

No. 70  
STATE OF MICHIGAN  
**Journal of the Senate**  
95th Legislature  
REGULAR SESSION OF 2009

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Senate Chamber, Lansing, Wednesday, September 16, 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—absent  
Hardiman—present  
Hunter—absent  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present

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

Senator Deborah Cherry of the 26th District offered the following invocation:

Our Heavenly Father, as we gather in this chamber today, let us remember all the blessings You have bestowed on us. Let us be reminded that in our public service, we are responsible for serving You and the people of Michigan. Keep us mindful of our responsibility to make decisions that would be most beneficial for the citizens of our state. Keep us selfless, honest, and humble that we may continue to bring honor to the office that we hold.

And, Father, may we put aside our political differences and focus on the issues that confront us today, especially the balancing of our state budget; recognizing the significance of our actions and the effect those actions have on current and future generations of people who live and work in Michigan.

Grant this Senate, the House, our Lieutenant Governor, and our Governor wisdom as we deliberate today. Amen.

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

### Motions and Communications

Senators Jelinek, McManus, Cassis, Allen, Garcia, Barcia and Clarke 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. 715**

**Senate Bill No. 726**

**House Bill No. 4744**

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

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

#### **Commission of Agriculture**

Mr. Charles Velmar Green, a Republican, of 8839 Mead Road, Elsie, Michigan 48831, county of Clinton, succeeding Dale Norton, whose term has expired, is appointed for a term commencing July 20, 2009 and expiring December 31, 2012.

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

The following communication was received and read:  
Office of the Senate Majority Leader

September 15, 2009

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Health Policy Committee hold a hearing on the appointment of James B. Falahee, Jr., to the Certificate of Need Commission. After the hearing is conducted, please submit the written recommendation to the Senate Government Operations and Reform Committee.

Sincerely,

Senator Michael D. Bishop, Chairman

Government Operations and Reform Committee

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State

#### Administrative Rules Notice of Filing

August 17, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office

of Administrative Hearings and Rules filed Administrative Rule #2009-018-LG (Secretary of State Filing #09-08-01) on this date at 2:29 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Part 381. Ionizing Radiation."

These rules become effective 7 days after filing with the Secretary of State.

Sincerely,

Terri Lynn Land

Secretary of State

Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 15:

**House Bill Nos. 4130 5055 5221 5222 5234 5235 5295**

By unanimous consent the Senate proceeded to the order of

**Messages from the House**

**Senate Bill No. 700, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 20 (MCL 445.920).

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

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 701, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 703, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

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

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 706, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 PA 106.

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

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 707, entitled**

A bill to amend 1986 PA 316, entitled “Michigan education trust act,” by amending section 19 (MCL 390.1439).

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

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 710, entitled**

A bill to amend 1994 PA 160, entitled “Credit services protection act,” by amending section 2 (MCL 445.1822).

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

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 712, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

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

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to the order of

**Messages from the Governor****Commission of Agriculture**

Mr. Charles Velmar Green, a Republican, of 8839 Mead Road, Elsie, Michigan 48831, county of Clinton, succeeding Dale Norton, whose term has expired, is appointed for a term commencing July 20, 2009 and expiring December 31, 2012.

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

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

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

**Roll Call No. 455****Yeas—34**

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

**Nays—0**

**Excused—0**

**Not Voting—3**

Gleason

Hunter

Thomas

In The Chair: President

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 Clark-Coleman as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 715, entitled**

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 154 (MCL 280.154).

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. 726, entitled**

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending section 15 (MCL 125.3815).

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. 4744, entitled**

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of those gifts and other funds; and to validate all gifts made before the enactment of this act," by amending section 2 (MCL 123.872), as amended by 2003 PA 122.

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

1. Amend page 1, line 5, after the first "grant" by striking out "**OR LOAN**" and inserting "**OR A LOAN FROM A FEDERAL AGENCY AS PART OF AN INTERMEDIARY RELENDING PROGRAM**".

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.

**Resolutions**

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

**Senate Resolution No. 41**

**Senate Resolution No. 17**

**Senate Concurrent Resolution No. 4**

**Senate Resolution No. 75**

The motion prevailed.

Senators George, Kahn, Jelinek, Richardville, Cassis, Bishop, Cropsey, Pappageorge, Jansen, Birkholz, McManus, Hardiman, Brown, Stamas, Patterson, Van Woerkom, Allen, Gilbert, Kuipers and Sanborn offered the following concurrent resolution:

**Senate Concurrent Resolution No. 21.**

A concurrent resolution to amend the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That the Joint Rules of the Senate and the House of Representatives are hereby amended by adding the following rule:

**“REVENUE TARGETS.**

**RULE 29. BY JUNE 1, EACH HOUSE SHALL ADOPT A RESOLUTION OUTLINING ITS REVENUE TARGETS AND THE BUDGET TARGET FOR EACH INDIVIDUAL DEPARTMENT BUDGET AND FOR SCHOOL AID SEPARATED INTO GENERAL FUND AND RESTRICTED FUND REVENUES. IF EITHER HOUSE OF THE LEGISLATURE RELIES ON HIGHER REVENUES THAN THOSE DETERMINED AT THE IMMEDIATELY PRECEDING REVENUE ESTIMATING CONFERENCE, THAT HOUSE’S RESOLUTION SHALL DETAIL HOW THOSE REVENUES WILL BE INCREASED.”.**

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey requested the yeas and nays.

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

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 456**

**Yeas—28**

Allen	Clarke	Jansen	Patterson
Anderson	Cropsey	Jelinek	Richardville
Barcia	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Jacobs	Pappageorge	Whitmer

**Nays—6**

Basham	Cherry	Prusi	Scott
Brater	Clark-Coleman		

**Excused—0**

**Not Voting—3**

Gleason	Hunter	Thomas
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In The Chair: President

Senator Clarke was named co-sponsor of the concurrent resolution.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

You know, there are some times when you have been around and you see how things ought to work and you see how things do work under trying circumstances and how at other times, under those trying circumstances, certain things are evaded until they can no longer be evaded. I think it is good public policy to say that the House and the Senate need to have their budgets in place—a balanced budget in place by June 1st.

Schools and our local units of government are on a time frame. Most of them, I believe, have their budgets starting July 1st. They need to have a very good indication as to what their budgets are. Right now, we have schools that are in local units of government and they don't know how much money they are going to be getting from the state of Michigan, and they are well into their budget year. So it is only because we have not had to start our budget year.

There was a time when the budget goal was to be done by July 4th, if not sooner. Oftentimes it was done by June 1st. For us to go for the last two or three or four years until the deadline of a new budget year, I believe, is unconscionable. I would hope that this body would say that the House has to pass its balanced budget, the Senate has to pass its balanced budget, and it needs to be done by June 1st so that everybody knows the cards that are on the table and what we are going to be doing at that point or have a good idea.

Just because the estimating conference is off, we expect that every revenue estimating conference to be off, and that is why they are updated. That is why they have them in January. That is why we have them in May. That is why we have special ones that are called at special times. But I would hope that we would say let's get the job done; let's get it done earlier. Let's not do the brinkmanship thing of looking at a government shutdown.

I would hope that we would go with this resolution. I hope that the House of Representatives would also pass a resolution so that they would know, especially the new members coming in, the difficulty of getting it done; that it would be done in daylight, instead of as one, as the previous speakers said, in the dark of the night—perhaps the very last day in September or the first day in October or maybe the second day in October. It just needs to be done. It needs to be done decently and in order so that the people know.

I believe that this is an excellent resolution.

### **Introduction and Referral of Bills**

Senator Cropsey introduced

#### **Senate Bill No. 826, entitled**

A bill to amend 1988 PA 511, entitled "Community corrections act," by amending section 8 (MCL 791.408).

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

Senator Cropsey introduced

#### **Senate Bill No. 827, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33, 33e, 34, and 35 (MCL 791.233, 791.233e, 791.234, and 791.235), section 33 as amended by 1998 PA 320, section 33e as added by 1992 PA 181, section 34 as amended by 2006 PA 167, and section 35 as amended by 1998 PA 315, and by adding section 32a.

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

Senator Cropsey introduced

#### **Senate Bill No. 828, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 35 of chapter IX (MCL 769.35), as added by 1998 PA 317.

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

#### **House Bill No. 4130, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 34b.

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 Judiciary.

#### **House Bill No. 5055, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30102, 30103, and 30104 (MCL 324.30101, 324.30102, 324.30103, and 324.30104), section 30101 as amended by 2006

PA 275, section 30102 as added by 1995 PA 59, section 30103 as amended by 2006 PA 33, and section 30104 as amended by 2008 PA 276, and by adding section 30106a.

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 Natural Resources and Environmental Affairs.

**House Bill No. 5221, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing part 205 (MCL 324.20501 to 324.20519).

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 Natural Resources and Environmental Affairs.

**House Bill No. 5222, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing part 317.

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 Natural Resources and Environmental Affairs.

**House Bill No. 5234, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3829a.

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

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

**House Bill No. 5235, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 3801, 3803, 3807, 3808, 3809, 3811, 3815, 3819, 3831, and 3839 (MCL 500.3801, 500.3803, 500.3807, 500.3808, 500.3809, 500.3811, 500.3815, 500.3819, 500.3831, and 500.3839), sections 3801, 3807, 3809, 3811, 3815, 3819, 3831, and 3839 as amended by 2006 PA 462 and sections 3803 and 3808 as added by 1992 PA 84, and by adding sections 3807a, 3809a, 3811a, and 3819a.

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

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

**House Bill No. 5295, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 261 (MCL 208.1261).

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 Finance.

### Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

Paul Robeson said in his book *Here I Stand*, “I will not retreat one-thousandth of an inch.” I, too, will not retreat, back down, or give up my fight to reform auto insurance rate-setting in Michigan. To give up my fight would be to turn back on the great people of this great state who work hard for their money; whose hard work and efforts are helping us survive these current tough times. They deserve my best effort in this fight for rate reform, and I will give them my best effort as I continue to try and convince you that this is an issue that we must act on now.



When we talk about rate reform, we are also talking about the personal budgets of hundreds of thousands of people. They are struggling to pay the bills for insurance that we require them to have. A great many of them are struggling not because of their driving record, but simply because of where they live. That isn't fair.

That is why I will not back down one-thousandth of an inch in my fight to give the people of Michigan the relief they deserve from unfair auto insurance rates.

Senator Whitmer's statement is as follows:

This morning, I had the pleasure of having breakfast with a pediatric pulmonologist from my district, Dr. Rich Honicky. He is a specialist in cystic fibrosis and asthma for children. It was a very interesting breakfast. I learned a lot of things. Science was never my strength in college, and we don't learn about it in law school, but I learned a lot of things. Dr. Honicky has retired twice. He is very well regarded, and he keeps going back to the practice of medicine primarily because there are just so many kids in need, especially here in the state of Michigan.

He pointed out that he never seems to hear anyone talking about the plight of our kids, particularly in government. We just hear about big business and tax cuts and jobs. You know what? He is right. It was a very thought-provoking breakfast this morning. There is no doubt that jobs are important, and a productive business climate is too. But it made me think that we have tunnel vision. Have we lost sight of what or, more importantly, who is the most critical component of our state's future?

Every morning, noon, and night I am reminded. I have a 5-year-old and a 7-year-old. I think not only of them, but every other kid in our state when I look at the devastation that the Senate budget that was reported out of here would wreak on their lives. We know that the infant mortality rate here in Michigan is 8 percent, the 13th highest in the nation. If you are African American, the rate more than doubles to 16 percent—16 percent mortality rate for African-American babies. Yet your budget cut infant mortality completely to save \$900,000. How does that affect our future?

When we know that jobs of the future require college degrees, and yet, you eliminated the Promise grant. How does that affect our future for those students but for the future of our state? When we know that the most critical brain developments in kids happen between the ages of zero and three, yet you eliminated early childhood funding. How does that affect our future for those kids and for the state and for our communities? When we know that we have to at least, the very least, we have to keep our kids safe, and yet, your budget eliminated school bus inspections. Just last week in Holt Public Schools, two tires flew off of a bus. One of them hit a man in East Lansing and he went to Sparrow Hospital. Thank God, the 22 kids on that bus were safe. Yet you eliminated school bus inspections. How does that impact the future of our state?

Now 50 years from now, my floor speech is not going to matter. Your individual tax votes won't matter. The next election won't matter. But what we do for our children will. If we educate them, if we get them healthy, if we keep them safe, that will matter. We're talking about a generation of kids; that is going to matter. So whether these kids survive, succeed, and stay in Michigan, that matters. I mean, really, what is going to matter more?

In the final analysis, could anything matter more? So when cavalier statements are made about budget negotiations and caucus positions, let's be very clear. A budget that looks to the future but leaves our kids behind will never get my support. That is bad for kids, that is bad for Michigan, and many business leaders, even Bill Gates, will tell you it is also bad for business.

Senator Garcia stated that had he been present on September 15 when the votes were taken on the passage of the following bills, he would have voted "yea":

**Senate Bill No. 2**

**Senate Bill No. 340**

Senator Cassis' statement is as follows:

For 230 days, almost two-thirds of an entire year, Senate Bill No. 1 has languished in the House of Representatives. This is a crucial bill to restore hope to our business community by eliminating the onerous Michigan business tax 22 percent surcharge. How long is enough time to take up such an important economic measure? In my opinion, it is long overdue, and the eyes of our business community are peeled on what happens here.

I want to share with you a very, very human story of the serious adversity of one company in our state—a logistics firm. I met with them earlier in the summer, and this will show clearly how important Senate Bill No. 1 is to them. With the implementation of the surcharge and the business tax in general, Steel Pro, a logistics firm, located in Farmington Hills, Dearborn, Battle Creek, and Detroit, incurred a 350 percent tax increase. The reason behind this is the way the gross receipts tax works. They are required to pay gross receipts taxes on the entire revenue amount that a project incurs even if they have used another general contractor. They cannot take away the portion of that amount. It is embedded once again in their liability.

Let me tell you what has happened because of this. This is a family business that goes back many years. In fact, the owner of the company, a granddaughter, clearly said, "Senator, we have now opened up an office in Tennessee because, quite frankly, it's a matter of whether or not we can survive. We want to stay in Michigan because my grandfather formed this

company. So in order to do that, we have reduced our work force by half.” You know what? That means more unemployment and more families suffering. They reduced what remaining salaries they had by 10 percent across the board. And the family members have been working for absolutely no pay at all. They have also implemented one of those famous furlough programs to help save the jobs that remain, and they have eliminated half of their fleet of trucks at one of their businesses.

This is a very startling story, and I wanted to use it today to impress on not so much the Senate that passed it in good faith and with urgency, but the House who continues to sit on this important piece of legislation. We know that time is of the essence, and this company and many others like it who come to us every day are simply wondering how long they can hold on in the hope that the House will act.

I urge passage of Senate Bill No. 1 to restore hope, and send a very important message to our small businesses and our state.

Senator Basham’s statement is as follows:

I absolutely agree with the previous speaker, the Senator from the 15th District, that good legislation should not be denied just because it is a piece of legislation from a person of a different party. Just because you are in charge of a committee and a chamber, you should not bottle up good legislation just because it has the minority party’s stamp in front of it. I absolutely agree with her.

I have served in the minority for two terms in the House and almost two terms in the Senate. I’ve been working on—and I will just speak about one piece of legislation—since I have been in the Michigan Legislature, and that is the smoke-free workplace bill. There is no piece of legislation more regressive—not the piece of legislation—but no issue more regressive than to have folks come to me who are from other states or visit other states like 37 other states that have a smoke-free environment to visit or to work in.

By not dealing with this legislation, we are losing 3,000 people a year in Michigan who are dying from smoking-related illnesses. Secondhand smoke is related to 17 respiratory diseases, and so to bottle up legislation—and that is just one of my bills—there are a number of bills that the interest groups have signed off on that haven’t moved for whatever reason.

Maybe it is because I have a “D” in front of my name; maybe it’s because of Ray Basham; maybe it’s because of Downriver; or maybe it’s because I drive a Ford truck. I don’t know why my legislation is not moving, and I absolutely agree with the Senator from the 15th District. If she wants me to write a letter to get her legislation moved in the State House, I’ll do that. If she wants me to go talk to somebody in the State House, I’ll do that. I don’t know what results it will have, but I’ll do that. But I would ask my colleagues in this chamber, the upper chamber, to take a look at my legislation, and take a serious look at it based on policy and not on politics. Move my legislation.

Senator Cropsey’s statement is as follows:

I think this body several months ago passed one of the strongest antismoking pieces of legislation that this state has ever seen. It was killed in the House of Representatives. So I would suggest that if people want to see antismoking legislation that applies equally to everyone that they take a look at what the Senate has done in the past, and take a look at the inaction of the House of Representatives.

### Committee Reports

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 715, entitled**

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 154 (MCL 280.154).

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.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen and Basham

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 726, entitled**

A bill to amend 2008 PA 33, entitled “Michigan planning enabling act,” by amending section 15 (MCL 125.3815).

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.

Gerald Van Woerkom  
Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen and Basham

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**House Bill No. 4744, entitled**

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of those gifts and other funds; and to validate all gifts made before the enactment of this act," by amending section 2 (MCL 123.872), as amended by 2003 PA 122.

With the recommendation that the bill pass.

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

Gerald Van Woerkom

Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Birkholz, Allen and Basham

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Tuesday, September 15, 2009, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Birkholz, Allen and Basham

Excused: Senator Gleason

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, September 15, 2009, at 1:02 p.m., Room 519, South Tower, House Office Building

Present: Senators Gilbert (C), Kahn, Van Woerkom and Basham

Absent: Senator Gleason

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Joint meeting held on Tuesday, September 15, 2009, at 1:02 p.m., Room 519, South Tower, House Office Building

Present: Senators Hardiman (C) and Cropsey

Excused: Senator Anderson

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, September 15, 2009, at 2:30 p.m., Room 100, Farnum Building

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

Excused: Senator Clarke

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, September 16, 2009, at 9:00 a.m., Room 100, Farnum Building

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

**Scheduled Meetings**

**Energy Policy and Public Utilities** - Thursday, September 17, 1:00 p.m., Room 210, Farnum Building (373-7350)

**Finance** - Thursday, September 17, 11:00 a.m., Room 110, Farnum Building (373-1758)

**Legislative Commission on Government Efficiency** - Thursday, September 24, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Legislative Commission on Statutory Mandates** - Thursday, September 17, 9:00 a.m., East Oakland Room, 1st Floor, Conference Center, Oakland County Executive Office Building, 2100 Pontiac Lake Road, Waterford (373-0212)

**Legislative Retirement Board of Trustees** - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

**State Drug Treatment Court Advisory Committee** - Tuesday, September 29, 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 11:03 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, September 17, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate