

No. 85
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, October 14, 2009.

10:00 a.m.

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

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

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

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

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

Pastor Donald Van Dyke of Evangelical Presbyterian Church of Lake City offered the following invocation:

Heavenly Father, we praise You and thank You for the privilege and joy of life, liberty, and the pursuit of happiness. And as if that were not enough, we thank You that You have given us the wonderful privilege to work, and as opportunity arises, to play and to enjoy this most beautiful part of Your creation that we have come to know as Michigan.

Heavenly Father, we call upon Your name for the times in which we live. We thank You for the opportunity to serve the precious people of our state. Heavenly Father, our dear people are going through times of difficulty, and our people are hurting in ways and in numbers that we might not have imagined a short time ago. So we are here today to call upon You to lead us out of the box of election cycles, our careers, and our ambitions, that we may more perfectly and lovingly and purposefully serve the dear people of this state.

We pray that on this occasion that with every item of business, we will seek the love of God. With every question that is raised, we will seek the heart of God. With every answer that is offered, we will seek the character of God. And beyond us, Lord God, in everything that we do in this place, we seek the wisdom not of ourselves, but of Almighty God.

These things we pray in the victorious name of Jesus Christ, the King of kings and Lord of lords and the One before whom all of us will stand to give account one day. Amen.

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

Motions and Communications

Senators Clarke and Brown entered the Senate Chamber.

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

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

The following communication was received:

Department of Treasury

October 9, 2009

Under provisions of the Glenn Steil Revenue Sharing Act, PA 140 of 1971, the Department of Treasury is required to file an annual report with the legislature identifying local units of government that have failed to file required financial data with the Department. That report is attached. For your information, the Department posts the audits received from local units of government on our website at http://www.michigan.gov/treasury/0,1607,7-121-1751_31038---,00.html. If there is any other information or assistance that I can provide, please feel free to contact me at 241-1186.

Larry Steckelberg
Legislative Liaison

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, October 13:
House Bill No. 5190

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

Senate Bill Nos. 890 891 892 893 894

Messages from the House

Senate Bill No. 95, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Cropsey moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 529**Yeas—32**

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

Nays—2

| | |
|--------|-----------|
| Cassis | Patterson |
|--------|-----------|

Excused—3

| | | |
|--------|--------|--------|
| Barcia | Brater | Garcia |
|--------|--------|--------|

Not Voting—0

In The Chair: Richardville

Senator Barcia entered the Senate Chamber.

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

By unanimous consent the Senate 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 Sanborn 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. 4191, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2007 PA 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:
House Bill No. 4629, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

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:
House Bill No. 5120, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 10 (MCL 207.630), as amended by 2009 PA 61.

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.

During the Committee of the Whole, Senators Garcia and Brater entered the Senate Chamber.

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. 852

Senate Bill No. 776

Senate Bill No. 276

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 852, entitled

A bill to provide for loans, grants, and other assistance for energy efficiency and renewable energy projects; to create a restricted fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

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. 530

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 776, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 151d (MCL 600.151d), as amended by 2008 PA 197.

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. 531**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 276, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 709 (MCL 257.709), as amended by 2000 PA 127.

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. 532**Yeas—37**

| | | | |
|----------|---------------|--------|--------------|
| Allen | Clark-Coleman | Jacobs | Prusi |
| Anderson | Clarke | Jansen | Richardville |

| | | | |
|----------|----------|-------------|-------------|
| Barcia | Cropsey | Jelinek | Sanborn |
| Basham | Garcia | Kahn | Scott |
| Birkholz | George | Kuipers | Stamas |
| Bishop | Gilbert | McManus | Switalski |
| Brater | Gleason | Olshove | Thomas |
| Brown | Hardiman | Pappageorge | Van Woerkom |
| Cassis | Hunter | Patterson | Whitmer |
| Cherry | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

The motion prevailed.

Senators Patterson, Gilbert, Van Woerkom, Stamas, Cassis, Kahn, Jelinek, Richardville, Allen and Kuipers offered the following resolution:

Senate Resolution No. 86.

A resolution urging Congress to defend the role of the dollar as a world reserve currency.

Whereas, The financial and economic crisis we are facing has weakened America's position as the dominant economic power. Reflecting this situation, some have called for the United States dollar to be replaced as the international reserve currency by a mix of currencies. This sentiment reflects a lack of confidence in the long-term strength of the dollar. Treasury Secretary Timothy Geithner seemingly agreed that this proposal deserved consideration before reversing himself and defending the dollar as the international reserve currency; and

Whereas, The United States dollar has functioned as the dominant international reserve currency since World War II. This role has resulted from our position as the largest economy with trade and investment policies leading to stable, long-term productivity gains and prosperity. Nations have trusted that the dollar will retain its value over time. What this means is that the dollar is accepted worldwide for international transactions and is the currency that nations prefer to hold in their vaults for the future as their foreign exchange reserve. The freedom to use our own currency to import what we need and pay our debts cannot be undervalued. Our budget and trade deficits would not be possible without the willingness of foreigners to accept and hold our dollars; and

Whereas, For our dollar to continue to function in this role, which both benefits America and enables global trade, we must take steps both to strengthen the dollar against key foreign currencies and bolster the underlying economic basis for the dollar's dominance globally. Foreign businesses and governments must continue to have confidence that our dollar will remain a safe haven for their own economic health. Should that confidence falter for long, our dollar will lose its status as the dominant reserve currency, and we will be weaker for that blow to our economy; now, therefore, be it

Resolved by the Senate, That we urge Congress to defend the role of the dollar as a world reserve currency; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that the resolution be referred to the Committee on Banking and Financial Institutions.

The motion prevailed.

Senators Birkholz, Brown, Gleason, Olshove and Pappageorge were named co-sponsors of the resolution.

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

Senate Concurrent Resolution No. 23.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

Whereas, Article 5, Section 2 of the Constitution of the state of Michigan provides that the Governor may make changes in the organization of the executive branch or in the assignment of functions within the executive units. Where these changes require the force of law, they must be set forth in executive orders that are submitted to the Legislature. The Legislature shall have 60 calendar days of a regular session to disapprove each executive order by a resolution concurred in by a majority of the members elected and serving in each house of the Legislature; and

Whereas, Governor Granholm has issued an executive order proposing the reorganization of the executive branch through the creation of the Department of Natural Resources and Environment; the abolishment of the Department of Environmental Quality and the Department of Natural Resources; and the reorganization of responsibilities among the Department of Agriculture, the Department of Energy, Labor, and Economic Growth, and the Department of Treasury. Executive Order No. 2009-45 was signed on October 8, 2009; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby disapprove Executive Order No. 2009-45, issued October 8, 2009, and proposing the reorganization of the executive branch of government through the creation of the Department of Natural Resources and Environment; the abolishment of the Department of Environmental Quality and the Department of Natural Resources; and the reorganization of responsibilities among the Department of Agriculture, the Department of Energy, Labor, and Economic Growth, and the Department of Treasury; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

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 moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

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

Senate Concurrent Resolution No. 24.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

Whereas, Article 5, Section 2 of the Constitution of the state of Michigan provides that the Governor may make changes in the organization of the executive branch or in the assignment of functions within the executive units. Where these changes require the force of law, they must be set forth in executive orders that are submitted to the Legislature. The Legislature shall have 60 calendar days of a regular session to disapprove each executive order by a resolution concurred in by a majority of the members elected and serving in each house of the Legislature; and

Whereas, On October 8, 2009, Governor Granholm issued Executive Order No. 2009-45, which creates the Department of Natural Resources and Environment, abolishes the Department of Natural Resources and the Department of Environmental Quality, and removes the decision-making power of the Commission of Agriculture and vests that power in a Director of Agriculture appointed by the Governor; and

Whereas, The Commission of Agriculture ensures transparent and collaborative decision making. Through its selection of the Director of Agriculture, it also ensures selection of an individual with a strong understanding of and appreciation for Michigan's agriculture industry; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby disapprove Executive Order No. 2009-45, issued October 8, 2009, and proposing the reorganization of the executive branch of government through the

creation of the Department of Natural Resources and Environment; the abolishment of the Department of Environmental Quality and the Department of Natural Resources; and the reorganization of responsibilities among the Department of Agriculture, the Department of Energy, Labor, and Economic Growth, and the Department of Treasury; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

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 moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Patterson, Gilbert, Van Woerkom, Stamas, Cassis, Kahn, Jelinek, Richardville, Allen and Kuipers offered the following concurrent resolution:

Senate Concurrent Resolution No. 25.

A concurrent resolution urging Congress to defend the role of the dollar as a world reserve currency.

Whereas, The financial and economic crisis we are facing has weakened America's position as the dominant economic power. Reflecting this situation, some have called for the United States dollar to be replaced as the international reserve currency by a mix of currencies. This sentiment reflects a lack of confidence in the long-term strength of the dollar. Treasury Secretary Timothy Geithner seemingly agreed that this proposal deserved consideration before reversing himself and defending the dollar as the international reserve currency; and

Whereas, The United States dollar has functioned as the dominant international reserve currency since World War II. This role has resulted from our position as the largest economy with trade and investment policies leading to stable, long-term productivity gains and prosperity. Nations have trusted that the dollar will retain its value over time. What this means is that the dollar is accepted worldwide for international transactions and is the currency that nations prefer to hold in their vaults for the future as their foreign exchange reserve. The freedom to use our own currency to import what we need and pay our debts cannot be undervalued. Our budget and trade deficits would not be possible without the willingness of foreigners to accept and hold our dollars; and

Whereas, For our dollar to continue to function in this role, which both benefits America and enables global trade, we must take steps both to strengthen the dollar against key foreign currencies and bolster the underlying economic basis for the dollar's dominance globally. Foreign businesses and governments must continue to have confidence that our dollar will remain a safe haven for their own economic health. Should that confidence falter for long, our dollar will lose its status as the dominant reserve currency, and we will be weaker for that blow to our economy; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge Congress to defend the role of the dollar as a world reserve currency; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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 moved that the concurrent resolution be referred to the Committee on Banking and Financial Institutions.

The motion prevailed.

Senators Birkholz, Brown, Gleason, Olshove and Pappageorge were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Whitmer introduced

Senate Bill No. 895, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as amended by 2004 PA 255.

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

Senator Whitmer introduced
Senate Bill No. 896, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 574.

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

Senator Whitmer introduced
Senate Bill No. 897, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2802, 2803, and 2804 (MCL 700.2802, 700.2803, and 700.2804).

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

Senator Whitmer introduced
Senate Bill No. 898, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 273 (MCL 750.159g and 750.273), section 159g as amended by 2002 PA 124.

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

Senator Whitmer introduced
Senate Bill No. 899, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16o of chapter XVII (MCL 777.16o), as amended by 2004 PA 457.

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

Senator Whitmer introduced
Senate Bill No. 900, entitled

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending section 102c (MCL 451.2102c).

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

Senator Sanborn introduced
Senate Bill No. 901, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1006.

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. 5190, entitled

A bill to prescribe the senior or vulnerable adult medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

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

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

Statements

Senators Hunter, Scott, 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 Hunter's statement is as follows:

It has been quite awhile since we have had any discussion on this floor about banning smoking in the state of Michigan. So I was pleasantly surprised to get a memo from one of our colleagues calling for there to be a financial incentive for

foster parents to maintain a smoke-free environment to help protect children from the harmful effects of secondhand smoke; also No. 2, to prohibit smoking not only in the Capitol Building, but on the Capitol grounds as well. So we recognize that secondhand smoke is harmful, but we want to limit a ban on smoking for foster homes. Also we are saying that—I have yet to see someone fire up a cigarette in the Capitol—but we are going to introduce a bill to prohibit smoking in the Capitol, but we can't even smoke outside.

The last time we discussed this, there were a lot of media reports about how we were so busy dealing or not with the budget that we can't take up an important issue like banning smoking. We are so busy with dealing with all the important issues like repealing the law to remove fuzzy dice from the rearview mirror that we can't take up this very important issue.

Let me go back to the first bill here that I mentioned earlier, creating a financial incentive for foster parents to maintain a smoke-free environment. So what if parents use this financial incentive to take their foster children out to dinner where smoking is not banned. How much sense does that make?

I think this is a shame that we choose to be hypocritical. We choose to play games. We choose to treat our constituents like they are idiots. I think we need to get off of our hind parts and do the right thing for the citizens of this great state.

If we know that secondhand smoke is harmful, let's ban it. Let's stop playing games. Let's stop twiddling our thumbs and saying, oh, we are so busy meeting in session for 30 minutes that we can't do what the citizens of this great state have sent us here to do, and that is to pass legislation that improves their quality of life, that protects their health and their safety.

Mr. President and colleagues, I would just urge you to consider doing a little better on behalf of our constituents.

Senator Scott's statement is as follows:

Amen to the Senator who preceded me.

Jesse Owens once said of his accomplishments: "One chance is all you need." Every day that we meet here in session and meet in committees, we have the chance to help the people of Michigan by acting on insurance reform. In a time where everyone must pinch pennies and make do with less, we have the daily opportunity to give all of our constituents a break on their insurance bills.

Auto and homeowner insurance is a mandatory bill that we have required of all Michigan citizens, so it is our job to make sure that these insurance bills that people pay every month are fair. And right now they are not fair. You know it, I know it, and all the people who joined me on the Capitol steps last Wednesday know it. It's high time that we act on this issue and give the good people of Michigan fair and reasonable rates that are not based on their address, income level, education level, credit score, and other issues that really shouldn't be part of insurance rate setting. It's high time that we move my bills.

Senator Garcia stated that had he been present earlier today when the vote was taken on concurring in the House substitute to the following bill, he would have voted "yea":

Senate Bill No. 95

Senator Basham's statement is as follows:

I want to try a different tact at this. You know, this is not a partisan issue. I agree with both speakers. Both speakers are right. You know, 3,000 people are dying in Michigan as a result of secondhand smoke. It doesn't do us any good to point fingers at this party or any other party, this chamber or the other chamber. We know that there is a health care issue in Michigan that needs to be dealt with. We are the upper chamber. You would think we would get something done.

So I am not going to lambaste my colleagues across the aisle. I know that deep in their hearts—and I know that they have big hearts—that they are going to get something done and work with us on this side of the aisle. I know that we can't get smoke-free workplace legislation done without my colleagues on the other side of the aisle. So there is no use for me to stand up and go after my colleagues on the other side of the aisle. I know they want to do the right thing, and I know that my colleagues on this side of the aisle want to do the right thing too.

I think it is just some pent-up frustration. I have been working on this issue for ten years. It is an issue that I will continue to work on for another year and two months, and hopefully, we will have something done before then. If not, I will be going around the state collecting petitions to put this on the ballot.

Senator Cropsey's statement is as follows:

In response to one of the previous speakers on the smoking ban, I think it is very important to note that this Senate passed a smoking ban. I was on the conference committee on the smoking ban, and even though I had not originally supported the smoking ban because of property rights issues, when the Senate passed the smoking ban, we had a total ban.

Unfortunately, the House of Representative under the other party's control, which had been beating up on the Senate for months for not passing a smoking ban, refused to go along with a total smoking ban that is being proposed by members of the other side of the aisle. I would suggest that seeing as the Senate has already passed a smoking ban under the leadership here in the Senate, and if you want a total smoking ban that perhaps you go over and speak to your Democrat members in the House of Representatives who have overwhelming control of that body and have them pass the smoking ban.

Let's stop playing games with the smoking. We know where the problem was. The problem was in the House of Representatives who refused to go along with what this body did as far as the smoking ban. We had certain members here who advocated very strongly for a smoking ban but kind of got weak knees and said we will just do whatever we can do after beating up on the Senate.

Now if you are going to advocate a total smoking ban, fine; the Senate has already done it. Go over and ask the House of Representatives that the other party controls and have them pass the total smoking ban. However, if all of a sudden you decide that the casinos in Detroit they don't want the smoking ban, then you might want to start with the casinos in Detroit and get them to pass the smoking ban because we know what happened behind the scenes.

I would suggest that you get the House of Representatives on board with the total smoking ban. Start there; we have already done it. Let's see if the House can do it.

Scheduled Meetings

Appropriations -

Subcommittees -

Community Health Department - Tuesday, October 20, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Higher Education - Wednesday, October 21, 9:15 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Education - Thursday, October 15, 2:30 p.m., Room 210, Farnum Building (373-6920)

Energy Policy and Public Utilities - Thursday, October 15, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, October 15, 11:00 a.m., Room 110, Farnum Building (373-1758)

Legislative Commission on Statutory Mandates - Monday, October 26, 9:00 a.m., Waterford Room, 1st Floor, Oakland County Executive Office Building, 2100 North 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)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:43 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, October 15, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

