

No. 103
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, December 10, 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—excused
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present

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

Pastor Arthur L. Turner of New Bethlehem Missionary Baptist Church of Detroit offered the following invocation:

Our Father, who art in heaven, God of days gone by, our ever-present help in times of trouble, and our hope for tomorrow, we come today with an attitude of gratitude. We thank You for Your tender mercies, Your loving-kindness, Your goodness, Your grace, and Your compassion. Also we thank You for Your unconditional love; for while we were yet sinners, You gave us Your Son as our substitute and propitiation for our sins.

Truly, Jesus is the reason for the season. We pray that You would continue to bless this great nation, beginning with our Commander in Chief, President Obama, as well as our legislative and judicial branches of government.

Bless, O Lord, this great state of Michigan, beginning with Governor Granholm, as well as all branches of our state government. Bless all of our cities, townships, and villages. Bless all of our citizens of this great state and the future leaders of tomorrow—our children.

We are faced with some tough economic times as well as an uncertain future. We pray for a breakthrough and a turnaround. Lord, we thank You for all the things you've done in the past when we were a prosperous state, when our economy was flourishing and unemployment was at its lowest.

Lord, You have the power to make our latter greater than our former. Please continue to hold us in the hollow of Your hand. Touch the hearts and minds, thoughts and deeds of all who are under the sound of my voice. Lord, we pray that You would unite them by Your Spirit, that Your will be done, and that You would gain great glory.

In Jesus' name, we pray. Amen.

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

Motions and Communications

Senators Brown, Kahn, Thomas, Garcia, Barcia and George entered the Senate Chamber.

Senator Cropsey moved that Senator Hardiman be excused from today's session.

The motion prevailed.

Senator Cropsey moved that the Committee on Energy Policy and Public Utilities be discharged from further consideration of the following bill:

House Bill No. 5574, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," (MCL 484.3301 to 484.3314) by adding section 15.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5574

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

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5479

House Bill No. 5087

House Bill No. 5380

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

Senators Kahn and Switalski asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Kahn's statement is as follows:

Colleagues, I would like to take a moment to share with you my appreciation for one of my interns. As we all have people who help us make our offices work and have the bittersweet moments of them leaving, it is appropriate to take up a bit of your time to talk about Joe Krawciw. He has been in my office during the past semester assisting us with our

legislative duties and working with constituents as well. As you know, that is one of the most important—if not the most important—things that we do. His hard work for the people of the 32nd District and the rest of our state is greatly appreciated not just by me or my staff, but also the people of the 32nd District. I hope that Joe has found as much benefit from the position as we have by having him here as part of our team.

So on behalf of my staff and the rest of us, the Michigan Senate, I want to thank Joe for all that he did to make our jobs a little easier and the people of Michigan a little bit more connected to us here in Lansing. While we hope to be welcoming Joe back to our team in some fashion in the future, as his college internship concludes, we want to wish Joe luck in his future studies at MSU and hope that he continues to use his talents to make our state a better place.

Senator Switalski's statement is as follows:

I have another intern who is completing her work with me this semester. I have Ashley Morris, a law student in her second year at Michigan State University law school. She is also getting her master's degree in human resources. She is incredibly talented, and I am hoping that I can find a way to hang on to her.

She has done some great project work on tax law, earned income tax credits—a lot of background in that. She has also done things with gun-permit laws. She is a very capable and technologically-savvy individual, which comes as a great benefit to me.

So I hope that all members of the Senate will join me in thanking her for her work, and I am hoping that she will stick around.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:13 a.m.

11:37 a.m.

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

During the recess, Senators Clarke and Hunter entered the Senate Chamber.

Senator Cropsey moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1005

Senate Bill No. 1006

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 9:

House Bill Nos. 5091 5094 5095

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, December 10:

House Bill No. 5105

The Secretary announced that the following official bills were printed on Wednesday, December 9, and are available at the legislative website:

Senate Bill Nos. 1009 1010 1011

**House Bill Nos. 5650 5651 5652 5653 5654 5655 5656 5657 5658 5659 5660 5661 5662 5663
5664 5665 5666 5667**

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 Barcia 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. 361, 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.

Senate Bill No. 939, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 433 (MCL 324.43301 to 324.43303).

House Bill No. 5087, entitled

A bill to amend 1994 PA 451, entitled "Natural resource=s and environmental protection act," by amending section 81101 (MCL 324.81101), as amended by 2004 PA 587.

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as amended by 2004 PA 537.

The bills were 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:

House Bill No. 4801, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 7 (MCL 125.2307).
Substitute (S-1).

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

1. Amend page 5, following line 4, by inserting:

"(H) SMOKE ALARMS."

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.

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

House Bill No. 5479, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

Substitute (S-2).

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.

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

Senate Bill No. 1005, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1006, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 12b (MCL 125.1812b), as added by 2008 PA 156.

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.

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

House Bill No. 5574, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," (MCL 484.3301 to 484.3314) by adding section 15.

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

1. Amend page 2, following line 1, by inserting:

"(4) THIS SECTION DOES NOT APPLY AFTER DECEMBER 31, 2012."

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Kahn, on behalf of Senator Pappageorge, 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:

As you know, we have the sadness and happiness of Senator Pappageorge being relatively silent for a few weeks—be that as it may. So in his silence, he has asked me to say a few words in regard to something that is important to all of us, the functioning of our offices, and that is an intern. Ali Emamdjomeh, spent the past semester in Senator Pappageorge's office and is now leaving. He is currently a sophomore at MSU majoring in economics with a specialization in environmental economics and policy, which is a very live issue here in Michigan.

Ali has been a dedicated, hardworking, and reliable intern. He always maintains a positive attitude and gets along great with the staff. His assistance has been invaluable to the functioning of Senator Pappageorge's office and to doing the work of his district.

Please join Senator Pappageorge in thanking Ali for his service and wishing him the best in his future endeavors.

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 5574

Senate Bill No. 1005

Senate Bill No. 1006

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

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

Senate Bill No. 750

House Bill No. 4327

House Bill No. 4218

Senate Bill No. 904

Senate Bill No. 1005

Senate Bill No. 1006

House Bill No. 5574

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 750, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7523, 7524, and 7524a (MCL 333.7523, 333.7524, and 333.7524a), section 7523 as amended by 2006 PA 130, section 7524 as amended by 2006 PA 558, and section 7524a as amended by 1994 PA 8.

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. 686

Yeas—37

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4327, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 202 (MCL 37.2202), as amended by 1991 PA 11.

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. 687

Yeas—36

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

Birkholz	George	McManus	Stamas
Bishop	Gilbert	Nofs	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hunter	Pappageorge	Van Woerkom
Cassis	Jacobs	Patterson	Whitmer

Nays—0

Excused—1

Hardiman

Not Voting—1

Cherry

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4218, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 51 (MCL 211.51), as amended by 2005 PA 114.

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. 688

Yeas—37

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 904, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2511 (MCL 324.2511), as added by 2006 PA 146.

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. 689

Yeas—37

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

Nays—0

Excused—1

Hardiman

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. 1005, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

The question being on the passage of the bill,

Senator Patterson moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1006, entitled

A bill to amend 1980 PA 450, entitled “The tax increment finance authority act,” by amending section 12b (MCL 125.1812b), as added by 2008 PA 156.

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. 690

Yeas—36

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

Nays—0

Excused—1

Hardiman

Not Voting—1

Cassis

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5574, entitled

A bill to amend 2006 PA 480, entitled “Uniform video services local franchise act,” (MCL 484.3301 to 484.3314) by adding section 15.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 2, following line 1, subsection (4), after “**DECEMBER 31,**” by striking out “**2012**” and inserting “**2015**”.

The amendment 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. 691**Yeas—37**

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

Nays—0**Excused—1**

Hardiman

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for uniform video service local franchises; to promote competition in providing video services in this state; to ensure local control of rights-of-way; to provide for fees payable to local units of government; to provide for local programming; to prescribe the powers and duties of certain state and local agencies and officials; and to provide for penalties.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 1005, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

(This bill was read a third time earlier today and consideration postponed. See p. 2385.)

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. 692

Yeas—37

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

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 12:29 p.m.

12:39 p.m.

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

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

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

House Bill No. 4377, 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, and 12905 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, and 333.12905), 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, and section 12905 as amended by 1993 PA 242, and by adding sections 12606, 12606a, and 12606b; and to repeal acts and parts of acts.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4377

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

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senator Prusi introduced

Senate Bill No. 1014, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531f. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Van Woerkom, George, Patterson, Hunter, Jansen, Birkholz, Richardville and Allen introduced

Senate Bill No. 1015, entitled

A bill to amend 2003 PA 258, entitled "Land bank fast track act," by amending sections 2 and 4 (MCL 124.752 and 124.754).

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

Senators Hunter, George, Allen, Van Woerkom, Patterson, Jansen, Birkholz and Richardville introduced

Senate Bill No. 1016, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7ll. The bill was read a first and second time by title and referred to the Committee on Commerce and Tourism.

Senators George, Van Woerkom, Patterson, Hunter, Jansen, Birkholz, Richardville and Allen introduced

Senate Bill No. 1017, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as amended by 2006 PA 498.

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

Senator Cassis introduced

Senate Bill No. 1018, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," (MCL 125.2681 to 125.2696) by adding section 10a.

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

Senators Prusi and Whitmer introduced

Senate Bill No. 1019, entitled

A bill to amend 2008 PA 295, entitled "Clean, renewable, and efficient energy act," by amending section 51 (MCL 460.1051).

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

Senators Clarke, Scott, Clark-Coleman, Thomas, Jacobs, Brater, Prusi, Cherry, Olshove and Switalski introduced

Senate Bill No. 1020, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 32A.

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

Senators Thomas, Brater, Anderson, Clarke, Scott, Clark-Coleman, Jacobs, Prusi, Cherry, Olshove and Switalski introduced

Senate Bill No. 1021, entitled

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

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

Senators Clark-Coleman, Brater, Anderson, Hunter, Clarke, Scott, Thomas, Jacobs, Prusi, Cherry, Olshove and Switalski introduced

Senate Bill No. 1022, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2403 and 2603 (MCL 500.2403 and 500.2603), section 2403 as amended by 1993 PA 200.

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

Senators Barcia, Brater, Hunter, Clarke, Scott, Clark-Coleman, Thomas, Jacobs, Prusi, Cherry, Olshove, Switalski and Anderson introduced

Senate Bill No. 1023, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2114 (MCL 500.2114).

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

Senators Scott, Clarke, Clark-Coleman, Thomas, Jacobs, Brater, Prusi, Cherry, Olshove, Switalski and Anderson introduced

Senate Bill No. 1024, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2112 (MCL 500.2112), as amended by 1980 PA 461, and by adding section 2107b.

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

Senators Jacobs, Brater, Anderson, Hunter, Clarke, Scott, Clark-Coleman, Thomas, Prusi, Cherry, Olshove and Switalski introduced

Senate Bill No. 1025, entitled

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

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

Senators Hunter, Prusi, Anderson, Jacobs, Thomas, Clark-Coleman, Scott, Cherry, Olshove and Brater introduced
Senate Bill No. 1026, entitled

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

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

Senators Gleason, Hunter, Clarke, Scott, Clark-Coleman, Thomas, Jacobs, Brater, Prusi, Cherry, Olshove, Switalski and Anderson introduced

Senate Bill No. 1027, entitled

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

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

Senators Cherry, Brater, Prusi, Anderson, Hunter, Clarke, Jacobs, Thomas, Clark-Coleman, Scott and Olshove introduced
Senate Bill No. 1028, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2106, 2108, 2109, 2110, 2114, 2115, and 2127 (MCL 500.2106, 500.2108, 500.2109, 500.2110, 500.2114, 500.2115, and 500.2127), section 2115 as amended by 1980 PA 461, and by adding sections 2103a, 2106a, 2107a, 2109a, 2109b, and 2128; and to repeal acts and parts of acts.

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

Senators Anderson, Brater, Hunter, Clarke, Jacobs, Thomas, Clark-Coleman, Scott, Cherry and Olshove introduced

Senate Bill No. 1029, entitled

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

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

Senator Brown introduced

Senate Bill No. 1030, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2008 PA 217.

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

House Bill No. 5091, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16423 and 16431 (MCL 333.16423 and 333.16431), section 16431 as amended by 1994 PA 234.

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.

Senator Cropsy moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5094, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 10 (MCL 28.610), as amended by 1998 PA 237.

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 Education.

House Bill No. 5095, entitled

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending the title and sections 2, 3, 4, 7, 8, 9, 14, 17, 19, 25, and 29 (MCL 338.1052, 338.1053, 338.1054, 338.1057, 338.1058, 338.1059,

338.1064, 338.1067, 338.1069, 338.1075, and 338.1079), the title and sections 2, 3, 7, 14, 17, 19, and 29 as amended by 2002 PA 473, sections 4 and 8 as amended by 2000 PA 411, and sections 9 and 25 as amended by 2004 PA 270, and by adding sections 6a, 37, 38, 39, 40, 41, and 42.

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

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

House Bill No. 5105, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3107b (MCL 500.3107b), as added by 1994 PA 438.

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

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Barcia 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:

House Bill No. 4377, 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, and 12905 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, and 333.12905), 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, and section 12905 as amended by 1993 PA 242, and by adding sections 12606, 12606a, and 12606b; and to repeal acts and parts of acts.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 6, line 11, by striking out all of subsection (2) and inserting:

"(2) THE OWNER, OPERATOR, MANAGER, OR PERSON HAVING CONTROL OF A PUBLIC PLACE, A FOOD SERVICE ESTABLISHMENT, OR A CASINO SUBJECT TO SECTION 12606B SHALL DO ALL OF THE FOLLOWING:

(A) CLEARLY AND CONSPICUOUSLY POST "NO SMOKING" SIGNS OR THE INTERNATIONAL "NO SMOKING" SYMBOL AT THE ENTRANCES TO AND IN EVERY BUILDING OR OTHER AREA WHERE SMOKING IS PROHIBITED UNDER THIS ACT.

(B) REMOVE ALL ASHTRAYS AND OTHER SMOKING PARAPHERNALIA FROM ANYWHERE SMOKING IS PROHIBITED UNDER THIS ACT.

(C) INFORM INDIVIDUALS SMOKING IN VIOLATION OF THIS ACT THAT THEY ARE IN VIOLATION OF STATE LAW AND SUBJECT TO PENALTIES.

(D) IF APPLICABLE, REFUSE TO SERVE AN INDIVIDUAL SMOKING IN VIOLATION OF THIS ACT.

(E) ASK AN INDIVIDUAL SMOKING IN VIOLATION OF THIS ACT TO REFRAIN FROM SMOKING AND, IF THE INDIVIDUAL CONTINUES TO SMOKE IN VIOLATION OF THIS ACT, ASK HIM OR HER TO LEAVE THE PUBLIC PLACE, FOOD SERVICE ESTABLISHMENT, OR NONSMOKING AREA OF THE CASINO."

2. Amend page 7, following line 21, by inserting:

"(4) THIS SECTION MAY BE REFERRED TO AS THE "DR. RON DAVIS LAW"."

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4377

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

The following bill was read a third time:

House Bill No. 4377, 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, and 12905 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, and 333.12905), 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, and section 12905 as amended by 1993 PA 242, and by adding sections 12606, 12606a, 12606b, 12610, and 12914; and to repeal acts and parts of acts.

The question being on the passage of the bill,
Senator Kuipers offered the following substitute:
Substitute (S-5).

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

Senator Clark-Coleman offered the following amendment:

1. Amend page 3, following line 23, by inserting:

"(iv) BARS WITH A DEDICATED VENTILATION SYSTEM LOCATED IN AN INTERNATIONAL AIRPORT."

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

Senator Gleason offered the following amendment:

1. Amend page 1, line 1, after "(1)" by inserting **"THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "RAYMOND BASHAM SMOKEFREE MICHIGAN ACT"."**

The amendment was not adopted, a majority of the members serving not 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. 693

Yeas—24

Anderson	Clark-Coleman	Jelinek	Patterson
Basham	Clarke	Kahn	Prusi
Birkholz	George	McManus	Scott
Brater	Gleason	Nofs	Switalski
Cassis	Hunter	Olshove	Thomas
Cherry	Jacobs	Pappageorge	Whitmer

Nays—13

Allen	Cropsey	Jansen	Sanborn
Barcia	Garcia	Kuipers	Stamas
Bishop	Gilbert	Richardville	Van Woerkom
Brown			

Excused—1

Hardiman

Not Voting—0

In The Chair: President

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities;

to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Protests

Senators Kuipers, Bishop, Sanborn, Cropsey and Jansen, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4377.

Senator Kuiper’s statement is as follows:

I suspect that the previous speaker is going to rise and say what an historic day this is, but I, frankly, think this is a sad day for the state of Michigan. I will be the first to tell you that I do not like going into restaurants where cigars and cigarettes are being smoked. It tends to impact your ability to breathe, and it also makes your clothes smell. I think it is a sad day in this regard: At a time when Michigan’s unemployment is at 15 percent, this policy that we just passed will not create one job. It will probably result in the loss of additional jobs.

At a time when we should be focused on an agenda that is pro-job creation and eliminating government regulation, today this chamber just passed some of the most extensive and far-reaching government regulations in our history.

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

Senator Bishop’s statement, in which Senators Sanborn and Cropsey concurred, is as follows:

I am an individual member of this legislative body and am, therefore, elected by my constituents to represent them as well. I think that most of the folks in the chamber know that I am opposed to this type of legislation. I have been in the past and am today and will be in the future. I wanted to make sure that I rise to record why I voted the way that I did.

First of all, I want to thank Senator Ray Basham for his steadfast dedication to this issue. I was his seatmate last term. I want you to know that there is no more tenacious an advocate for this issue than Ray Basham of Taylor, Michigan, and I hope that is recorded in history.

I really have two specific objections to this legislation. First, it is simply incompatible with the free-market principles that I and many of my colleagues hold dear. Secondly, to me, this is a blatant overreach by government into the private business environment and into the individual freedoms of our citizens, which is, to me, again an absolute breach of what I have always believed the role of government to be. If I may, I would like to drill down into each of those briefly.

First is the laissez faire approach to free-market principles that represent the very foundation of our country and our nation’s economy. We will always be unique to the world for the freedoms that we have fought for, and those are the freedoms we have established here today. Historically, we trust our citizens and our businesses, with the freedom to establish an environment which is mutually beneficial not just for the businesses but for the consumer. In the case before us today, we see a growing trend—and it is nationwide—to snuff out the use of tobacco. Really, that is a noble cause because we can all stipulate to the harmful effects of secondhand smoke and firsthand smoke and the tragic toll it has taken across the country on so many families for such a long time. We understand the facts, but most importantly, so does the free market. Here in Michigan, businesses across the state are reacting to market pressures. They have to because it is about business, which you might have noticed in this state is not so good these days.

In the difficult economy and a competitive business environment, the number of nonsmoking business establishments has dramatically grown over the years, as businesses have recognized the opportunity to capitalize on those citizens who prefer smoke-free environments. All you have to do is go to smokefreemichigan.com and read all of the 6,000 establishments that are smoke-free in this state. The market naturally reacts to business trends, and if it doesn’t, our strong-willed Michigan citizens will find another place to spend their hard-earned money.

In the case for smoke-free environments, the market has worked. Citizens continue to vote with their feet, and business continues to meet the demands of the customer. All of this is happening without government intervention. No question about it, government does have the right to intervene in certain circumstances. That is not in dispute here today, but I think we all agree that we have to draw the line somewhere.

That draws me to my concern about the role of government and its slow creep into the everyday, private lives of citizens. Government began, in this case, with the regulation of smoking. Then in its infinite wisdom, it began to mercilessly tax the product, and now government moves to ban its use in a significant way. This is a consistent pattern of government. It slowly intrudes into the private lives of individuals and businesses and, ultimately, attempts to govern every aspect of our lives; in effect, trying to protect us from ourselves.

As a nonsmoker, I understand and appreciate your concern about secondhand smoke. I really do sincerely understand and appreciate it. I have had much debate with my good friend from Taylor, Michigan, and his staff over the years. I think it is fair to say that there are legitimate issues on both sides, and I have appreciated this debate. I respect the intent of all of you today who have supported this proposal, but I have to ask an obvious line of questions: When will it stop? How much control will you want? When will people have to stop thinking for themselves entirely?

Ronald Reagan once said that government's first duty is to protect people, not to run their lives. I believe enough is enough. Let the free market work, trust people to make the right decisions for themselves, and all the while control the growth of government.

I thank you all today for a hearty debate, for the many months of debate on this subject, and I respect all of you for the positions you have taken today.

Senator Jansen's statement is as follows:

Many of the previous speakers have made some great points. I want to focus on the health care. Today I voted "no" on this bill, House Bill No. 4377. It was not a total ban, which is what I had agreed upon to support. I supported it the last time. This would include every business, public or private. I did vote "yes" on the amendment offered by my fine colleague from the 32nd District. He offered a substitute to this bill that would have applied to the complete ban. I sincerely recognize the many who have expressed their support for a ban, and if this truly is a public health issue, then it should apply to every indoor location. It is important to note that in this economy, there may be workers in restaurants, bars, and casinos—some of these exceptions—who may not have the opportunity for their chance to go find other employment. These are private businesses for which an owner is responsible. If the state's going to get into this issue, it should be across the board.

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

The motion prevailed.

Senator Gleason's statement is as follows:

It is a distinct honor to stand before the Senators here today, and I believe that we have, with the most recent remarks, seen another example of the great statesmanship that Senator Ray Basham has displayed over his long career. We live in a troubling era where efforts are sometimes stymied and completely lost because of term limits. The smoke-free act here in Michigan has been contentious and troubling for everyone who has played a role in it. I know that in the past, we have named substantial legislation after previous legislators. I was completely honored when we had the ability to name the victims' act after Senator Van Regenmorter. You know, Ray doesn't necessarily agree totally with what we are voting on at this particular moment, but he understands and respects this institution enough to make sure that something is done. All those who have lost their lives due to secondhand smoke have had a steadfast advocate in Senator Basham.

There is not a single person in this chamber or who has left because of term limits who hadn't been approached by Senator Basham. I think his diligence and devotion to Michigan's health care should be rewarded with this small act. This act is much smaller than Senator Basham's efforts. So years from now when we have a healthier environment, when our kids aren't confined to smoky rooms in restaurants, airports, or any of our public places, the name will long be forgotten, but the effort will continue to be part of our state.

I know it is a high honor to have a piece of legislation named after you, but I would also ask all of us who have an opportunity to vote on this amendment now. Who among us has stepped forward and put this much effort into any one of their particular concerns or into one of the ideas that they came here to Lansing to advocate for and to pass legislation on behalf of?

Let's do the right thing here today. We have a great friend who has shown us how the legislative process works. Now we have been put into troubling situations, both personally and politically, in the past few years because of other concerns, but let's do the right thing today. Let's remember this boy who came here from the hills of Virginia who said he might have started there, but he is going to make our state better. He came to our state and left it in better shape than when he found it.

I ask that we give this a resounding support for a man who did his job—and should—to come here with a purpose and leave your state better off. So let's support this amendment. Let's thank a longtime friend who has treated us the way this chamber should be treated and support a true champion of smoke-free Michigan.

Senator Cropsey moved that Senators McManus and Birkholz be excused from the balance of today's session.

The motion prevailed.

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Hunter, Basham, George, Patterson, Switalski, Scott, Nofs and Gleason 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 just wanted to rise and thank my colleagues for their support of this very important issue today. I understand full well those who could not vote in favor of it. I want to personally thank, as many others have, Senator Basham for his hard work on this issue. Many of us have simply added our voices to the process, but clearly he's led this issue for some time. I'm very proud of the work which he has done and the fact that he can leave this place with this as a key part of his legacy being a member of this Legislature.

For some of us, myself included, this issue is very personal. We all know a friend, family member, a loved one, or a co-worker who has died of cancer not having smoked one day in their lives. It's difficult to swallow for me, personally, to say that, well, we know that this is a serious health care issue, but, I appreciate that you care about the health care of the citizens of this great state, but, I think today as a Legislature, we have taken a key step in protecting the people across the state from known health risks which can be avoided. The facts don't lie. They are what they are. So I'm very proud of what we've done today. I think that as we move forward, more can be done in this vein. I think that it will be a great day in this state when we are totally 100 percent smoke-free, but until that time, I think that we all have a lot to be proud of; that we have stood up for the citizens of this state who have spoken out quite loudly for their desire for this state to become the 38th state to adopt a smoke-free policy.

So again, Mr. President, I thank you for your recognition and, colleagues, your attention. Again, to my friend Senator Basham, thank you so much. If I had 10,000 tongues, thank you wouldn't be able to be expressed enough to adequately convey my heartfelt appreciation for all that you have done on this issue.

Senator Basham's statement is as follows:

First of all, I would like to thank the leaders of this chamber—Senator Bishop, Senator Prusi, Chairman George, Senator Birkholz, Senator Casiss, and others. I could name almost everyone in this chamber who have worked every possible way on this legislation. I am really pleased that we are finally dealt with the secondhand smoke issue that has plagued this state for many, many years and way too long. I, personally, would prefer a clean bill to protect all workers from secondhand smoke.

I truly believe that smokers have rights, but their rights end when they go up the nose of a nonsmoker. It was the U.S. Surgeon General who issued a 700-page report and 70-page summary that said there is no safe amount of secondhand smoke. We have over 3,000 people per year die in Michigan as a result of secondhand smoke. Many of you know some of them.

This legislation we have just moved, we actually feel like we have moved the ball down the court. We have even scored a goal, but we haven't scored a three-pointer. Until we protect all workers in this state, again, it's not a three-pointer. As you can tell, I am a basketball fan.

Also this legislation makes us the 38th state that has passed the smoke-free legislation. In time, we have cleaned up the smoke image and actually became smoke-free to protect our future generations and those folks who don't have to be subject to secondhand smoke.

Some things government has a responsibility and a role to play, and if you look at those folks who advocate against big government, Social Security has not been too bad for this country and neither has the military. Again, this won't be too bad for Michigan. When New York City went with smoke-free-bars and restaurants, they said it was going to kill the city. They are an international city. But six months after they went smoke-free, their tax receipts were up 12 percent.

I would say that our competition dealing with the casino issue is other casinos. We have more than any state, except Nevada. Ohio went smoke-free, and Ohio just recently voted to have casinos. This puts us on equal footing with Ohio, so I don't see that we will actually lose business. I think we will actually have people who continue to stay in Michigan, and if they want, to use the game of chance rather than go to Ohio to where it is smoke-free.

Again, I want to congratulate the members of this chamber for protecting public health in the state of Michigan.

Senator George's statement is as follows:

I also would make some observations on the important legislation that we have passed today. I commend the Senator from the 8th District for his persistent and long work on this issue. Like him, I would have preferred a clean bill with no exemptions. In fact, like him, I introduced such a bill. We both had bills in committee that had no exemptions, but we

both recognize that sometimes you have to compromise in the Legislature to get things done. It is in that spirit that I agreed to support the measure with the exemptions.

Why is this so important to us? It is important because if you look at the big picture; if you look at our state's economic difficulties; if you look at the course that General Motors and Chrysler followed when they reached a point when they were spending more on health care than on steel, it happened just before they declared bankruptcy. The state of Michigan now spends more on health care than on any other topic. We spend more on health care than we spend on education. We don't want to follow the same course that General Motors and Chrysler followed. Look at what's happening. We are cutting back the hours in our state library and museum. We don't publish the *Michigan Manual* anymore. We are cutting allocations to universities, schools, and local governments. We are having difficulties making ends meet. Why is that? Where is the money going? It is going to health care. It is our single, biggest expense. The best way to reduce that is to have a healthier society, to have healthier citizens, and to have a healthier Michigan.

There really is not a whole lot you can do to change the health of a population, but getting them to smoke less is probably the single, biggest thing that would improve the health of our state and reduce health care costs—the single, biggest thing. Passing this legislation takes a big step in that direction. We know from studies in other states that people who smoke—because legislation like this passes—it becomes more difficult for them to smoke on the job, and they are more likely to quit. Some people will quit smoking now if they cannot smoke as easily at work.

We also know that it has beneficial effects for those of us who don't smoke and are exposed to secondhand smoke. It is the single, biggest environmental hazard in our state. To make Michigan truly more competitive, we have to have a healthier state. We will not be economically competitive if the typical Michigander is overweight and smokes a pack a day.

I applaud the Senator from the 8th District and the others who worked so hard on this. I am pleased that we are able to pass this out of our chamber and send it back to the House.

Senator Patterson's statement is as follows:

I find it an interesting article that has been brought to my attention out of the *China Daily*, and it has to do with what is going in Copenhagen. More specifically, it has to do with climate change, a topic on everybody's mind. It's certainly on my mind as the chair of energy policy. None other than the vice-minister of National Population and Family Planning Commission of China, Zhao Baige, reports, "Dealing with climate change is not simply an issue of CO2 emission reduction but a comprehensive challenge involving political, economic, social, cultural and ecological issues, and the population concern, fits right into the picture. Many studies link population growth with emissions and the effect it has on climate change.

Emissions growth globally produce a consistent finding that most of past population growth has been responsible for between 40 percent and 60 percent emissions growth," thereby jeopardizing our climate.

Just imagine, not so long ago, I referenced a study from the London School of Economics from Lord Stern, who proclaimed that it was time for us to all become vegans because cattle were emitting too many noxious and toxic emissions threatening climate change. So now we not only have to stop eating, but we must stop procreating. Think about it. Maybe there is a new initiative of selling rec by not having conjugal relations. That might make it difficult to consummate marriages, but the marriage is an old-fashioned idea anyways.

So the studies go on to suggest that family planning programs are more efficient in helping cut emissions. Each \$7 spent on basic family planning would reduce CO2 emissions by more than one ton. Whereas, it would cost \$13 for reduced deforestation, \$24 to increase the use wind technology, \$51 for increasing solar power, \$93 for introducing hybrid cars into our fleets, and \$131 for electric vehicles.

I would ask that we all consider this very, very significant report very carefully.

Senator Switalski's statement is as follows:

Since my speech ended abruptly yesterday due to time limits, allow me to conclude my remarks.

I was quoting retired Judge Ken Sanborn yesterday, who was called out of retirement to act as chief judge of the probate court in Macomb County this last year. The two judges who are currently serving on the probate court have been having difficulty working together, and the State Supreme Court asked Judge Sanborn to do them a favor and try to straighten out the mess.

Judge Sanborn has done an admirable job under very trying circumstances. I and all of Macomb County and the Supremes, thank him for that. But he may have done us here in this chamber an even greater service by his suggestion about the way forward for the Macomb courts.

As quoted in the *Macomb Daily*, Judge Sanborn said that "a single judge can handle the entire probate caseload, with the help of a visiting judge to fill in for vacations and absences. That is a solution," Sanborn said of the idea. "The surviving judge might be a little upset with the increased workload, but that's what they're paid for." The State Court Administrative Office likewise supports this approach.

I have nothing but admiration for Judge Sanborn's sentiments. In fact, I believe they are the mantra for Michigan extricating itself from its present economic difficulties. We all need to find a way to be more productive, more competitive, and achieve more results with less resources.

If we implement what I call the Sanborn Plan, which I believe the incoming chief judge is strongly considering, it would add a circuit court judge with the transfer of a probate judge to the circuit court. Macomb's hiring freeze could thereby be maintained and savings achieved. One of the retiring judges could be replaced by a transfer from the probate court.

Judge Sanborn's other suggestion of using visiting judges to cover vacations and absences is extraordinarily insightful. The second retirement could be absorbed by a combination of visiting judges and volunteers from temporary assignments from the district court. They are already volunteering to do that.

As you can imagine you might get tired of hearing traffic offenses every day if you're a district judge. It might be a feather in your cap to take a temporary assignment up at the circuit court and get a big case—a little change of pace. Think of it. If you could cover for the regular circuit judges, you figure three weeks of vacation times 11 judges, that's 33 weeks. Say three sick days per judge, 33 days, that's another seven weeks. You have 40 weeks that you've almost got a full-time judge right there, and that's for free.

So Senator Sanborn and I have discussed these options. We are not yet in agreement on what I call the Sanborn Plan because he is still trying to convince me of the merits of the Switalski Plan.

I will continue to work with my good colleague toward a resolution of these issues.

Senator Scott's statement is as follows:

I, too, would like to thank my colleagues for passing the smoking ban. I certainly would have liked to have seen a clear smoking ban. But since we didn't, I'm glad we got this far, and hopefully, we'll be able to continue. I want to thank Ray Basham for hanging in there and fighting hard and so many others, but he led the way. It takes a good leader to keep on fighting for something.

The great athlete Jessie Owens once said about his many accomplishments, "One chance is all you need." Through the chances he had, he set records and went down in history as one of our greatest athletes. We, too, are given chances. We're given numerous chances to make decisions to improve the lives of our constituents, to right the wrongs, to craft new laws, and to cover new issues in this quickly-changing world.

Our latest chance is to rewrite our insurance laws so that people are not charged rates that penalize them for where they live or for other factors that don't really have anything to do with auto insurance or home insurance. We have a chance to create fairness in what is an unfair system for people across the state.

Let's take this chance and go down in the Michigan history books as the Legislature that righted the terrible wrongs of unfair insurance rates. I look forward to working with you, my colleagues, and hopefully, we can get this one passed too.

Senator Nofs' statement is as follows:

I rise to, first of all, thank all of the members in the body who supported my first two bills today. It was a memorable day and will be for a long, long time. I appreciate all of the support from all of you.

What I really rise for is to explain my position and the reason I voted today the way I voted on the smoking ban bill. Several years ago in the House, I think I had two opportunities to vote on a bill similar to that and did vote against the smoking ban. The reason is, my personal belief is, obviously, that if it is a legal substance, and we have places where you can use that legal substance, we should leave it up to owners of those restaurants, bars, airports, and whatever place you may choose or people own that they, in fact, set their own rules as long as it is for the consumption of a legal substance.

I just came off a campaign trail, and I talked to so many people at their front doors. There were two issues out there. The overriding issue was the one of jobs, and can you please go up there and try and make and help turn and work with others after the election is over—Republicans and Democrats. Get Michigan going in the right direction, and do the right things because we need a job. We don't want handouts. We need a job just to be able to provide for our families.

The other item I was talked to and asked face-to-face with my constituents over the last eight or nine months was my position on the smoking ban. As I listened, going through from the beginning of the campaign to the end of the campaign, to the people I represented, and having this bill come up today, I had to make a tough decision. I, personally, don't like to outlaw or ban smoking. I would like to leave it up to the owner of the business to be able to make that decision. But the one thing that I did realize in talking to the people who sent me up here over the last eight or nine months is the fact that I am a representative of them. I believe at this time, compared to several years ago, so many people want and wanted a smoking ban. They're tired of going to restaurants. They're tired of having their kids going to restaurants where they like what the restaurants offer, but they don't like the smell or to swallow the smoke which is in the air.

So today I decided to go with the people who sent me up here instead of my personal beliefs. I honestly believe that is the job of us. Sometimes it comes in conflict with our personal beliefs, but I was sent up here to represent over 200,000 people in the great district of the 19th District of the state of Michigan and for this body. I take that commitment, that oath, and the Michigan Constitution which I was enlightened by—and I can't remember the particular Senator—but I do appreciate the fact that in our Michigan Constitution it does talk about protecting the health and safety. That's our job as legislators in the Michigan Constitution. So that impacted my decision in a small, variant amount.

However, I decided to do what was right and what the people of my district wanted me to do and represent them. That's why I voted for the smoking ban today.

Senator Gleason's statement is as follows:

My fellow Senators, I'm not going to wander too far from my remarks in regard to the Ray Basham amendment. Our new Senator, Senator Nofs, had mentioned that it was an exciting day that he passed his first pieces of legislation from this chamber.

I think we can all remember our first pieces of legislation. But the best thing to remember is the most important piece of legislation that we've passed. And I rise, again, to thank Senator Basham.

In our lifetime, we have seen government interfere with the free market. And many times, and appropriately so, it is in regard to public health issues. If those who have the same charge we do said, "Well, we must leave the free market to run the business," what would be the condition and the standard use of asbestos in this state today with our citizens? If we left the free market up to those who do our work, what would happen to the utilities that heat our homes and the toxins that may emit from those mechanics? If we did that, how about the medical procedures that those who do what we do have oversight of?

So it's not necessarily a lapse of responsibility, but maybe our greatest responsibility to interfere with the free market to make sure that our citizens have the highest level of safety. So I think if we are really talking about a free market, we would say we could ask for a complete ban. That gives universal support for those who may encounter health concerns. And not only that, but it gives all the businesses that the free market concerns themselves with a balanced field.

In regard to Ray Basham, I believe that those who held these same seats in past years would have allowed Ray to have a lasting memorial, and I mean memorial in regard to this legislation. We didn't pass the amendment that I think was deserving about naming this legislation after Ray Basham, and a lot of it was because Ray Basham had already named it after somebody else. So that is just one more example about Senator Basham putting others above his own personal aggrandizement. I know we can do better.

We're closing this year, but we're not closing this term. So next year when we come back, let's raise the generosity of each one of us. So when someone commits eleven years of their life to an effort that we can give them either an enactment of an amendment that will offer a lasting remembrance with their name, or in the minimum, justifiably and responsibly, that we would give them that legislation. Let them have their legislation. We can use the many procedure opportunities we have, but we can still have them have their name on that legislation. I think this is one of the best things we can do.

In recent times, because of our stress of our economy in this state, we've seen acrimony and contentiousness that really has lowered our opportunity to work together in the fashion that we would expect. So in the future, let's use our chances to address legislation more responsibly. This year is coming to an end, and next year gives us a new chance to do that. Let's treat each other with the highest respect that those who sent us here expect us to do.

But I want to thank Senator Ray Basham again. Now in a few years, no one's going to know Ray even had a part of this legislation, but we will. And he helped, once again, numerous Michigan citizens by passing this much-important legislation. So I thank Ray on behalf of a grateful state and on behalf of a grateful chamber.

Senator Cropsey moved that rule 2.106 be suspended to allow committees to meet during Senate session.
The motion prevailed, a majority of the members serving voting therefor.

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

Recess

Senator Cropsey moved that the Senate recess until 4:00 p.m.
The motion prevailed, the time being 2:08 p.m.

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

Recess

Senator Brown moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:01 p.m.

5:01 p.m.

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

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

Senate Bill No. 926, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 29, 94a, and 101 (MCL 388.1603, 388.1606, 388.1629, 388.1694a, and 388.1701), as amended by 2009 PA 121, and by adding section 9.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, and 94a (MCL 388.1606, 388.1611, and 388.1694a), as amended by 2009 PA 121, and by adding section 166c.

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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 694

Yeas—0

Nays—30

Allen	Clark-Coleman	Kahn	Richardville
Anderson	Cropsey	Kuipers	Sanborn
Basham	George	Nofs	Scott
Bishop	Gilbert	Olshove	Stamas
Brater	Hunter	Pappageorge	Switalski
Brown	Jacobs	Patterson	Van Woerkom
Cassis	Jansen	Prusi	Whitmer
Cherry	Jelinek		

Excused—5

Barcia	Garcia	Hardiman	McManus
Birkholz			

Not Voting—3

Clarke	Gleason	Thomas
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In The Chair: Richardville

Senator Anderson moved that Senators Thomas and Gleason be excused from the balance of today’s session.
The motion prevailed.

Senate Bill No. 981, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 449, 504, 507, 1246, 1280, and 1536 (MCL 380.449, 380.504, 380.507, 380.1246, 380.1280, and 380.1536), section 449 as amended by 2004 PA 303, section 504 as amended by 2008 PA 1, section 507 as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1280 as amended by 2006 PA 123, and section 1536 as added by 2006 PA 335, and by adding sections 11c, 1249, 1280c, and 1280d.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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,” by amending sections 5, 6, 502, 503, 504, 507, 523, 1147, 1246, 1250, 1278a, 1278b, 1284b, 1311e, 1536, 1561, 1596, and 1701a (MCL 380.5, 380.6, 380.502, 380.503, 380.504, 380.507, 380.523, 380.1147, 380.1246, 380.1250, 380.1278a, 380.1278b, 380.1284b, 380.1311e, 380.1536, 380.1561, 380.1596, and 380.1701a), section 5 as amended by 2005 PA 61, sections 6, 504, and 1701a as amended by 2008 PA 1, sections 502 and 507 as amended and section 1250 as added by 1995 PA 289, section 503 as amended by 2003 PA 299, section 523 as added by 2003 PA 179, section 1246 as amended by 2004 PA 148, section 1278a as amended by 2008 PA 316, section 1278b as amended by 2007 PA 141, section 1284b as amended by 2006 PA 235, section 1311e as added by 1999 PA 23, section 1536 as added by 2006 PA 335, and section 1561 as amended by 1996 PA 339, and by adding sections 502a and 1249 and part 6e.

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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 695

Yeas—1

Brater

Nays—31

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

Excused—6

Barcia	Garcia	McManus	Thomas
Birkholz	Hardiman		

Not Voting—0

In The Chair: Richardville

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

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

December 10, 2009

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-2) to Senate Bill 926, appoints the following members to sit on the conference committee:

Senator Wayne Kuipers
Senator Gerald Van Woerkom
Senator Buzz Thomas

Thank you for your prompt consideration of this matter.

December 10, 2009

Pursuant to Joint Rule 3, the Senate having non-concurred in the House substitute (H-2) to Senate Bill 981, appoints the following members to sit on the conference committee:

Senator Wayne Kuipers
Senator Gerald Van Woerkom
Senator Buzz Thomas

Thank you for your prompt consideration of this matter.

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

The communications were referred to the Secretary for record.

Senator Cropsy moved that when the Senate adjourns today, it stand adjourned until Thursday, December 17, at 10:00 a.m.

The motion prevailed.

Committee Reports

The Committee on Commerce and Tourism reported

Senate Bill No. 1005, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 13c (MCL 125.1663c), as added by 2008 PA 157.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs and Stamas

Nays: None

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

The Committee on Commerce and Tourism reported

Senate Bill No. 1006, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 12b (MCL 125.1812b), as added by 2008 PA 156.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs and Stamas

Nays: None

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

The Committee on Commerce and Tourism reported

House Bill No. 5479, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs and Stamas

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, December 8, 2009, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Nofs and Stamas

Excused: Senators Clarke and Hunter

The Committee on Finance reported

Senate Bill No. 38, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 261 (MCL 206.261), as amended by 2008 PA 207.

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

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge and Jansen

Nays: Senators Jacobs and Cherry

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

The Committee on Finance reported

Senate Bill No. 887, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 2008 PA 585.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Jansen, Jacobs and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4200, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7cc and 7dd (MCL 211.7cc and 211.7dd), section 7cc as amended by 2008 PA 198 and section 7dd as amended by 2008 PA 243.

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

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge, Cherry and Whitmer

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, December 9, 2009, at 12:34 p.m., Room 210, Farnum Building

Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

The Committee on Campaign and Election Oversight reported

Senate Bill No. 692, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 931a.

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

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

Michelle McManus
Chairperson

To Report Out:

Yeas: Senators McManus, Brown and Jansen

Nays: Senators Jacobs and Olshove

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

The Committee on Campaign and Election Oversight reported

Senate Bill No. 693, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 931 (MCL 168.931), as amended by 1996 PA 583.

With the recommendation that the bill pass.

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

Michelle McManus
Chairperson

To Report Out:

Yeas: Senators McManus, Brown and Jansen

Nays: Senators Jacobs and Olshove

The bill was referred to the Committee of the Whole.

The Committee on Campaign and Election Oversight reported

Senate Bill No. 694, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 519 (MCL 168.519).

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Michelle McManus
Chairperson

To Report Out:

Yeas: Senators McManus, Brown, Jansen, Jacobs and Olshove

Nays: None

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

The Committee on Campaign and Election Oversight reported

Senate Bill No. 695, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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

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

Michelle McManus
Chairperson

To Report Out:

Yeas: Senators McManus, Brown, Jansen, Jacobs and Olshove

Nays: None

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

The Committee on Campaign and Election Oversight reported

Senate Bill No. 999, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 932d.

With the recommendation that the bill pass.

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

Michelle McManus
Chairperson

To Report Out:

Yeas: Senators McManus, Brown, Jansen, Jacobs and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Campaign and Election Oversight submitted the following:

Meeting held on Wednesday, December 9, 2009, at 12:00 noon, Room 405, Capitol Building

Present: Senators McManus (C), Brown, Jansen, Jacobs and Olshove

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5087, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81101 (MCL 324.81101), as amended by 2004 PA 587.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as amended by 2004 PA 537.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Basham and Gleason
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Wednesday, December 9, 2009, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason
Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:
Meeting held on Thursday, December 8, 2009, at 7:00 p.m., Room 929, South Tower, House Office Building
Excused: Senators McManus and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:
Meeting held on Wednesday, December 9, 2009, at 3:10 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators George (C), Sanborn, Allen, Clarke, Gleason and Jacobs
Excused: Senator Patterson

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 5:11 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, December 17, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate