

No. 45
STATE OF MICHIGAN
Journal of the Senate
94th Legislature
REGULAR SESSION OF 2008

Senate Chamber, Lansing, Thursday, May 8, 2008.

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—present
George—present
Gilbert—present
Gleason—present
Hardiman—excused
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
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

The following bill was read a third time:

House Bill No. 5274, entitled

A bill to amend 1965 PA 285, entitled “Private detective license act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 16, 17, 19, 20, 22, 24, 27, and 29 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.828, 338.830, 338.834, 338.836, 338.837, 338.839, 338.840, 338.842, 338.844, 338.847, and 338.849), the title and sections 1, 2, 3, 4, 5, 6, 7, 10, 14, 16, 17, 20, 22, 24, and 27 as amended by 2002 PA 474.

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. 294

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Hardiman

In The Chair: Richardville

Senator Cropsey moved that Senator Hardiman be excused from today’s session.
The motion prevailed.

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 license and regulate private detectives and investigators; to provide for certain powers and duties for certain state agencies and local officials; to provide for the imposition for certain fees; to protect the general public against unauthorized, unlicensed and unethical operations by private detectives and private investigators; to provide for penalties and remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4905, entitled

A bill to amend 1982 PA 239, entitled “An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide

for remedies and to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 3 and 15 (MCL 287.653 and 287.665), as amended by 2005 PA 66.

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. 295

Yeas—37

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

Nays—0

Excused—1

Hardiman

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 Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schauer’s statement is as follows:

This is a proud moment for our caucus as another one of our staff members move on to a very exciting future. Annie (Anastasia) Eby has been working for the Senate Democratic Caucus for three years. She has worked primarily in our information systems unit as an information specialist.

What is exciting and what makes us all very proud is that she has begun working on her pursuit of a nursing degree at Lansing Community College. We know we need nurses. We know we need great people like Anastasia to become nurses.

So, Annie, on behalf of the Senate Democratic Caucus Floor Leader, Buzz Thomas and I would like to present you this Special Tribute on behalf of your work for the people of our state and on behalf of the Michigan Senate. I would ask all of you to join me in congratulating Anastasia Eby on her great work with us and on her new career.

The following bill was read a third time:

House Bill No. 5894, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 34b (MCL 400.734b), as added by 2006 PA 29.

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. 296**Yeas—37**

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

Nays—0**Excused—1**

Hardiman

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.

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

“An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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 pro tempore, Senator Richardville, designated Senator Kuipers as Chairperson.

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 a substitute therefor, the following bill:

Senate Bill No. 1243, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending the title and sections 2, 11, 58, 58a, 58b, and 58c (MCL 125.1402, 125.1411, 125.1458, 125.1458a, 125.1458b, and 125.1458c), the title as amended and sections 58, 58a, 58b, and 58c as added by 2004 PA 480 and section 11 as amended by 2004 PA 549, and by adding section 58e; and to repeal acts and parts of acts.

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.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 11:36 a.m.

12:21 p.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 146

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 146, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 4 (MCL 207.552 and 207.554), section 2 as amended by 2007 PA 146 and section 4 as amended by 2004 PA 437.

The question being on the passage of the bill,

Senator Brown offered the following amendments:

1. Amend page 9, following line 23, by inserting:

"Sec. 14. (1) The amount of the industrial facility tax, in each year for a replacement facility, shall be determined by multiplying the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is situated by the taxable value of the real and personal property of the obsolete industrial property for the tax year immediately preceding the effective date of the industrial facilities exemption certificate after deducting the taxable value of the land and of the inventory as specified in section 19.

(2) The amount of the industrial facility tax, in each year for a new facility or a speculative building for which an industrial facilities exemption certificate became effective before January 1, 1994, shall be determined by multiplying the taxable value of the facility excluding the land and the inventory personal property by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than mills levied for school operating purposes by a local school district within which the facility is located or mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, plus 1/2 of the number of mills levied for local school district operating purposes in 1993.

(3) Except as provided in subsection (4) **OR (5)**, the amount of the industrial facility tax in each year for a new facility or a speculative building for which an industrial facilities exemption certificate becomes effective after December 31, 1993, shall be determined by multiplying the taxable value of the facility excluding the land and the inventory personal property by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, plus, subject to section 14a, the number of mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(4) For taxes levied after December 31, 2007, for the personal property tax component of an industrial facilities exemption certificate for a new facility or a speculative building that is sited on real property classified as industrial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, the amount of the industrial facility tax in each year for a new facility or a speculative building shall be determined by multiplying the taxable value of the facility excluding the land and the inventory personal property by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and the number of mills from which the property is exempt under section 1211(1) of the revised school code, 1976 PA 451, MCL 380.1211.

(5) FOR TAXES LEVIED AFTER DECEMBER 31, 2008, THE AMOUNT OF THE INDUSTRIAL FACILITY TAX IN EACH YEAR FOR A NEW FACILITY OR A SPECULATIVE BUILDING THAT IS SITED ON REAL PROPERTY CLASSIFIED AS COMMERCIAL REAL PROPERTY UNDER SECTION 34C OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.34C, AND THAT IS LOCATED IN A COUNTY THAT DOES NOT BORDER ANOTHER STATE OR COUNTRY SHALL BE DETERMINED BY MULTIPLYING THE TAXABLE VALUE OF THE FACILITY EXCLUDING THE LAND AND THE INVENTORY PERSONAL PROPERTY BY THE SUM OF 1/2 OF THE TOTAL MILLS LEVIED AS AD VALOREM TAXES FOR THAT YEAR BY ALL TAXING UNITS WITHIN WHICH THE FACILITY IS LOCATED OTHER THAN MILLS LEVIED UNDER THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL 211.901 TO 211.906, AND MILLS LEVIED UNDER SECTION 1211 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1211, PLUS, SUBJECT TO SECTION 14A, THE NUMBER OF MILLS LEVIED UNDER THE STATE EDUCATION TAX

ACT, 1993 PA 331, MCL 211.901 TO 211.906, AND MILLS LEVIED UNDER SECTION 1211 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1211.

(6) (5) For a termination or revocation of only the real property component, or only the personal property component, of an industrial facilities exemption certificate as provided in this act, the valuation and the tax determined using that valuation shall be reduced proportionately to reflect the exclusion of the component with respect to which the termination or revocation has occurred.

Sec. 14a. (1) Within 60 days after the granting of an industrial facilities exemption certificate under section 7 for a new facility, the state treasurer may exclude 1/2 or all of the number of mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, from the specific tax calculation on the facility under section 14(3) **OR (5)** if the state treasurer determines that reducing the number of mills used to calculate the specific tax under section 14(3) **OR (5)** is necessary to reduce unemployment, promote economic growth, and increase capital investment in this state. This section does not apply to the personal property tax component of a certificate described in section 14(4).

(2) WITHIN 60 DAYS AFTER THE GRANTING OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE UNDER SECTION 7 FOR A NEW FACILITY OR A SPECULATIVE BUILDING THAT IS SITED ON REAL PROPERTY CLASSIFIED AS COMMERCIAL REAL PROPERTY UNDER SECTION 34C OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.34C, AND THAT IS LOCATED IN A COUNTY THAT DOES NOT BORDER ANOTHER STATE OR COUNTRY, THE STATE TREASURER MAY EXCLUDE 1/2 OF THE NUMBER OF MILLS LEVIED UNDER SECTION 1211 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1211, FROM THE SPECIFIC TAX CALCULATION ON THE FACILITY UNDER SECTION 14(5) IF THE STATE TREASURER DETERMINES THAT REDUCING THE NUMBER OF MILLS USED TO CALCULATE THE SPECIFIC TAX UNDER SECTION 14(5) IS NECESSARY TO REDUCE UNEMPLOYMENT, PROMOTE ECONOMIC GROWTH, AND INCREASE CAPITAL INVESTMENT IN THIS STATE.”.

2. Amend page 9, following line 23, by inserting:

“SEC. 17A. BEGINNING IN 2008 AND EACH YEAR AFTER 2008, THE COMMISSION SHALL REPORT TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES THAT HAVE JURISDICTION OVER ECONOMIC DEVELOPMENT ISSUES. THE COMMISSION SHALL ALSO MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE INTERNET. THE REPORT SHALL CONTAIN ALL OF THE FOLLOWING:

(A) THE AMOUNT OF QUALIFIED COMMERCIAL ACTIVITY THAT IS SUBJECT TO THE INDUSTRIAL FACILITY TAX IN THAT YEAR.

(B) THE AMOUNT OF LOCAL AD VALOREM PROPERTY TAX NOT COLLECTED DUE TO USE OF THE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR QUALIFIED COMMERCIAL ACTIVITY IN THAT YEAR.

(C) THE INFORMATION CONTAINED IN THE INDUSTRIAL FACILITIES TAX EXEMPTION LIST FOR ALL YEARS REPORT THAT IS PRODUCED BY THE DEPARTMENT OF TREASURY.”.

The amendments were adopted, a majority of the members serving voting therefor.

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

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. 297

Yeas—27

Allen	Clarke	Jansen	Richardville
Anderson	Cropsey	Jelinek	Sanborn
Barcia	Garcia	Kahn	Schauer
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Pappageorge	Thomas
Brown	Gleason	Patterson	Van Woerkom
Cassis	Hunter	Prusi	

Nays—8

Brater	Clark-Coleman	Olshove	Switalski
Cherry	Jacobs	Scott	Whitmer

Excused—2

Hardiman

Kuipers

Not Voting—1

Basham

In The Chair: Richardville

Senator Brown offered to amend the title to read as follows:

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 2, 4, 14, and 14a (MCL 207.552, 207.554, 207.564, and 207.564a), section 2 as amended by 2007 PA 146, section 4 as amended by 2004 PA 437, section 14 as amended by 2007 PA 146, and section 14a as amended by 2007 PA 39, and by adding section 17a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Kuipers entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:

Office of the Auditor General

May 6, 2008

Enclosed is a copy of the following audit report:

Performance audit of State Universities’ Reporting of Selected Higher Education Institutional Data Inventory (HEIDI) Data for fiscal year 2005-06.

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

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

The following communication was received and read:

Office of the Speaker of the House

May 7, 2008

Pursuant to Public Act 224 of 2004 (MCL 600.108), I am making the following reappointments to the State Drug Treatment Court Advisory Committee:

Charita Coleman-Gladdis, a person representing an adult graduate, 3820 Christine Street, Kalamazoo, Michigan 49007.
Jeffrey Sauter, a person representing prosecuting attorneys, 1045 Independence Boulevard, Charlotte, Michigan 48813.

Respectfully,
Andy Dillon
Speaker of the House

Michael D. Bishop
Senate Majority Leader

The communication was referred to the Secretary for record.

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

House Bill No. 4163, entitled

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

(The motion was made earlier today to discharge the Committee on Government Operations and Reform from further consideration and consideration postponed. See p. 882.)

The question being on the motion to discharge,

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. 4163

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 pro tempore, Senator Richardville, designated Senator Kuipers as Chairperson.

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 a substitute therefor, the following bill:

House Bill No. 4163, entitled

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

Substitute (S-8).

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.

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. 4163

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

The following bill was read a third time:

House Bill No. 4163, entitled

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

The President, Lieutenant Governor Cherry, assumed the Chair.

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. 298**Yeas—25**

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

Nays—12

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

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 Cropsey and Garcia, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4163.

Senator Cropsey moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cropsey's statement is as follows:

I'm not going to vote for this legislation, this substitute at this point. I want to give my explanation why. First of all, I think it's very interesting that this is the United States of America, supposedly a free nation. By the way, I don't smoke. My wife doesn't smoke. None of my kids smoke. My parents don't smoke. I don't know of any of my brothers or sisters who smoke. We grew up non-smoking, and I hope we always stay non-smoking. We grew up non-drinking, and I hope we always stay non-drinking—of alcoholic beverages.

But this is America. What we are talking about is a legal substance that people take for enjoyment knowing full well that it has health consequences. And we have restaurants and bars in this state where they have put up "No Smoking" signs because the owners of that restaurant or that bar say they are not going to allow smoking in this restaurant or bar. Why is that? Because there are people like myself who say we don't want to go to a restaurant where there's smoking. So we don't frequent restaurants where there is smoking. And there are more and more restaurants that are going non-smoking because people are realizing the hazards of smoking. But that is a decision that we have made.

Once again, tobacco is a legal substance and smoking of tobacco is a legal way to take that substance. So I think from a philosophical standpoint, I have a problem with that.

The other part of this is we did have some amendments up that talked about what about the Indian casinos. I have the largest Indian casino or Native American casino in the state of Michigan in my district, and what's going to happen? Just recently, I had a restaurant that had been a local landmark in Mount Pleasant. It's been a landmark there for 50 years and has closed down, for whatever reason. Competition is tough in the restaurant business. What we are going to be doing by telling folks that, you know, all the restaurants and bars in Isabella County are going to be going smoke-free. However, the one at the Native American casino is not going to be regulated at all by the state. So guess where all the smokers are going to go when they want a nice meal or when they want a drink? They are going to go to the Native American casino. Now what is that going to do?

We are sending a currently tax-paying citizen of the state of Michigan and telling them, "You go to the casino where no taxes are being paid—no sales tax." No property tax, no taxes are being paid, and we are going to be telling all the other restaurants in Mount Pleasant, "Sorry, you're at a competitive disadvantage," and more of them will go out of business. And what will happen then? Property values become depressed. Fewer sales taxes. And then you are going to be coming back and telling me, as one of the members of Appropriations, we're spending too much on the Department of Corrections because we don't have enough money.

This is just amazing to me that we would be doing this without giving these restaurants and bars some mechanism whereby they can cater to people who wish to smoke, especially in areas where there is going to be very severe competition for their food dollars and for their cigarette dollar.

So I would hope that at this point, we would turn down this substitute. I do know the Majority Leader has a substitute that he is willing to offer that would allow a restaurant or bar to post that they are a smoking restaurant or bar. And why is that important? Because then, as a non-smoker, you know you don't want to go into that place. But, as a smoker, you know that you're welcome.

And what do we do? We'll keep those taxes going that will be coming into the state of Michigan, and you let the free market work in that situation. Say, if you want to go to a smoking restaurant or bar, fine. If you don't want to, fine, you don't need to. But it's not big-nanny government telling you what you are going to do and what you aren't going to do. And, furthermore, purely from a state point of view, you aren't shipping or forcing or encouraging our taxpayers to go somewhere else where you can't tax them.

So for those reasons, I'm going to vote "no." If this is sent back to General Orders and the Majority Leader's substitute is adopted on General Orders, then I do plan on voting for this legislation. But at this point, I plan on voting against it.

Senator Garcia's statement is as follows:

I opposed this bill not because I smoke because I don't, but I believe this is a business decision best made by the business owners. People have a choice as to whether or not to frequent an establishment that allows smoking. They can choose to spend their money there. They can choose to work there. I've heard it said that we have a duty to protect the public health, but if it is our constitutional duty to protect the public health, then where do we stop? Let's ban fast food. Let's ban smoking. Let's ban the use of alcohol. We have proof that all of these items harm the health of people. So why don't we ban them? We don't. We all know the answer to that. Just follow the money.

I respect those who have opposing views, but, again, I go back to the point that I think it's a business decision; it's a personal decision. People can choose whether or not to frequent those establishments.

Senators Basham, George, Schauer, Jacobs, Patterson, Gleason, Scott, Allen, Anderson, Bishop, Sanborn, Cassis 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 Basham's statement is as follows:

I know a lot has been said about this issue, so I won't go down that road. I would just like to thank my colleagues on both sides of the aisle for protecting patrons and workers from secondhand smoke again.

Senator George's statement is as follows:

I want to add my remarks to those of the previous speaker. I just want to put in a little context as to how we got to this point. My own position has evolved on this issue, say, in the last few years. I think the reason we are here is because of the change in the body of evidence related to the hazards of secondhand smoke. It was in 1986 that the Surgeon General issued a first report on the potential hazards of involuntary smoke exposure—1986. But since that time, there has been, literally, hundreds of peer-reviewed medical studies and several additional major reports that make the solid, scientific case that secondhand smoke is dangerous and is a leading cause of death in our country and in Michigan. It was two years ago that Surgeon General Richard Carmona issued a very definitive study showing that secondhand smoke causes heart disease and lung cancer in adults and sudden infant death syndrome and respiratory problems in children.

So I am pleased that we are at this point today. Thousands of Michigan residents have their health placed at risk by exposure to secondhand smoke, and we now have an opportunity to reduce this risk. Some will say that the government has no interest in this, but we do. We have made laws ensuring that food is properly cooked, that equipment is properly cleaned, and that employees must wash their hands. We take these laws as being second nature today, and it is the same way regarding secondhand smoke. It is something that we will take as second nature in the future.

Secondhand smoke is a real hazard, and eliminating exposure in workplaces, restaurants, and bars is consentient with our constitutional duty to protect the health of the citizens of Michigan.

Senator Schauer's statement is as follows:

I rise to thank Senator Basham for his leadership on this issue. This is a House bill introduced by Representative Clack, but we know that the Senator from the 8th District is the one who has led on this issue for many, many, many years. I would also like to thank the Senate Majority Leader, Mike Bishop, for allowing this vote to happen today. This is an issue that has certainly had some division in this state, and we know that there are some groups that don't support a smoking ban in workplaces.

I want to thank the advocacy community that has really helped educate us here in this chamber, which I think really reflects the interest, by and large, of the people in this state. This may be the single most important thing we can do to improve health status in this state, so I am proud of this chamber today and the debate that we have had on a very important health issue, and I rise in support.

Senator Jacobs' statement is as follows:

Although I have about six pages of talking points and statistics on my desk, I just really rise today to say that I am going to be taking this vote in memory of my father who died from lung cancer a number of years ago. Today we are going to take action that will hopefully prevent many other deaths from cancer for our loved ones and the people who live in our districts.

You know, I hope that what we do today will allow people to see their grandchildren married and their great-grandchildren born, which is something that up until today's action, we didn't actually have any control over it in this state. So I really want to thank my colleague—I know we are not supposed to use Ray Basham's name—from the 8th District for being so tenacious and so dogged on this issue. We are really going to be giving an incredible gift to the people of Michigan today, and I really want to thank everybody for voting for this as we go forward to pressing our buttons.

Senator Patterson's statement is as follows:

I would like to join today in the remarks of my colleague from the 20th District. I would also like to reiterate the position that I took was one of change not evolution. It came about because of the evidence becoming incontrovertible.

I owe my colleague from the 8th District an enormous amount of gratitude for his dogged determination and commitment to this issue to do the right thing. He has, in fact, been courageous, and there are times when it pains me to think that he has been, but I must admit it on this occasion.

Senator Gleason's statement is as follows:

I would add my voice to those who congratulate Senator Basham. I would offer this unique perspective. When you have issues which are not visible, when you go to work and visit businesses across this state, sometimes people do not understand that you are in a compromised situation. I know as an individual, as I've mentioned on several occasions, someone who has had a major surgery, a transplant, we have autoimmune issues. When we are put in these situations, whether it's out at a restaurant or at work, it's not readily visible that we have these particular concerns. So I would like to thank Senator Basham on a personal level.

But also I would like to further state that we all watched this process come out of the House. I think we lost many of the advantages that we can offer citizens and workers of Michigan by not carrying out particular interest groups for this legislation. When I was watching the process in the House, when favor, when exceptions, when advantages were given to special groups, it seemed like the impetus for the bill itself fell apart.

I would be tremendously remiss if I didn't thank Representative Clack from Flint, Michigan, for joining her efforts with Senator Basham. This is not an issue that finds lines of demarcation easily. I would like to thank the Senator and

the Representative who led this effort. These were trying times, and yet, it wasn't necessarily for themselves that they advanced this cause, but for all of the citizens of Michigan.

We were late to the party. Other states have done this. It's nice to add Michigan to that list. We know the concerns that we have when we were involved with the package last week about health insurance reform. One of our main causes for the rise in the cost of health insurance is secondhand smoke. There will be collateral gains to this legislation. We are only touching on the surface of what benefits this will be offering to our state.

So I would congratulate all of those who saw that this was important for the state of Michigan.

Senator Scott's statement is as follows:

I rise in support of this bill. You know, we talk about healthy Michigan, and this lets us know that we care about the health of our constituents in this state. I belong to a number of women's groups nationally and one of the issues that we deal with is health. This is a great step in the right direction.

I certainly want to thank the Senator from District 8 for being real steadfast in this because that's what it's about. You have a passion for something and believe in it. You have to keep standing, and I'm glad that my colleague kept standing. I'm glad that we had a Representative over in the House who authored this bill; that they could work together on it. I certainly do hope this bill remains as we have passed it in the Senate today.

There are a number of our young people who are smoking, even in middle schools now. So this sends a message to them that smoking is not good for you. It is not healthy. I want to thank my colleagues on the other side of the aisle, that we came together, bipartisan to support what will make Michigan healthier. We've done it in big states, bigger than Michigan, and they are surviving, and we will survive too. We'll survive better because we'll be healthier.

So, again, I thank everyone who supported this bill. It's a step in the right direction. It certainly gives me hope that one day my bills will pass too. Ray kept his back straight, and I'm going to keep mine straight. So thank you, everyone. This is wonderful.

Senator Allen's statement is as follows:

I also rise in opposition to this substitute on a straight philosophical level. How much more mandate do we need to put on the citizens of our state? How many more regulatory environments do we need to put forward? And what is the actual role of government? I respect the lively and broad-based debate that has occurred, but I feel that restaurateurs and local businesses can make the best decisions in regards to what is the appropriate way to control smoking. I hail from Northern Michigan and we have one of the largest voluntary compliance of smoke-free restaurants in the state of Michigan.

Where do we draw the line? Do we draw the line with restaurant smoking? How about food and the amount of calories that need to be consumed? What do we do in ergonomic standards? What do we do on more licensing and regulations on the citizens of this state? I respect the process and will be voting against this substitute. More licensure. More regulation. Where do we draw the line on the citizens of this state?

This is a controlled substance. It's perfectly well to be regulated by individuals. We have good laws already in place.

Senator Anderson's statement is as follows:

Members, we have reached a point here—and I know a number of members have already thanked the Senator from the 8th District for his efforts on this issue—and I did want to add a couple of comments now for his dogged determination in getting this legislation through. We would not be at this point today in history—and I do say in history—because I think this is probably one of the most important issues that we will debate in the entire year in this Legislature and in this Senate.

I believe that it is such an issue that sometimes we overlook some of the other peripheral things and the other people who are affected. I know we are talking about, in many cases, the consumers and the citizens of Michigan who go into these establishments who are exposed to the secondhand smoke. We also, I think, tend to forget those folks who are working as waiters and servers and our children, in some cases, our grandchildren, our brothers and sisters, and our direct family members, wives and husbands. Those folks don't have a choice whether or not they are working in that restaurant. It's a choice between income or their health. They should not be forced to make that decision.

I believe that it is the right thing to do, and this is the time to do it. Folks, if we do anything this year that makes a difference to the state of Michigan, this is the issue. I would urge everyone to support it, and I thank my good friend Senator Basham.

Senator Bishop's statement is as follows:

First, I want to express my appreciation for the way in which the body handled this issue and the way that we were able to conduct a civil debate on the subject, an issue that seems to be growing in popularity as the day goes on. But as an individual member of this legislative body, I rise today to express my opposition to the present proposal. I have two specific objections, and these have been made earlier by other members, but I want to reiterate.

First, this legislation is simply incompatible with the free-market principles that I and many of my colleagues hold dear. Second, this is a blatant overage by government into the private business environment and into the individual freedoms of our citizens. It is an absolute breach of what I have always believed to be the role of government. That is my personal opinion. The free-market principles which are at the root of our country and our nation's economy have always been unique in the world. Historically, throughout our nation's history, we trust our citizens and our businesses with the freedom to establish an environment that is mutually beneficial to both the business and the consumer. In the case before us today, we see a growing trend and it is nationwide. I will admit, to snuff out the use of tobacco, that, to me, is a noble cause as we can stipulate the harmful effects to secondhand smoke and the tragic toll smoking has had on so many of our citizens for so long. In fact, I think all of us can relate to a certain extent to the impact of secondhand smoke and cigarette smoke.

We understand the facts, all of us do, but so does the free market. Here in Michigan is a great example of businesses across the state reacting to market pressures. They have to because that is what a business does. In this case, as you know, business is not going quite well these days. In a difficult economy and a competitive environment—the business environment—the number of non-smoking business establishments has grown dramatically over recent years. It has done so as business owners recognize the opportunity to capitalize on those citizens who prefer smoke-free environments.

The market naturally reacts to business trends, and if it doesn't, our strong-willed Michiganders will find a new place to spend their money. And in the case of the campaign for a smoke-free environment, the market has worked, as citizens continue to vote with their feet and businesses adapt to the demands of the citizens.

And I would note that all of this is happening without a single bit of effort, without a single bit of intervention by the government. There is no question that government does have a right to intervene in certain circumstances. That is not in dispute, but I think we all agree at some point in time we have to draw the line somewhere, which leads me to my concern about the role of government and its slow creep into our everyday private lives.

Government, in this case, began with the regulation of smoking. Then in its infinite wisdom began to mercilessly tax the product, and now government moves to ban its use entirely. 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, government is trying to protect us from ourselves.

As a non-smoker, I understand and appreciate the concern about the smoke and its hazardous impact. I sincerely do, and my heart goes out to all of you who have had relatives who have been impacted directly. But I want you to know that even though I respect the sponsor's intent, he is a dear friend and I have been on the receiving end of a lot of his internal lobbying—as we would like to call it—over the years, having had the opportunity to sit next to him for so many years. I want you to know, I, as a father, as a husband, over the years make choices every day—personal choices. It is my responsibility to take control of my own life. In this case, I oftentimes choose smoke-free environments if my family chooses to go out. There are plenty out there—plenty. In fact, if you go to smokefreemichigan.org, you will see that there are over 5,000 smoke-free establishments—bars and restaurants—out there for you to choose from, and that list continues to grow at a rapid rate.

I think we have to ask the questions, the obvious questions: When will it stop? How much control do you want? And when will people have to stop thinking for themselves entirely? I personally believe enough is enough. Let's get back to the fundamentals of government. Clearly, we have a lot of issues facing this state. Let the free market work. Trust people to make the right decision for themselves, and all the while, control the growth of government. That is our responsibility.

If you agree with me and you do not agree with this proposal in front of you today, I want you to know that I have a proposal that I am prepared to offer after the conclusion of the vote on this to keep this issue alive, to address a proposal that would be a ban across the board but would restore free-market principles. If that is something that you are looking to support, I urge you to join with me today and defeat this bill before you now.

Senator Sanborn's statement is as follows:

I do want to echo the comments made by the Majority Leader. I think he has done a great job of articulating the position as to how the free market works, and it does, in fact, work. More and more restaurants, by their own choice, are going smoke-free on an even daily basis here in Michigan.

Please forgive me for playing the role of the great Senator Harry Gast, who would have said exactly what was on his mind, but I feel compelled to do so. This is another case of government stepping in and sticking its nose where it doesn't belong. It's one more case why I love my country, but, God, some days I fear my government.

Senator Cassis' statement is as follows:

Truly, I think today our Senate has passed legislation with enormous impact on our residents here today and our children and our grandchildren in the future. I want to thank the work of Senator Basham and the fine comments of Senator Jacobs. While I truly respect that some would advocate for protection of a minority of smokers over our well-being and the health of the majority, it is important to recognize some statistics and anecdotal feedback from restaurants around the state that show initially there may be a short downturn, due to smokers who temporarily don't patronize their

facility—their favorite establishment—but they do come back. Importantly—and I guess I have to say ironically—tobacco has become a tax aphrodisiac in our state to continue spending and not strictly for smoking cessation efforts.

Questions have been raised: What's the role of government? Well, I remember when I first raised my hand to become a member of the Novi City Council, I did so with great respect for the health, safety, and general welfare of all our citizens. In that regard, since I've been a legislator, we've looked at helmets—you've got to wear a helmet in Michigan if you are on a motorcycle, seatbelts, requiring children to be in safety car seats and booster seats.

So again, on the respect to health, safety, and general welfare, I do believe and I doubt sincerely that today will be the last attempt to uphold health, safety, and general welfare in our state.

Senator Pappageorge's statement is as follows:

You know, no law is perfect. Certainly, this one isn't and we spent a lot of time on the Indian casinos which proves that point. The concern always before we do our final vote is to understand and identify as soon as we can the unintended consequences that go with that law. I give you an example. Do we want to put cigar bars out of business? Do we want to end that industry, small as it is? So I would like to see what this substitute is that our Majority Leader spoke about.

Now, procedurally, that's tough to do because we have to vote "no" on this one to find out what else we might try and do without violating what we're trying to do here, which is ban smoking in as many places as possible. So I think all of us will be torn on this vote. Do you vote "no" so you can see what the substitute looks like, or do you vote "yes" and never find out if the substitute might have taken care of some unintended consequences? So I would ask you to consider that when you vote.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Gilbert introduced

Senate Bill No. 1308, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

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

Senators Richardville, Patterson, Van Woerkom, Jansen, Kahn, Pappageorge, Cherry, Whitmer and Hunter introduced

Senate Bill No. 1309, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 461.

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

Senators Richardville, Patterson, Van Woerkom, Jansen, Kahn, Pappageorge, Cherry, Whitmer and Hunter introduced

Senate Bill No. 1310, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16631.

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

Senators Patterson and George introduced

Senate Bill No. 1311, entitled

A bill to regulate certain activities of carriers with regard to medical benefit plans; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and prescribe remedies; and to provide for the promulgation of rules.

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

House Bill No. 5919, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 7a (MCL 252.307a), as added by 2006 PA 447.

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 Transportation.

Statements

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

The motion prevailed.

Senator George's statement is as follows:

I rise to respond to a statement made Tuesday, May 5, by the minority vice chair of the Senate Health Policy Committee. In his statement, the Senator from the 1st District made four incorrect assertions regarding the Senate changes that were made to the individual health insurance market reform bills, House Bill Nos. 5282 and 5283. The Senator asserted that the changes the Senate adopted would, No. 1, allow insurance companies to retain excessive profits; No. 2, that seniors and the disabled would be excluded from the bills' consumer protections; No. 3, that a patient with breast cancer or other pre-existing conditions would lose the right to renew coverage; and finally, that the bills created a new six-month waiting period for hospital services. Each of these assertions is incorrect and can be readily refuted.

First, regarding the assertion that the changes allow excess profits by insurance companies; in fact, the opposite is true. The substitutes passed by the Senate create a new requirement that all carriers have to demonstrate to OFIS that they have met or exceeded their loss ratio guarantee or provide a refund to policyholders. This is a brand-new provision precisely written to prevent the retention of excess profits. So the Senator was wrong on this point.

Secondly, regarding the Senator's assertion that the seniors and the disabled are not covered by the bills' new consumer protection mechanism, these protections already exist in current law for Medicare supplemental policies. They are found in Chapter 38 of the insurance code. The new consumer protection measures are expansions of these existing protections to the non-group, non-Medicare supplemental policies in a new Chapter 37a. They include guaranteed renewability and the six-month pre-existing condition exclusion. The protections for the Medicare supplemental policyholder in Chapter 38 remain unchanged. So, once again, the Senator is mistaken.

Thirdly, the Senator mistakenly claims that a patient with breast cancer or other pre-existing condition would lose the right to renew coverage. The opposite, in fact, is true. The bills codify the right to guaranteed renewability and prohibit medical underwriting at the time of renewal. These are important improvements in our laws.

Finally, the assertion that the bills create a new six-month waiting period for hospital coverage, where there was none before, is also simply incorrect. The current 12-month pre-existing condition exclusionary period for commercial carriers applies to hospitals as well as non-hospital services. The measure we passed shortened the period to six months. The assertion that we somehow prolonged the waiting period for hospitalized services is completely backwards.

So all four claims by the Senator from the 1st District are incorrect. I'm not sure where or how the Senator is getting his faulty information. As I have stated before, the measure that we passed contained strong and innovative consumer protections supported widely by consumer and other advocacy groups. And all of these provisions had been distributed to committee members in the weeks prior to the vote.

The bills in question came to the Senate last October. We held nine public hearings. The Senator from the 1st District had the same six months to prepare his own proposals that we had, and yet, none were forthcoming. Shortening the exclusion for a pre-existing condition from 12 months to six months is a good idea for someone with a health condition, but apparently, six months was not long enough for this Senator to generate ideas of his own.

Senator Scott's statement is as follows:

Frederick Carlton Lewis, more commonly known as Carl Lewis, is an American track and field athlete who won ten Olympic medals, including nine golds and ten world championship medals, of which eight were golds. His career spanned from 1979, when he first achieved world ranking, to 1996, when he last won an Olympic title and subsequently retired. Carl Lewis said, "If you don't have confidence, you'll always find a way not to win."

Well, in case you haven't noticed, I am not lacking in confidence. I am confident that Michigan drivers and homeowners will someday achieve equality and fairness in their auto and homeowner premiums. I am confident that justice will prevail, and we will remove the artificial barriers that now prevent hardworking residents of our state from owning a product they are required by law to have. Just as I am confident that someday, some way, you will see the light and move my bills. I am confident.

Senator Clarke's statement is as follows:

I rise to respond to the remarks by the chairman of the Senate Health Policy Committee. He is correct. We had several months to deliberate this issue, and I commend him for this. It is a very complex issue to make sure that individuals have affordable and accessible health insurance. While our committee had many months to study this issue, the Democratic members of our committee only had minutes to review the actual language of the bills before us. That is irresponsible and not appropriate.

Secondly, he has mischaracterized my remarks. I believe that he is taking such a strong stand because he actually intended to help the consumers of this state, and he can't understand how his bills, which are well-intended, could have

the opposite effect—the reason why he didn't have us and our caucus be able to review the language as we did in his earlier bills. You see, in one of the proposed (S-2) substitutes that he offered before our committee, he wanted to be able to protect the consumers from being rated higher because they were sick. He said that clearly, however, the way the bill was drafted would have done the exact opposite. He admitted to me and the public that his intent was not to rate sick people higher because they were sick, but rather he intended to do the opposite, but it was because of a drafting error.

My point is this. When we have to deal with complicated and important issues, we cannot do it on the fly. We cannot drop a twenty-page bill before the Democratic members of this caucus and ask them to vote on it with minutes to review it. That is not fair, that's inappropriate, and that hurts our consumers when we don't really, truly care about their health care; that we don't review what is before us in a responsible way.

So what I will not do is continue this debate on the floor. I will go over the technical loopholes that I believe are inadvertent that actually reduce the coverage for certain important treatments for diseases and illnesses.

Committee Reports

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 4557, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 435 and 438 (MCL 206.435 and 206.438), section 435 as added by 2007 PA 133 and section 438 as added by 2004 PA 364.

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, Pappageorge, Garcia, Olshove and Basham

Nays: None

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

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 5963, entitled

A bill entering into the interstate compact on educational opportunity for military children: and for related purposes.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Pappageorge, Garcia, Olshove and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, May 7, 2008, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge, Garcia, Olshove and Basham

The Committee on Homeland Security and Emerging Technologies reported

House Bill No. 4854, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," (MCL 38.1132 to 38.1140m) by adding section 13c.

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.

Cameron Brown
Chairperson

To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

Nays: None

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

The Committee on Homeland Security and Emerging Technologies reported

House Bill No. 4903, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," (MCL 38.1132 to 38.1140m) by adding section 13c.

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.

Cameron Brown
Chairperson

To Report Out:

Yeas: Senators Brown, Garcia, Richardville, Pappageorge, Hunter and Olshove

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 Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, May 6, 2008, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Garcia, Richardville, Pappageorge, Hunter and Olshove

Excused: Senator Thomas

The Committee on Campaign and Election Oversight reported

Senate Bill No. 1263, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 4 (MCL 4.414) and by adding section 19.

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 Schauer

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

House Bill No. 4001, entitled

A bill to regulate and to require certain reports to be filed by persons who receive contributions for purposes of defending elected officials from criminal, civil, and administrative actions; to regulate contributions made for purposes of defending elected officials from criminal, civil, and administrative actions; to prescribe certain powers and duties of the bureau of elections as to legal defense funds; and to prescribe penalties and civil sanctions.

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.

Michelle McManus
Chairperson

To Report Out:

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

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 Campaign and Election Oversight submitted the following:
Meeting held on Wednesday, May 7, 2008, at 12:00 noon, Room 405, Capitol Building
Present: Senators McManus (C), Brown, Jansen, Jacobs and Schauer

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:
Meeting held on Wednesday, May 7, 2008, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:
Meeting held on Wednesday, May 7, 2008, at 3:00 p.m., Room 405, Capitol Building
Present: Senators Brown (C), Jelinek and Scott

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

Agriculture - Wednesday, May 14, 3:00 p.m., Room 405, Capitol Building (373-2768) (CANCELED)

Economic Development - Wednesday, May 14, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Tuesday, May 13, 2:30 p.m., Room 405, Capitol Building (373-2768)

History, Arts, and Libraries - Thursday, May 15, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesday, May 13, 1:00 p.m. and Thursday, May 15, 12:45 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary and Corrections - Wednesday, May 14, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

State Police and Military Affairs - Thursday, May 15, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation Department - Thursday, May 15, 12:30 p.m., Room 405, Capitol Building (373-2768)

Health Policy - Wednesday, May 14, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0793)

Legislative Commission on Government Efficiency - Monday, May 19, 9:00 a.m., Michigan Economic Development Corporation, Conference Room, 20255 Victor Parkway, Suite 180, Livonia (373-0212)

Legislative Commission on Statutory Mandates - Tuesday, May 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Natural Resources and Environmental Affairs - Wednesday, May 14, 1:30 p.m., Room 110, Farnum Building (373-3447)

Natural Resources and Environmental Affairs/House Great Lakes and Environment - Wednesday, May 14, 12:30 p.m., Room 519, South Tower, House Office Building (373-3447)

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

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 1:54 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, May 13, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate