

No. 42
STATE OF MICHIGAN
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REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, May 4, 2006.

10:00 a.m.

The Senate was called to order by the Associate President pro tempore, Senator James A. Barcia.

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

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

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs —present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present
Whitmer—present

Senator James A. Barcia of the 31st District offered the following invocation:

Dear God, please look down upon us with grace. Grant us the wisdom and compassion to do what is right and just for the people of Michigan. We have been entrusted with the responsibility to lead, and we ask that You guide us in all of our actions. The challenges we face are daunting and we must make difficult decisions as legislators.

Please give us the strength to fulfill our duties honestly and fairly, and let us always remember that we are here to serve Your will and the public good. Amen.

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

Motions and Communications

Senator Schauer moved that Senators Brater, Clarke, Emerson, Leland and Thomas be temporarily excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Hardiman admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Senators Goschka and Clarke entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:15 a.m.

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

During the recess, Senator Hardiman introduced the East Kentwood High School Girls Volleyball Team, 2006 Class A State Champions; Coach Roxane Steenhuysen; and Principal Joe Beels; and presented them with a Special Tribute.

Representative Steil, Coach Steenhuysen and Principal Beel responded briefly.

During the recess, Senators Thomas, Brater, Johnson, Leland, Emerson, Van Woerkom, Birkholz, Sanborn and Garcia entered the Senate Chamber.

The following communication was received:

Office of the Auditor General

May 2, 2006

Enclosed is a copy of the following audit report:

Performance audit of the Michigan State Disbursement Unit, Office of Child Support, Department of Human Services.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills and joint resolution were received in the Senate and filed on Wednesday, May 3:

House Bill Nos. 4755 6007 6022
House Joint Resolution V

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 3, for her approval the following bills:

Enrolled Senate Bill No. 973 at 11:09 a.m.
Enrolled Senate Bill No. 974 at 11:11 a.m.
Enrolled Senate Bill No. 975 at 11:13 a.m.
Enrolled Senate Bill No. 976 at 11:15 a.m.

The Secretary announced that the following official bills were printed on Wednesday, May 3, and are available at the legislative website:

Senate Bill Nos. 1235 1236 1237 1238 1239 1240 1241
House Bill Nos. 6023 6024 6025 6026 6027

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

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

Senate Bill No. 242, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2005 and September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-6) the Senate substitute (S-5) to the House substitute (H-4).

The House of Representatives has concurred in the Senate substitute (S-5) as substituted (H-6).

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 285

Yeas—0

Nays—38

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman	Sanborn	Whitmer
Clark-Coleman	Jacobs		

Excused—0

Not Voting—0

In The Chair: Birkholz

Senate Bill No. 838, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 106 and 107 (MCL 400.106 and 400.107), section 106 as amended by 2004 PA 409.

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.

Third Reading of Bills

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

Senate Bill No. 1168

Senate Bill No. 1169

Senate Bill No. 1167

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1168, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending the title and section 2 (MCL 285.302).

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. 286**Yeas—32**

Allen	Cropsey	Jacobs	Prusi
Barcia	Emerson	Jelinek	Sanborn
Birkholz	Garcia	Johnson	Sikkema
Bishop	George	Kuipers	Stamas
Brater	Gilbert	Leland	Switalski
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Olshove	Van Woerkom
Cherry	Hardiman	Patterson	Whitmer

Nays—6

Basham	Clarke	Scott	Thomas
Clark-Coleman	Schauer		

Excused—0**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Barcia’s statement is as follows:

I have the privilege today to announce, much to personal dismay in the office, but we are very happy for her, Andrea Ananich, who has been a very loyal member of my staff since I began my tenure last January of 2003. She has always conducted herself in a very professional and courteous manner, handling scheduling tasks as well as doing an enormous amount of casework for the constituents of the 31st District.

Andrea has enjoyed her work here in the Senate, but she has an opportunity to become a student pursuing a graduate degree in library science at the University of Michigan-Ann Arbor. So, if I could, I would like to recognize Andrea Ananich. She has a full schedule, and she is a newlywed recently married to Flint City Councilman Jim Ananich. She will be beginning her graduate education very shortly.

It is my pleasure today to present to her a Special Tribute signed by myself, Senator Bob Emerson, who she also worked for as an intern, also House Democratic Leader Dianne Byrum, where she served very capably on Representative Byrum’s staff, as well as Governor Jennifer Granholm.

Andrea, I would like to present this to you and ask my colleagues to recognize Andrea for the exemplary service she has performed here on my staff in serving the constituents of the 31st District.

Senator Emerson’s statement is as follows:

I would also like to add my congratulations and thanks to Andrea for the terrific job she has done here. She started out working in my office about eight years ago. She is also a neighbor of mine, her husband worked for me for a while, and they have done a terrific job. They are really a terrific addition to our community and neighborhood. I know she did a great job for me and I know she has done a great job for Senator Barcia.

The following bill was read a third time:

Senate Bill No. 1169, entitled

A bill to amend 2000 PA 322, entitled “Julian-Stille value-added act,” (MCL 285.301 to 285.304) by adding section 2a.

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. 287

Yeas—30

Allen	Cropsey	Jelinek	Schauer
Barcia	Garcia	Johnson	Sikkema
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Patterson	Toy
Brown	Hammerstrom	Prusi	Van Woerkom
Cassis	Hardiman	Sanborn	Whitmer
Cherry	Jacobs		

Nays—8

Basham	Clarke	Leland	Scott
Clark-Coleman	Emerson	Olshove	Thomas

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1167, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," (MCL 285.301 to 285.304) by adding section 2b; and to repeal acts and parts of acts.

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. 288

Yeas—31

Allen	Cropsey	Jelinek	Schauer
Barcia	Garcia	Johnson	Sikkema
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cassis	Hardiman	Prusi	Whitmer
Cherry	Jacobs	Sanborn	

Nays—7

Basham	Clarke	Leland	Thomas
Clark-Coleman	Emerson	Scott	

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom 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 Birkholz, designated Senator Goschka as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5638, entitled

A bill to enter into the midwest interstate passenger rail compact to promote intergovernmental coordination aimed at development and promotion of intercity passenger rail transportation; to promote long-range planning for high-speed rail passenger service in the midwest; to describe the powers and duties of certain commissions; and to provide for ratification and a method of termination.

Senate Bill No. 1032, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter XI (MCL 771.1), as amended by 2004 PA 219.

Senate Bill No. 1203, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3240 and 3241a (MCL 600.3240 and 600.3241a), section 3240 as amended by 2004 PA 538 and section 3241a as added by 1986 PA 94.

Senate Bill No. 1233, entitled

A bill to amend 2004 PA 378, entitled "Public body law enforcement agency act," by amending section 4 (MCL 28.584).

House Bill No. 5748, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2004 PA 424.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 1212, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 357c. Substitute (S-1).

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

1. Amend page 1, line 6, by striking out all of line 6 through "USE" on line 7.

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

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

Senate Bill No. 1213, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16r of chapter XVII (MCL 777.16r), as amended by 2002 PA 279.

Substitute (S-1).

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

1. Amend page 2, line 10, after "THEFT" by striking out "AND RESALE OR RETENTION".

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

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

House Bill No. 4171, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5739 (MCL 600.5739). 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. 5747, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXVIIA. Substitute (S-1).

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

Resolutions

Senator Hammerstrom moved that consideration of the following resolution be postponed for today:

Senate Resolution No. 71

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 135

The resolution consent calendar was adopted.

Senators Scott, Thomas, Clark-Coleman, Clarke and Leland offered the following resolution:

Senate Resolution No. 135.

A resolution commemorating the 24th Annual Metro Detroit Youth Day.

Whereas, The 24th Annual Metro Detroit Youth Day, sponsored by General Motors, Spartan Stores, Inc., Ford Motor Company, Pepsi-Cola Company, the *Detroit Free Press*, Toyota USA, Volkswagen, AT&T, McDonald's, Sam's Club, Greektown Casino, Big Boy Restaurants, Kroger Food Stores, the Michigan Food & Beverage Association, Wendy's International, the Detroit Lions, the Detroit Pistons, the Detroit Tigers, Compuware, BT Auto, DTE Energy, the Detroit Recreation Department, Blue Cross & Blue Shield of Michigan, Cingular Wireless, Wayne County Park Systems, Fairlane Town Center, WDIV-TV, WWJ Newsradio 950, Penske Corporation, the Archdiocese of Detroit, Health Alliance Plan, Target Stores, and many other sponsors including food and beverage firms and more than 190 community and youth organizations—all who recognize that leisure and recreation are basic human needs and that youth must use this time wisely to improve the quality of their lives and life's disciplines—will be held on July 12, 2006, at Belle Isle's Athletic Field in Detroit; and

Whereas, Metro Detroit Youth Day, the largest youth event in Michigan, emphasizes the need for physical education facilities and fitness with the need for good sportsmanship; and

Whereas, It is acknowledged that the youth are a valuable asset to our communities and the foundation of our future; and

Whereas, Metro Detroit Youth Day is intended to bring together the community and the private sector to enhance relationships and improve cooperation and harmony in our communities; and

Whereas, Metro Detroit Youth Day provides an opportunity for youth to participate in constructive activities outside their immediate home areas, working with other youngsters and numerous volunteers; and

Whereas, Community groups such as the NAACP, Detroit Urban League, Salvation Army, Boys and Girls Clubs, Boy Scouts, Girls Scouts, YMCA, YWCA, Focus: HOPE, United Way for Southeastern Michigan, Special Olympics, Detroit Police Cadets, New Detroit, Inc., and many others are participating as co-sponsors; and

Whereas, Outstanding and dedicated community leaders which include Ed Deeb of the Michigan Food & Beverage Association; Dr. Tom Moss, retired Detroit police chief; Keith Bennett of Goodwill Industries; Charles Beckham of the Detroit Recreation Department; Sergeant Curtis Perry of Detroit Police Cadets; and Dr. Lynne Boyle of the Kiwanis Club are co-chairing this event, along with more than 900 volunteers supervising the 29,000 youths who are expected to attend; now, therefore, be it

Resolved by the Senate, That we hereby proclaim Wednesday, July 12, 2006, as Metro Detroit Youth Day in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event as evidence of our esteem for their dedication and commitment to the youth of Metro Detroit.

Senators Barcia, Birkholz, Brater, Cassis, Goschka, Hardiman, Jacobs, Johnson, Prusi, Schauer and Switalski were named co-sponsors of the resolution.

Senate Resolution No. 105.

A resolution to memorialize the United States Congress to adopt and transmit to the states for ratification an amendment to the U.S. Constitution that would ensure that apportionment is based on citizens and not non-citizens.

The question being on the adoption of the resolution,

Senator Hammerstrom requested the yeas and nays.

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

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

Roll Call No. 289

Yeas—30

Allen	Garcia	Johnson	Schauer
Barcia	George	Kuipers	Sikkema
Birkholz	Gilbert	McManus	Stamas
Bishop	Goschka	Olshove	Switalski
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Sanborn	Whitmer
Cropsey	Jelinek		

Nays—7

Basham
Brater

Clark-Coleman
Clarke

Emerson
Scott

Thomas

Excused—1

Leland

Not Voting—0

In The Chair: Birkholz

Protests

Senators Brater and Scott, under their constitutional right of protest (Art. 4, Sec. 8), protested against the adoption of Senate Resolution No. 105.

Senators Gilbert, Thomas, Garcia, Brater and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senators Brater and Scott moved that Senator Thomas' statement be printed as their reasons for voting "no" on Senate Resolution No. 105.

The motion prevailed.

Senator Gilbert's first statement is as follows:

Senate Resolution No. 105 calls on the United States Congress to adopt a constitutional amendment to base congressional reapportionment on citizens only. Michigan has lost seats in Congress in '83, '93, and 2003. The '83 reapportionment can be attributed to internal migration, people moving from Michigan to the South and West, but it has become apparent that since 1990, immigration has been the driving factoring in reapportionment.

During the '90s, the number of noncitizens grew by almost 680,000 annually. By March 2005, there were nearly 22 million noncitizens in this country, comprising 7.4 percent of the nation's population.

Seats in Congress are apportioned on each state's total population, regardless of citizenship status, relative to the rest of the country, and this is costing Michigan representation in Congress. Remember, we didn't lose seats because our population was in decline. We lost seats because the movement of noncitizens in California, Texas, New York, and Florida has caused their population to grow faster than ours.

Apportionment is very important. Just one issue that could affect this. Imagine, if someday, Michigan has more than 20 seats in the Congress. When it comes to road funding, tradition allows that each member of Congress is allowed to earmark funding for various projects. Twenty members of Congress can bring additional transportation dollars to our state, a state that has sent more transportation money than we receive.

Michigan is scheduled to lose one additional congressional seat in the next census if this is not changed. The issue is more than just getting our fair share from the federal government. The issue is one of fairness. Michigan should not be penalized or have its voice heard less because other states gain more people who are noncitizens than we do.

I am not asking that noncitizens be cut off from social services. This measure won't be used to prevent any social services that those people would be receiving. I am just asking that our representation in Congress be based on those who are citizens of the United States. One state, California, has six congressional seats that can be attributed to the noncitizen population.

Look up at the ceiling of this chamber, where there's the representation of the seats of all the states in the Union. Now think of this: 26 of those states have six or less Representatives in Congress, so therefore, six states have less representation than the noncitizen population of California. With noncitizens included in apportionment, these states, which already have a low representation in Congress, lost seats. With a citizen-only apportionment, these states will have a louder voice in Congress.

This resolution urges support for Congresswoman Candice Miller's House Joint Resolution 53, which would change the Constitution to provide that reapportionment should be based solely on the number of citizens in each state. I urge my colleagues to help address this problem by giving Senate Resolution No. 105 a favorable recommendation.

Senator Thomas' statement, in which Senators Brater and Scott concurred, is as follows:

I rise in opposition to the resolution. While I certainly appreciate the position of the sponsor of the Senate resolution and the sponsor of the congressional amendment, I believe their position oversimplifies a very complicated and vexing issue, one that will not be solved by passing this resolution.

It was suggested in testimony before the Government Operations Committee on Monday that this really was about fixing America's immigration problem, and that clearly we had an immigration problem in America, with an open border that was not being secured and protected. This resolution simply does nothing to address that. More importantly, though, I believe this resolution to be flawed. Again, in that same testimony, the sponsor of the constitutional amendment consistently linked the resolution to the notion that it would stop disenfranchising citizen voters. Well, the part of the 14th Amendment that we are discussing seeks to count all persons; whereas, other parts of the 14th Amendment specifically address citizens. This distinction was not an error or an oversight by those who drafted the 14th Amendment. They knew what they were doing and their intent was to count all persons.

The Congresswoman and sponsor of the amendment implied that we need this amendment so that we do not ultimately have to litigate this issue relative to the 14th Amendment. Well, we got the resolution to this issue through litigation already, and for over 140 years, it has been clear that this nation affords the same protection to noncitizens as to citizens under the 14th Amendment.

All persons were included because the Framers of that amendment believed that this would best unite the country after the Civil War. They had the vision to do this in 1866, despite the fact that the North would lose congressional seats to the vanquished South, with its large population of African Americans, whose citizenship was undetermined at that time. Just like what we have today.

I don't believe this Legislature should in any way seek to change a constitutional amendment for a problem that, quite frankly, doesn't exist. It didn't exist 140 years ago and it doesn't exist today. So, while it's all well and good to wave the flag and claim that we have the moral high ground, the plain fact is that the great Americans who saw us through the Civil War and through Reconstruction believed that this nation's congressional representation should include all people regardless of citizenship. This system has worked, I think, quite flawlessly for the past 140 years. Make no mistake, this resolution substitutes your judgment for the judgment of those who rebuilt our nation after our most bloody and dire crisis.

Additionally, this resolution ignores the proud role that immigrants have played in the history of Michigan and the Midwest in general. Let me perhaps share with you some of the positive contributions of Michigan's immigrant population. Contrary to some negative assumptions, immigrants do pay taxes. They pay income taxes; they pay property taxes and sales tax—both federal and state taxes. A report by the National Academy of Sciences found that a typical immigrant and his or her descendants will pay an estimated \$80,000 more in taxes than they will receive in combined local, state, and federal benefits over their lifetimes.

Immigrant businesses combined with consumer spending by immigrant households contributes over \$162 billion in tax revenue to our state and local governments. Immigrants will contribute over \$500 billion into our Social Security system over the next 20 years. The net benefit of immigration yearly is more than \$10 billion to our nation's economy. Frankly, undocumented immigrants—undocumented aliens—they pay taxes as well. They've paid and contributed over \$20 billion into our nation's Social Security system between 1990 and 1998. Clearly, they have value. In fact, let's talk about the contributions of immigrants. As a percentage, there were more immigrants in this nation in the 1860s and 1970s than there are now. According to the Census Bureau, in 1860, Wayne County was nearly 40 percent; Chicago was 50 percent; St. Louis was 50 percent. They paid taxes; they were counted under the system. They are the ones who built this state and nation. We could still learn something from these folks.

I encourage my colleagues to not adopt this resolution.

Senator Gilbert's second statement is as follows:

If the previous speaker suggests that somehow all people in this country are not going to be counted in the census, I think he is mistaken. What this amendment, which is proposed before Congress, simply does is limit those people counted—citizens—for the purposes of reapportionment. The idea that our founders disregarded the problem of immigration, certainly, things have changed dramatically.

If you think back to the fact that there are six congressional seats in California, basically, based on the fact there are noncitizens there and that 26 states have six or less, that gives California a significant voice. I think that before you are represented in Congress, you should be a citizen, that you have pledged your allegiance to this country, and until that time for purpose of reapportionment, I believe it is inappropriate to count those who are noncitizens.

I urge your support.

Senator Garcia's statement is as follows:

I rise in support of this resolution. I happen to be a second- or third-generation American. I'm not sure which because we haven't been able to track down the ancestry of my grandparents. But the point here is that it's important that when a census is taken and when the distribution of congressional seats is allocated that it be for U.S. citizens.

Now I happen to agree with a number of the points that my good friend from the 4th District mentioned. Yes, many of these immigrants do pay taxes, but that's not the issue here. The issue is whether or not they should be counted in terms of congressional apportionment. I think the sponsor of this resolution is right on tact and we should support him.

Senate Concurrent Resolution No. 41.

A concurrent resolution urging the Republican National Committee to consider Detroit as the host site for the 2008 Republican National Convention.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I rise to ask members to support Senate Concurrent Resolution No. 41. This resolution would urge the Republican National Committee to select Detroit for its 2008 National Convention. Having Detroit as the host of a convention would once again bring the national media and attention to our state's largest city and allow us to repeat the success that we have just seen in hosting the Super Bowl. At a time when our state faces economic challenges, preparations for such a major event would provide a needed boost for our tourism industry. At a time when Detroit is too easy of a target for her critic, hosting this convention would be another chance to prove that the naysayers are wrong.

Detroit was one of the 31 cities invited to host the convention. Chicago has already dropped out to focus on its bid for the 2016 Olympic Games. Detroit is well-positioned for a strong bid for a major Midwest city and a good track record for major events.

We should pass this resolution to demonstrate to the nation that Detroit and Michigan can compete for the most high-profile events and provide an excellent experience for participants and the public that will make us proud.

Thank you for your consideration of Senate Concurrent Resolution No. 41.

Senator Thomas' statement is as follows:

I would like to thank the Senator from the 29th District for his leadership on this issue. Certainly, in 1980, Detroit was very proud to host the nominating convention of former President Ronald Reagan. We certainly look forward to continuing with that. We may be mostly Democrats in Detroit, but we would love to have you come and share your time with us in the city. We are poised, primed, and ready to host large events in the city of Detroit. We thank you for your interest in coming to Detroit and we hope to see you there in September 2008.

Senator Thomas offered the following resolution:

Senate Resolution No. 134.

A resolution to urge the Democratic National Committee to consider Detroit as the host site for the 2008 Democratic National Convention.

Whereas, Detroit is one of 11 cities to receive RFPs to bid for the 2008 Democratic National Convention. Cities have been asked to make their proposals to the National Democratic Committee by May 19, 2006, and a decision on site selection is expected to be made by fall of 2006; and

Whereas, The capacity of the Motor City to host an event as large as a national political party convention can hardly be questioned, for in the past year Detroit successfully hosted the 2005 Major League Baseball All-Star Game and Super Bowl XL. In addition, in 2005 the Progressive National Baptist Convention met in the Motor City, and in 2004 the National Urban League and the Lions Clubs International held their conventions in Detroit; and

Whereas, The selection of Detroit as the host city for the 2008 Democratic National Convention would be an important step in the rejuvenation of Detroit as a major urban center. In recent years, the city has made great economic strides with the relocation of the Compuware Corporation to downtown Detroit and the nearly \$500 million investment that General Motors has made to its Renaissance Center global headquarters. The Super Bowl infused more than \$300 million into the local economy, and the hosting of the 2008 Democratic National Convention would be another boost in the rejuvenation of this great and unique city; now, therefore, be it

Resolved by the Senate, That we urge the Democratic National Committee to select Detroit as the site of the 2008 Democratic National Convention; and be it further

Resolved, That copies of this resolution be transmitted to the Democratic National Committee.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Barcia, Birkholz, Brater, Cassis, Clark-Coleman, Goschka, Hardiman, Jacobs, Prusi, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senator Thomas offered the following concurrent resolution:

Senate Concurrent Resolution No. 44.

A concurrent resolution to urge the Democratic National Committee to consider Detroit as the host site for the 2008 Democratic National Convention.

Whereas, Detroit is one of 11 cities to receive RFPs to bid for the 2008 Democratic National Convention. Cities have been asked to make their proposals to the National Democratic Committee by May 19, 2006, and a decision on site selection is expected to be made by fall of 2006; and

Whereas, The capacity of the Motor City to host an event as large as a national political party convention can hardly be questioned, for in the past year Detroit successfully hosted the 2005 Major League Baseball All-Star Game and Super Bowl XL. In addition, in 2005 the Progressive National Baptist Convention met in the Motor City, and in 2004 the National Urban League and the Lions Clubs International held their conventions in Detroit; and

Whereas, The selection of Detroit as the host city for the 2008 Democratic National Convention would be an important step in the rejuvenation of Detroit as a major urban center. In recent years, the city has made great economic strides with the relocation of the Compuware Corporation to downtown Detroit and the nearly \$500 million investment that General Motors has made to its Renaissance Center global headquarters. The Super Bowl infused more than \$300 million into the local economy, and the hosting of the 2008 Democratic National Convention would be another boost in the rejuvenation of this great and unique city; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Democratic National Committee to select Detroit as the site of the 2008 Democratic National Convention; and be it further

Resolved, That copies of this resolution be transmitted to the Democratic National Committee.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Barcia, Birkholz, Brater, Cassis, Clark-Coleman, Goschka, Hardiman, Jacobs, Prusi, Schauer, Scott and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Cassis, Sanborn, Kuipers and Patterson introduced

Senate Bill No. 1243, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 32a.

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

Senators Hammerstrom and Birkholz introduced

Senate Bill No. 1244, entitled

A bill to amend 2000 PA 251, entitled "Patient's right to independent review act," by amending section 3 (MCL 550.1903).

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

Senator Hammerstrom introduced

Senate Bill No. 1245, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17210 and 17708 (MCL 333.17210 and 333.17708), section 17708 as amended by 2005 PA 85.

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

Senators Schauer, Brater, Clarke, Scott, Basham, Clark-Coleman, Prusi, Cherry, Whitmer, Emerson and Leland introduced

Senate Bill No. 1246, entitled

A bill to prohibit employers from making employment decisions based upon certain factors that are unrelated to employment; to prohibit certain inquiries; to prohibit retaliation; and to provide remedies.

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

Senators Cherry, Brater, Olshove, Switalski, Prusi, Leland, Whitmer, Jacobs, Schauer and Emerson introduced
Senate Bill No. 1247, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 202, 205, 206, and 208 (MCL 37.2202, 37.2205, 37.2206, and 37.2208), section 202 as amended by 1991 PA 11.

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

Senators Prusi, Brater, Olshove, Cherry, Switalski, Whitmer, Leland, Jacobs, Schauer, Barcia and Emerson introduced
Senate Bill No. 1248, entitled

A bill to prohibit employers from discriminating against employees based upon dietary and personal habits that are unrelated to employment; to prohibit retaliation; and to provide remedies.

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

Senators Whitmer, Cherry, Switalski, Olshove, Jacobs, Barcia, Brater, Prusi, Schauer, Emerson and Leland introduced
Senate Bill No. 1249, entitled

A bill to prohibit employers from making employment decisions based upon certain physical characteristics or fitness; to prohibit retaliation; and to provide remedies.

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

Senators Clarke, Scott, Brater, Clark-Coleman, Prusi, Cherry, Whitmer, Schauer, Emerson and Leland introduced
Senate Bill No. 1250, entitled

A bill to prohibit employers from making employment decisions based upon political activity that is unrelated to employment; to prohibit retaliation; and to provide remedies.

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

Senators Basham, Brater, Clarke, Scott, Clark-Coleman, Prusi, Cherry, Whitmer, Schauer, Emerson and Leland introduced
Senate Bill No. 1251, entitled

A bill to prohibit employers from making employment decisions based upon membership in certain groups that is unrelated to employment; to prohibit retaliation; and to provide remedies.

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

Senators Scott, Clark-Coleman, Brater, Basham, Prusi, Cherry, Whitmer, Schauer, Emerson and Leland introduced
Senate Bill No. 1252, entitled

A bill to prohibit employers from inquiring about or making employment decisions based upon an individual's credit history; to prohibit retaliation; and to provide remedies.

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

Senator Hardiman introduced

Senate Bill No. 1253, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding sections 3f and 5h.

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

Senator Hardiman introduced

Senate Bill No. 1254, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8d (MCL 722.628d), as amended by 2002 PA 661.

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

House Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to reduce the compensation of state legislators who have unexcused absences on legislative session days.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations.

House Bill No. 4755, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

The House of Representatives has passed the bill.

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

House Bill No. 6007, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

The House of Representatives has passed the bill.

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

House Bill No. 6022, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509aa (MCL 168.509aa), as amended by 2004 PA 92.

The House of Representatives has passed the bill.

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

Statements

Senators Scott and Goschka 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:

This is from Highland Park. The gentleman says, "We have paid extremely high rates in Metropolitan Detroit for so long we don't realize that it is abnormal. My insurance premiums increased over 150 percent when I moved from Ann Arbor to Highland Park, Michigan, even though nothing else changed. Please stop the unfair gouging of Detroiters."

Senator Goschka's statement is as follows:

As a die-hard, loyal supporter of the Detroit Tigers, I think I speak for the entire Senate and probably for the entire state of Michigan. Just to take a moment to say congratulations to that great organization for the success that they have had in the beginning of this year. I realize that 28 games into a 162-game schedule does not a season make; they have a long way to go.

In the state of Michigan, believe me, a number of us who are die-hard baseball fans perhaps have had our interests in dormancy for years and years. I know that Michiganders everywhere are thrilled and really we hope for that great organization, the Detroit Tigers, that they continue to play well. It is exciting to turn the radio on to listen to those games, and win or lose, they are competitive. We are thrilled for the great Detroit Tigers and we wish them the very best.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1226, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2004 PA 63.

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.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1234, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 2002 PA 720.

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.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1107, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183), as amended by 2004 PA 122.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom and Brater

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5144, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40120.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2511.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, May 2, 2006, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Families and Human Services reported

Senate Bill No. 1128, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 15a.

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.

Bill Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 1198, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111I.

With the recommendation that the bill pass.

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

Bill Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, May 2, 2006, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn, Jacobs and Clark-Coleman

The Committee on Finance reported

Senate Bill No. 1004, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2005 PA 23.

With the recommendation that the bill pass.

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

Nancy Cassis

Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5313, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 28 (MCL 211.28), as amended by 1993 PA 292.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, May 3, 2006, at 12:06 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Wednesday, May 3, 2006, at 8:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Hardiman (C), George and Scott

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Thursdays, May 11 and May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

Commerce, Labor and Economic Development - Wednesdays, May 10 and May 17, 3:00 p.m., Room 405, Capitol Building (373-2420)

General Government - Tuesdays, May 9 and May 16, 1:00 p.m., Room 405, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesdays, May 9 and May 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

Human Services Department - Wednesdays, May 10 and May 17, 8:00 a.m., Rooms 402 and 403, Capitol Building (373-1801)

Judiciary and Corrections - Tuesday, May 16, 3:00 p.m., Room 402, Capitol Building (373-3760)

State Police and Military Affairs - Thursdays, May 11 and May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

Transportation Department - Tuesdays, May 9, May 16 and May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Government Operations - Tuesday, May 23, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Judiciary - Tuesday, May 9, 1:00 p.m., Room 210, Farnum Building (373-3760)

Natural Resources and Environmental Affairs/House Natural Resources, Great Lakes, Land Use and Environment - Tuesday, May 9, 3:00 p.m., Room 519, South Tower, House Office Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:27 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, May 9, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate