as amended by 2005 PA 306, and by adding section 3406s and chapter 37A.

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

Senators Jansen and George introduced

Senate Bill No. 581, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending the title and sections 401e, 402b, 610, 612, and 613 (MCL 550.1401e, 550.1402b, 550.1610, 550.1612, and 550.1613), the title as amended by 1994 PA 169, section 401e as added by 1996 PA 516, and section 402b as amended by 1999 PA 7, and by adding sections 102a, 220, 401k, and 419c.

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

Senators Jelinek, George and Jansen introduced

Senate Bill No. 582, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2008 PA 277.

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

House Bill No. 4203, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43537, 74117, and 83106 (MCL 324.43537, 324.74117, and 324.83106), section 43537 as amended by 2007 PA 60, section 74117 as amended by 2006 PA 477, and section 83106 as amended by 2004 PA 587.

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 Senior Citizens and Veterans Affairs.

House Bill No. 4763, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by amending the heading of part 54C and by adding section 5490.

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.

House Bill No. 4764, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5491 (MCL 333.5491), as added by 2007 PA 159.

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.

House Bill No. 4765, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5494.

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.

House Bill No. 4766, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5495.

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.

House Bill No. 4767, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5496. 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.

House Bill No. 4768, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5497. 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.

House Bill No. 4769, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5498. 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.

House Bill No. 4899, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 5101, 5111, 5117, 5131, 5204, and 20191 (MCL 333.5101, 333.5111, 333.5117, 333.5131, 333.5204, and 333.20191), sections 5101, 5111, and 5117 as amended by 1994 PA 200, section 5131 as amended and section 5204 as added by 1997 PA 57, and section 20191 as amended by 1994 PA 419.

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.

House Bill No. 4900, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2441 (MCL 333.2441), as amended by 1986 PA 76, and by adding section 2443.

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.

House Bill No. 4901, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 67b (MCL 791.267b), as added by 1996 PA 565.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 358, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending section 12a (MCL 125.2162a), as amended by 2008 PA 105.

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. 187**Yeas—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott

Birkholz
Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Gleason
Hardiman
Hunter

Kuipers
McManus
Olshove
Pappageorge
Patterson

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kahn's statement is as follows:

Senate Bill No. 358 will establish two new SmartZones. To become a SmartZone, a municipality has to meet certain qualifications such as having significant support from a higher education institution and possess property devoted to a high-tech activity.

SmartZones are also home to incubation facilities providing office and wet lab space to technology companies. Incubators are a critical part of a SmartZone because they increase access to early-stage capital, provide access to entrepreneurship education, offer other sources of help for young companies, and improve the local community image. SmartZones are designed to foster innovation that will drive Michigan's economy and are necessary to pave a brighter future for our state in the 21st century and will, hopefully, create part of the brighter future we are looking for in our next century.

In so adding these two SmartZones, I look and hope for one of them to go to the Great Lakes Bay Area—Saginaw. It's an area where we are in need of improvements to the quality of life—jobs, diversity, and hope; an area where our crime rate is the highest in the state and unemployment is 13 percent. Crime rate and unemployment are known to go hand in hand. So the location of a SmartZone there would be particularly advantageous to our state and the people in the Great Lakes Bay Region.

Most of the money that comes from and is used by a SmartZone is local money captured from local taxes. It is not funded with the refundable MBT credit, so local governments are part of the judges of the success of a SmartZone. I urge my colleagues to consider this as they consider this bill. However, it should be noted that there are questions, and questions have been raised by some of my colleagues, on reportability and demonstration of results. Those issues may be raised in the future in a separate bill to deal with whether or not the successes that I hope for and am claiming today are real or ephemeral.

So I urge your passage of this bill and consideration for evaluation in the future of SmartZones and results.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Basham, Scott and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's statement is as follows:

I would like to read from the Michigan Constitution, and I know that we can't have props here, but the Michigan Constitution talks specifically on page 19, where Article 4, Section 51 states "the people of the state are hereby declared

to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.” This is something I think we’ve been lacking here when it comes to secondhand smoke. Thirty-some states are now smoke-free. Most recently, Governor Beverly Purdue signed into law a no-smoking ban for North Carolina, one of largest producers of tobacco products in the country. If North Carolina can do it, if Wisconsin and 35 other states can do it, and the province of Ontario can do it, we are the only Great Lakes state that hasn’t addressed this issue.

You know, if I can read the Constitution and read these news clips, I just wish I could read this legislative body’s mind and also the body on the other side of the aisle. There is no reason, if folks can read, that they couldn’t read their constituents’ minds and deal with this issue. We need to do it sooner rather than later.

Senator Scott’s statement is as follows:

Life is a struggle for just about everyone in Michigan right now. Unemployed workers and even workers who are still on the job are finding it difficult to keep their heads above water. But there is one lifeline that you and I can throw the great people of this great state, and that is the lifeline of fair, reasonable, and affordable auto insurance rates.

We can do that now; we have the bills. My bills are in committee waiting for action. We can pass my bills, send them over to the House, and get them moving. If we do that, then people will not have to go another year paying unfair high rates so that other people can pay less for their auto insurance.

Paying less for auto insurance means that people will have more money to spend on other things—more money for food, more money for household items, more money for clothes for their children, and more money to spend on repairs they may need on their cars. All of that spending will help Michigan’s economy. We can help our constituents and help our state along the road to economic recovery at the same time. We can do that by moving my bills and bringing fairness to auto insurance rates for all the people of Michigan.

Senator Clark-Coleman’s statement is as follows:

I rise to give my vote intentions for yesterday, May 13. I had an excused absence from session because I was invited to attend a meeting with Governor Granholm, U.S. Secretary of Education Arne Duncan, and 25 other influential education leaders on the future of Detroit Public Schools. Had I been here, I would have voted “yes” on Roll Call Nos. 172, 173, 174, 175, and 176.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Resolution No. 39.

A resolution honoring the MGM Grand Detroit.

(For text of resolution, see Senate Journal No. 30, p. 567.)

With the recommendation that the resolution be adopted.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Commerce and Tourism reported

Senate Bill No. 418, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Tourism reported

House Bill No. 4781, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Stamas, Clarke and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, May 12, 2009, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas, Clarke and Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Wednesday, May 13, 2009, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), Cropsey and Brater

Scheduled Meetings

Appropriations -

Subcommittees -

Capital Outlay - Thursday, June 4, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Community Colleges - Wednesday, May 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

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

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

Federal Stimulus Oversight - Wednesday, May 20, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Friday, May 15, 10:00 a.m., University of Michigan-Ann Arbor, Michigan League, Vandenberg Room, 911 North University Street, Ann Arbor; and Wednesday, May 20, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (CANCELED) (373-2768)

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

K-12, School Aid, Education - Tuesday, May 19, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768) (CANCELED)

Natural Resources Department - Tuesday, May 19, 12:00 noon or later immediately following session, Room 405, Capitol Building (373-2768) (CANCELED)

Legislative Commission on Statutory Mandates - Tuesday, May 19, 3:00 p.m., Oakland County Executive Office Building, Waterford Room, 1st 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)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:27 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, May 19, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

