

No. 30
STATE OF MICHIGAN
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REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, April 22, 2009.

10:00 a.m.

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

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

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—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—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Pastor Douglas Carr of Gateway River of Life Church of Sturgis offered the following invocation:

Great and glorious Father, we honor You in the mighty name of our Lord Jesus Christ. We invoke the manifestation of Your divine presence in this Senate Chamber. Please stretch forth Thy scepter toward us in Your mighty right hand toward Michigan. Give us ears to hear, eyes to see, faith to believe, and hearts to receive Your kingdom.

Holy Spirit, we ask You to reveal innovations, creative solutions, and heavenly strategies to change the mindset and economy of Michigan from the way it is to the way it is to be. In Jesus' name, I declare a release of heavenly transition and transformation that Michigan might become the head and not the tail of our great nation.

Bless our Senators and bless our state in Jesus' name. Amen.

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

Motions and Communications

Senators Kuipers, Jansen, McManus and Gleason entered the Senate Chamber.

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 21:
House Bill Nos. 4743 4749

Messages from the Governor

The following message from the Governor was received and read:

April 21, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 22 of The Public School Employees Retirement Act of 1979, 1980 PA 300, MCL 38.1322:

Public School Employees' Retirement Board

Mr. Paul B. Lerg of 350 Red Tailed Hawk, P.O. Box 332, Grayling, Michigan 49738, county of Crawford, succeeding William J. Lawson, Jr., whose term has expired, is appointed to represent members who retired from a finance or operations management position and a member of the largest organization of retirants, for a term commencing April 21, 2009 and expiring March 30, 2011.

Mr. Michael W. Ringuette of 1944 Bloomfield Oaks Drive, West Bloomfield, Michigan 48324, county of Oakland, succeeding Jeffrey Hoffman, whose term has expired, is appointed to represent the general public with experience in health insurance or actuarial science, for a term commencing April 21, 2009 and expiring March 30, 2010.

Ms. Ivy Y. Bailey of 24608 Harden Avenue, Southfield, Michigan 48075, county of Oakland, is reappointed to represent classroom teachers and an employee of a school district of the first class, for a term expiring March 30, 2012.

Ms. Lenore Croudy of 3235 Prospect Street, Flint, Michigan 48504, county of Genesee, is reappointed to represent community college administrators or trustees, for a term expiring March 30, 2012.

Mr. Steven J. Jagusch of 4691 Camelina Drive, Commerce, Michigan 48382, county of Oakland, is reappointed to represent the general public with experience in investments, for a term expiring March 30, 2012.

Mr. Edwin E. Martinson of 418 East Midland Avenue, Ironwood, Michigan 49938, county of Gogebic, is reappointed to represent an elected member of a reporting unit's board of control, for a term expiring March 30, 2012.

Mr. Richard A. Montcalm of 440 Borgess Avenue, Monroe, Michigan 48162, county of Monroe, is reappointed to represent a school finance or operations manager who is not a superintendent, for a term expiring March 30, 2012.

Sincerely,
Jennifer M. Granholm
Governor

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

Senator Thomas moved that Senators Barcia, Clarke and Hunter be temporarily excused from today's session. The motion prevailed.

Messages from the House

Senators Hunter, Clarke and Barcia entered the Senate Chamber.

House Bill No. 4453, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

The House of Representatives has nonconcurrred in the Senate substitute (S-1) and appointed Reps. Coulouris, Johnson and Calley as conferees.

The message was referred to the Secretary for record.

House Bill No. 4454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

The House of Representatives has nonconcurrred in the Senate substitute (S-1) and appointed Reps. Coulouris, Johnson and Calley as conferees.

The message was referred to the Secretary for record.

House Bill No. 4455, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrred in the Senate substitute (S-1) and appointed Reps. Coulouris, Johnson and Calley as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 195, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2008 PA 308.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 127

Yeas—35

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	Pappageorge	Van Woerkom
Brown	Hunter	Patterson	Whitmer
Cassis	Jacobs	Prusi	

Nays—0

Excused—2

Garcia

Gilbert

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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 22, 2009

Pursuant to Senate Rule 3.203, I am hereby re-referring Senate Bill 449 from the Senate Committee on Judiciary to the Senate Committee on Homeland Security and Emerging Technologies.

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.

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. 409

Senate Bill No. 412

Senate Bill No. 411

The motion prevailed.

The following bill was read a third time:

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 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. 128**Yeas—35**

Allen
Anderson
Barcia
Basham
Birkholz

Cherry
Clark-Coleman
Clarke
Cropsey
George

Jansen
Jelinek
Kahn
Kuipers
McManus

Richardville
Sanborn
Scott
Stamas
Switalski

Bishop
Brater
Brown
Cassis

Gleason
Hardiman
Hunter
Jacobs

Olshove
Pappageorge
Patterson
Prusi

Thomas
Van Woerkom
Whitmer

Nays—0

Excused—2

Garcia

Gilbert

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. 412, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending sections 124, 261, 501, and 541 (MCL 450.2124, 450.2261, 450.2501, and 450.2541), section 124 as amended by 2002 PA 33 and section 541 as amended by 1987 PA 170.

The question being on the passage of the bill,
Senator Kuipers offered the following substitute:
Substitute (S-1).

The substitute was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 129

Yeas—35

Allen
Anderson
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
George
Gleason
Hardiman
Hunter
Jacobs

Jansen
Jelinek
Kahn
Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Richardville
Sanborn
Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—2

Garcia

Gilbert

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

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

1. Amend page 3, line 10, after "**PRETENSES**" by striking out the balance of the subdivision and inserting "**INCLUDES, BUT IS NOT LIMITED TO, A FALSE, MISLEADING, OR FRAUDULENT REPRESENTATION, WRITING, COMMUNICATION, STATEMENT, OR MESSAGE, COMMUNICATED BY ANY MEANS TO ANOTHER PERSON, THAT THE MAKER OF THE REPRESENTATION, WRITING, COMMUNICATION, STATEMENT, OR MESSAGE KNOWS OR SHOULD HAVE KNOWN IS FALSE OR FRAUDULENT. THE FALSE PRETENSE MAY BE A REPRESENTATION REGARDING A PAST OR EXISTING FACT OR CIRCUMSTANCE OR A REPRESENTATION REGARDING THE INTENTION TO PERFORM A FUTURE EVENT OR TO HAVE A FUTURE EVENT PERFORMED.**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 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 386.

Substitute (S-1).

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

Resolutions

Senators Birkholz, Allen, Basham and Richardville offered the following resolution:

Senate Resolution No. 38.

A resolution designating April 20-26, 2009, the third annual Michigan Conservation Week, as Electronic Waste (E-waste) Recycling Week.

Whereas, The Michigan Legislature is constitutionally charged with the responsibility to protect and preserve the natural resources and environment of this great state; and

Whereas, The state of Michigan is blessed with an abundance of natural resources; plentiful lakes, rivers, and streams; bountiful wetlands and sand dunes; and precious forests. These resources provide Michigan residents and visitors to this great state a high quality of life; and

Whereas, Michigan's resources provide both beauty and background for those who live and recreate in the state; and

Whereas, In recognition of the 90th anniversary of Michigan's state park system, the Legislature has acknowledged the sensitive nature of these resources through a number of environmental programs designed to keep our resource base healthy, while allowing for wise and continuous use of these natural resources; and

Whereas, Michigan's economic, environmental, and social futures are all dependent on the protection and wise use of the state's 37 million acres; and

Whereas, Twenty-first century prosperity is inextricably linked to the quality of life this or any state provides to both its residents and the businesses and entrepreneurs it wishes to attract; and

Whereas, One of the primary factors contributing to the quality of life in this or any state is the promotion and maintenance of healthful living conditions and the mitigation of risk factors that otherwise negatively impact these conditions; and

Whereas, The degradation of Michigan's natural environment has been documented and linked to quality of life concerns, through the indiscriminate deposition of hazardous waste, including e-waste, such as computer monitors, televisions, laptops, VCRs, cellular phones, remote controls, and other electronic components; and

Whereas, Scientific analysis has demonstrated that these hazardous e-wastes leach various chemical and metal toxicants into the soil, including lead, mercury, cadmium, chromium, and fire retardants; and

Whereas, The proper disposal of e-waste via recycling, proper storage, and reuse has been recognized on both a state as well as national scale as an area of increasing concern and has resulted in a nationwide increase in electronics recycling by 30 percent within the last year; and

Whereas, Michigan's 2008 PAs 392, 393, 394, and 395 promote the expansion of responsible electronics recycling in Michigan by requiring manufacturers of consumer computer electronics to implement take-back programs for the free return of computers and video display devices that they produce; and

Whereas, Several major electronics manufacturers and recyclers have supported this take-back program, including Hewlett Packard, Dell, Apple, Waste Management, Inc., and Goodwill Industries; and

Whereas, The Michigan Department of Environmental Quality is sponsoring an electronics recycling event, in conjunction with Hewlett Packard and Dell, to coincide with other Earth Day events in Lansing on April 22, 2009; and

Whereas, These events include the annual Michigan 4-H Youth Conservation Council report before the Michigan Senate Natural Resources and Environmental Affairs Committee, which will pertain to septic tank regulation and water quality; and

Whereas, Designating E-waste Recycling Week will offer local conservation groups and educators an opportunity to educate students and community members on the necessity of preserving Michigan's land-based natural resources in a sustainable manner to provide enjoyment to both current and future generations; now, therefore, be it

Resolved by the Senate, That we hereby designate April 20-26, 2009, the third annual Conservation Week, as E-waste Recycling Week. We urge the citizens of the state of Michigan to take part in the conscientious recycling, reuse, and reduction of e-waste and all other solid wastes in order to preserve the high quality of life available to those who live, work, and recreate in the state; and be it further

Resolved, That copies of this resolution be transmitted to Rebecca Humphries, director of the Department of Natural Resources; the Natural Resources Commission; Steve Chester, director of the Department of Environmental Quality; Representative Rebekah Warren, chair of the House Committee on Great Lakes and Environment; Representative Joel Sheltrown, chair of the House Committee on Tourism, Outdoor Recreation and Natural Resources; Senate Majority Leader Mike Bishop; Speaker of the House Andy Dillon; and Governor Jennifer M. Granholm.

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.

Senators Anderson, Barcia, Brown, Clarke, Cropsey, Gleason, Jacobs, Olshove, Pappageorge and Switalski were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

You have in front of you today Senate Resolution No. 38 which is a resolution to designate April 20-26 as the third annual Michigan Conservation Week and Electronic Waste (E-waste) Recycling Week. This is Earth Day. Some of us this morning attended Earth Day events at Constitution Hall, where over 1,500 young children from across Michigan have submitted posters for a contest and are going around Constitution Hall meeting with various members of DEQ staff; where there are booths set up so they can learn about the science behind Earth Day and about Michigan's greatest natural resources. I would encourage any of you who haven't been there to go and see it.

In combination with that and our designation as Michigan Conservation Week, we would also like to recognize that this is Michigan state parks systems 90th anniversary, and there will be celebrations around the state parks system celebrating this summer. I would encourage you to remember that as you start looking at your summer schedule.

You know, the state of Michigan has been blessed with an abundance of natural resources—plentiful lakes, streams, rivers, bountiful wetlands, sand dunes, and precious forests. These resources provide Michigan residents and visitors a high quality of life. We have 30 million acres of land which provides economic, environmental, and social futures for our lives and those of our dependents. Our 21st century prosperity is inextricably linked to the state and our natural resources. We need to always be cognizant of the fact that our businesses, entrepreneurs, and people across the state know how essential this is to our economy.

Today, as we celebrated the beginning of E-waste Recycling Week, we demonstrated our public-private partnership. With Public Acts 392, 393, 394, and 395 that we adopted last year, we are beginning a system of keeping the electronic waste out of landfills—a perfect solution to a huge problem and a demonstration of a strong public-private partnership working with Hewlett Packard, Dell, Apple, Waste Management, and Goodwill Industries. All of those folks were represented this morning at our press conference. I would like to share with you that since the beginning of their recycling programs, Goodwill has diverted 10 million pounds of electronic waste from landfills while providing jobs for thousands of people.

So today we ask you to join with us in marking this anniversary. We have the Michigan 4-H Conservation Council reporting to the Senate Natural Resources and Environmental Affairs Committee, showing their good work and leadership as they become the leaders of tomorrow.

We ask that you all join with us as you go back to your districts and acknowledge Earth Day, E-waste Recycling Week, and Michigan Conservation Week to the citizens of Michigan. I ask that you support the adoption of the resolution before us.

Senator Clarke offered the following resolution:

Senate Resolution No. 39.

A resolution honoring the MGM Grand Detroit.

Whereas, MGM Grand Detroit is the first-ever Las Vegas-style destination to open in a major metropolitan area and is the city's first and only downtown hotel, gaming, and entertainment destination built from the ground up; and

Whereas, MGM Grand Detroit has consistently led the way in revenue among Michigan casinos due to its commitment to excellence, customer service, and to the people of Michigan; and

Whereas, Each year, MGM Grand Detroit contributes nearly \$127 million in gaming revenue taxes and more than \$18 million in property taxes to the city of Detroit; and

Whereas, The MGM Grand Detroit Community Voice Council has raised more than \$1 million through payroll deductions, golf outings, and candy and flower sales to support more than 400 community and civic organizations throughout the Detroit area; and

Whereas, As Southeast Michigan's largest employer, MGM Grand Detroit employs more than 3,000 people, which more than 50 percent of those employees are Detroit residents and more than 60 percent are minorities; and

Whereas, As the recipient of both the 2009 Mobil Four-Star Award by Mobil Travel Guide and the 2009 AAA Four-Diamond Award by the AAA TourBook for its hotel and IMMERSE Spa, the MGM Grand Detroit has become a point of interest for all of those who come to Detroit; now, therefore, be it

Resolved by the Senate, That we hereby honor the MGM Grand Detroit; and be it further

Resolved, That a copy of this resolution be transmitted to MGM Grand Detroit as evidence of our esteem.

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 Barcia, Clark-Coleman, Gleason and Jacobs were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Kahn, Stamas, Kuipers, Sanborn, Allen, Pappageorge, Cherry, Birkholz and Anderson introduced

Senate Joint Resolution J, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 5 and 6 of article VIII, to require public universities to consider certain veterans of the armed forces residents of this state for determining their tuition rates.

The joint resolution was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senator Clarke introduced

Senate Bill No. 451, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2006 PA 123, and by adding section 1280c.

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

Senator Clarke introduced

Senate Bill No. 452, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280d.

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

Senator Clarke introduced

Senate Bill No. 453, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280e.

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

Senator Brown introduced

Senate Bill No. 454, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

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

Senator Brown introduced

Senate Bill No. 455, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 866 (MCL 168.866).

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

Senators Kahn, Birkholz, Kuipers and Allen introduced

Senate Bill No. 456, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 430 (MCL 208.1430), as added by 2008 PA 270.

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

Senator Switalski introduced

Senate Bill No. 457, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1259.

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

Senator Switalski introduced

Senate Bill No. 458, entitled

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

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

House Bill No. 4743, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4205 (MCL 487.14205).

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

House Bill No. 4749, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 512 (MCL 487.3512).

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

Statements

Senators Hunter, Scott, Whitmer, Cropsey and Pappageorge asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hunter's statement is as follows:

I rise today to discuss a bill that I intend to introduce today at the conclusion of this session. The bill calls for the issue of smoke-free workplaces to be placed on the 2010 statewide ballot.

As you all know, for the past ten years, the Legislature has tried to pass a smoke-free worksite bill that will protect our citizens against harmful smoking-related diseases and lung cancer. Unfortunately, these efforts have consistently failed, and due to disagreements regarding exemptions for casinos, bars, or restaurants, Michigan has yet to see a solution to this problem.

At this point, I believe enough is enough. I don't believe that we should pass watered-down legislation full of concessions that bend and bow to the influence of special interests. The only interest that I am concerned about today and as we move forward is that of the citizens we all serve across this great state of Michigan. We shouldn't pick and choose which work-sites should be smoke-free and which shouldn't.

With secondhand smoke being the third most preventable cause of death in the United States, we need to do whatever is possible to protect our citizens' health, and I am sure you all agree. Instead of continuing to debate this issue back and forth, we need to put our narrow opinions, as well as those of special interest groups, aside and let our voters have the final say in what they think is best for Michigan.

Our citizens are the patrons of the casinos, bars, and restaurants, so let them decide. This is precisely what my bill would do, Mr. President. By placing the issue of smoke-free on the ballot and simply stating that with voter approval all worksites will be smoke-free, we can let our citizens have the final say on this very important issue. With over two-thirds of Michigan voters supporting smoke-free workplaces, I am confident that by putting this issue on the ballot we can build on Michigan's 30-year history of enacting and updating laws to protect non-smokers by also covering our workers.

I would urge each and every one of my colleagues to carefully consider co-sponsoring my legislation. It is available on my desk for co-sponsorship.

Senator Scott's statement is as follows:

All of us make choices. We make them here at work, and we make choices in our personal lives. The choices we make change our lives and the lives of the people around us. Our choices become echoes that we keep hearing throughout our lives.

The journalist Ella Winter said, "Choose well: your choice is brief, yet endless." So I ask all of you today to choose to act on auto insurance reform. Choose to give our long-suffering constituents meaningful relief from auto insurance payments that can cost them a thousand dollars or more every month. In this difficult economy, choose to help them out by giving them relief from high rates. Choose to free up some of their hard-earned money so they can use it for other important expenses. Choose to move my bills.

Senator Whitmer's statement is as follows:

I rise today to acknowledge a small victory for transparency. As of today, Senate office budgets are now posted online at the State Senate's official website—www.senate.michigan.gov. It might be a little tricky to find at first, but I assure you, it's there—we checked. This is a small victory for transparency, a good first step and one that will allow citizens concerned with state spending to notice the huge discrepancy that exists between majority and minority offices. Those concerned citizens might even do the math and find that this number is merely \$3 million. Exposing this injustice is exactly what transparency is all about. Like I began, it is a good first step—a small victory for transparency.

If we are truly committed to transparency, we will put this policy of online budgets into statute so there is no chance it can be revoked in the future at the whim of some other group of elected officials. What is also highlighted, and that the public can see, as I encourage them to do, is that we have not addressed the issue of immediate savings for taxpayers. We can and should do more by erasing the discrepancy of almost \$100,000 in some cases and far more than that in others, between Republicans and Democrats in this chamber.

As we grapple once again with this dire state budget shortfall, I encourage my colleagues in the majority to take action on reducing these office budgets down to an equal amount so that we can make at least a small, but significant savings, as we ask the rest of the state to do the same.

Toward that end, I encourage you all to read the *Detroit News* editorial today on that very subject. I have passed it out; it is on your desk for your convenience. They, too, see that this is something that makes sense. While it is symbolic, in times of crisis, symbols matter. Equity, transparency, and immediacy resonated with the *Detroit News*, and I hope that they will ultimately resonate with you.

Senator Cropsey's statement is as follows:

You know, this body passed a total ban on smoking. We passed the total ban. We said that casinos should go smoke-free, restaurants should go smoke-free, and every place where the public goes should be smoke-free. It was the House of Representatives that refused to do that because they wanted to accept this business and that business. Let's face it, they wanted to accept the casinos. This body said, no, we think the workers in the casinos should not have to breathe secondhand smoke.

Now when it came to conference committee, the previous speaker was on the committee, I was on the committee, and I took the Senate version and said if we aren't going to look at the property rights issues, if we are going to look at the public health issues, then let's do what is right for public health and have the total ban on smoking. So the folks who work in restaurants, casinos, and other places are not going to be bothered with the medical problem of secondhand smoke. You know, I was the only person on that conference committee who held tight to that position—the Senate position.

Now I would suggest that perhaps the comments on this smoking issue be directed to the House and ask them if they are so indebted to the casino interest that they are willing to sacrifice the health of the workers in the casinos. Ask your Democratic colleagues in the House if that is what it really amounts to because that is what it really amounted to at the end of session last year.

Another thing, one of the previous speakers spoke in a very partisan way about the differences in budgets between the Republican and Democratic members, which was not totally accurate. It has always been that majority party has a larger budget because they hire the committee clerks and that sort of thing to run committees and to run the subcommittees on Appropriations. Certainly, the speaker who stood up and mentioned that is trying to make an issue of that, and I don't know for what reason; if there is some sort of statewide following that person is trying to get, but certainly, that person would understand that. I am not sure if that person has ever served in the majority, but if she had, did she forego the staff that she needed to run the committee she was in charge of? I don't know; perhaps she did. Let me tell you, I don't think we do the people of this state any services by saying, no, you aren't going to have the staff you need to have the Legislature run as a Legislature ought to run. To take up an issue like that, I think, is nothing more than cheap, political partisanship because if they were truly serious, they would start with the House of Representatives, then they would go to Congress and say, "Oh, the Democrats are in control there, so we're going to make sure every budget is equal across the board."

But, all of a sudden, to be focusing on the Michigan State Senate, this is partisanship—pure and simple.

Senator Pappageorge's statement is as follows:

The previous speaker talked about putting something of the smoking situation on the ballot. I commend him and agree with his efforts.

If you will recall, in his discussion, the focus was secondhand smoke. It was not focused on precluding everyone from smoking. I am for a complete smoking ban with a very small exception. People go to tobacco shops knowing they will inhale smoke, which is why they go there. It would be wrong to destroy a small industry that employs people—people who pay their mortgages and send their kids to college.

The focus should be on how we started with this process, which is eliminating secondhand smoke. Again, there is no secondhand smoke in a cigar bar. I disagree with what they are doing, and I think they are hurting themselves, but they are there to suck down the smoke—to their ultimate demise, probably, getting lung cancer. Nevertheless, we should not destroy that industry, and that should be the only exception. The issue here is secondhand smoke and not preventing anyone from smoking.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 163, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 4 (MCL 28.4).

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 21, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Monday, April 20, 2009, at 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, Michigan Rooms B, C, and D, 400 Mill Street, Flint

Present: Senators Stamas (C) and Hardiman

Excused: Senators George, Kahn, Barcia, Anderson and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Monday, April 20, 2009, at 1:30 p.m., Mott Community College, Mott Library, Room 302, 1401 East Court Street, Flint

Present: Senator Hardiman (C)

Excused: Senators Garcia and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Tuesday, April 21, 2009, at 2:05 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Brown, Switalski and Clark-Coleman

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, April 21, 2009, at 2:30 p.m., Room 100, Farnum Building

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

Excused: Senator Gilbert

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, April 21, 2009, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C), Kahn and Brater

Scheduled Meetings

Administrative Rules - Thursday, April 23, 8:30 a.m., Room 405, Capitol Building (373-6476)

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 23, 2:00 p.m.; and 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)

Education - Thursday, April 23, 2:30 p.m., Room 110, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, April 23, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, April 23, 12:30 p.m., Room 110, Farnum Building (373-1758)

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)

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 11:00 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, April 23, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate