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Senate Chamber, Lansing, Wednesday, April 19, 2006.

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  
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—excused  
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—excused  
Toy—present  
Van Woerkom—present  
Whitmer—present

Reverend Seth E. Weeldreyer of First Presbyterian Church of Marshall offered the following invocation:

Dear God, You are God of Senate chambers and family sitting rooms; over streams filled with beauty and streets lined with businesses. You are God of many names and faces and of people whose names we know and faces we see in the eyes of our hearts and those perhaps known only to You; people whom we all serve and with whom we seek life in its fullness.

We thank You, O God, above all for our relationships with You and with all people and for our world in which there is so much goodness and possibility and in which we still fall short as we try to figure out together what is best for all.

As we seek the way toward the prosperity, security, and equality of opportunity that is Your true peace, guide us, O God, by the witness of justice we hear in Hebrew prophets; by the power of compassion and sacrificial love we see in Jesus the Christ. Guide us, O God, with the pillar of Muslim commitment to care for the poor; with the respect of Native Americans in harmony with all creation; and with Your grace bestowed upon Buddhists, Hindus, and so many others each in their personal ways.

Dear God, guide especially, we pray, our public servants from the Governor's office to these halls of Congress; from the civic leaders of each Michigan hamlet to Washington, D.C., and throughout the world.

Wherever we sit in this room, wherever we stand on issues, however our lives intertwine, fill us with real hope more than momentary hype. Give us humility and integrity, that beyond party affiliation or pet agenda we may seek the good of all as we see Your purposes even more than our plans.

We remember soldiers. We remember peacemakers. We remember the resources and responsibilities each of us has to make a difference. We pray for wisdom. We pray for courage.

We pray in Your holy name. Amen.

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

### Motions and Communications

Senator Hammerstrom moved that Senator Goschka be excused from today's session.

The motion prevailed.

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

**Senate Bill No. 246**

The motion prevailed.

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

#### **Director of Department of Transportation**

Mr. Kirk T. Steudle of 57694 Hidden Timbers Drive, South Lyon, Michigan 48178, county of Oakland, succeeding Gloria J. Jeff, appointed for a term commencing March 4, 2006 and expiring at the pleasure of the Governor.

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

Senator Leland entered the Senate Chamber.

Senator Schauer moved that Senator Barcia be temporarily excused from today's session.

The motion prevailed.

Senator Schauer moved that Senator Thomas be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 18:

**House Bill Nos. 5553 5760 5887 5888**

### Messages from the Governor

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

**Senate Bill No. 272**

**Senate Bill No. 271**

- Senate Bill No. 264
  - Senate Bill No. 274
  - Senate Bill No. 281
  - Senate Bill No. 175
  - Senate Bill No. 236
  - Senate Bill No. 892
  - Senate Bill No. 893
  - Senate Bill No. 956
  - Senate Bill No. 957
  - Senate Bill No. 179
  - Senate Bill No. 1026
  - Senate Bill No. 1027
  - Senate Bill No. 1028
  - Senate Bill No. 372
- The motion prevailed.

Senator Hammerstrom moved that Senator Garcia be temporarily excused from today’s session.  
The motion prevailed.

Senator Garcia entered the Senate Chamber.

**Director of Department of Transportation**

Mr. Kirk T. Steudle of 57694 Hidden Timbers Drive, South Lyon, Michigan 48178, county of Oakland, succeeding Gloria J. Jeff, appointed for a term commencing March 4, 2006 and expiring at the pleasure of the Governor.

Senator Hammerstrom 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 to office, a majority of the members serving voting therefor, as follows:

**Roll Call No. 235**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Barcia	Goschka	Thomas
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**Not Voting—0**

In The Chair: President

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

The motion prevailed.

Senator Basham's statement is as follows:

Kirk Steudle has grown up in MDOT. He started as a trainee. He's held positions across the state, rising from a local office engineer to service center manager to regional engineer to a chief deputy director of MDOT. In each role, he has exhibited knowledge, skill, and vision. He's been recognized as one of Michigan's best transportation assets. He's admired by members of the industry, by local government, and by the employees of the department as someone who knows the business and who has the vision and the dedication to lead Michigan in the difficult task of maintaining and expanding our transportation infrastructure.

There's no opposition to his appointment as director. It was voiced in committee. I would hope that there would be none registered today on the floor of the Senate. I urge my colleagues to vote and confirm Kirk Steudle as Director of the Michigan Department of Transportation.

Senator Leland's statement is as follows:

Kirk is a graduate of Lawrence Technological University in Southfield. He began his career with MDOT in 1987 as a trainee. He has progressed steadily through the ranks, rising to serve as engineer in Saginaw, Bay City, and the Mt. Pleasant offices before moving to the main office in Lansing. He's shown leadership in developing the Michigan Transportation Summit, which has provided a blueprint for Michigan's transportation needs for the next century. He is recognized nationally and serves as the vice chair of the American Association of State Highway and Transportation Officials subcommittee on asset management. His nomination was recommended unanimously by the Transportation Committee and was supported by transportation interests.

So I urge my colleagues to confirm Kirk Steudle as Director of the Michigan Department of Transportation.

Senator Barcia entered the Senate Chamber.

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, Lieutenant Governor Cherry, designated Senator Clarke as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

#### **Senate Bill No. 1111, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2005 PA 267.

#### **House Bill No. 5627, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 913 (MCL 436.1913).

#### **Senate Bill No. 1176, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

#### **Senate Bill No. 1077, entitled**

A bill to create a commission to investigate alternative fuels; to define certain alternative fuels; to determine certain powers and duties of the commission; and to repeal acts and parts of acts.

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. 927, entitled**

A bill to amend 1959 PA 241, entitled "An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof," by amending the title and section 2 (MCL 429.112).

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. 928, entitled**

A bill to amend 1959 PA 241, entitled "An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof," by amending section 3 (MCL 429.113).

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 784, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7jj. 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 amendments, the following bill:

**House Bill No. 4502, entitled**

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 31 (MCL 290.631), as amended by 2002 PA 208.

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

1. Amend page 5, line 11, after "ACT," by inserting "**THE DEPARTMENT MAY ASSESS THE CIVIL FINES DESCRIBED IN THIS SUBSECTION.**".

2. Amend page 5, line 15, after the first "**THE**" by striking out "**OFFENSE IS A FIRST OFFENSE**" and inserting "**VIOLATION IS A FIRST VIOLATION**".

3. Amend page 5, line 17, after the first "**THE**" by striking out "**OFFENSE IS A SECOND OFFENSE**" and inserting "**VIOLATION IS A SECOND VIOLATION**".

4. Amend page 5, line 19, after "**THE**" by striking out the balance of the line through "**OFFENSE**" on line 20 and inserting "**VIOLATION IS A THIRD VIOLATION OR A VIOLATION SUBSEQUENT TO THE THIRD VIOLATION**".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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. 1074, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2002 PA 668.

Substitute (S-5).

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. 1075, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 213 (MCL 18.1213).  
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. 1076, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 78.

Substitute (S-3).

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. 1079, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, 4a, 5, 6, and 7 (MCL 290.642, 290.643, 290.644a, 290.645, 290.646, and 290.647), sections 2 and 7 as amended by 1993 PA 236, sections 3 and 5 as amended by 2002 PA 13, section 4a as amended by 2002 PA 425, and section 6 as amended by 2004 PA 278.  
Substitute (S-4).

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. 1078, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2004 PA 430, and section 8 as amended by 2003 PA 266, and by adding section 8e.

Substitute (S-5).

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

1. Amend page 3, line 16, after "**WASTES,**" by inserting "**WIND CONVERSION DEVICE, PHOTOVOLTAIC CELLS,**".

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 amendment, the following bill:

**Senate Bill No. 1109, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by repealing section 124 (MCL 207.1124).

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

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

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 1074 of the 93rd Legislature is enacted into law."

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 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. 115**

**Senate Resolution No. 116**

**Senate Resolution No. 117**

**Senate Resolution No. 118**

**Senate Resolution No. 120**

The resolution consent calendar was adopted.

Senators Birkholz, Sikkema, Cropsey, Garcia, Hardiman, Jelinek, Cassis, McManus, Hammerstrom, Van Woerkom, Stamas, George, Patterson, Toy, Gilbert, Sanborn, Bishop, Allen, Goschka, Barcia, Clark-Coleman, Basham, Thomas, Prusi, Scott, Cherry, Leland, Emerson, Olshove, Brater, Brown, Switalski, Whitmer and Jacobs offered the following resolution:

**Senate Resolution No. 115.**

A resolution recognizing May 2006 as Hearing Loss Awareness Month in the state of Michigan.

Whereas, Currently 31 million Americans have hearing loss. As baby boomers reach retirement age starting in 2010, this number is expected to rapidly climb and nearly double by the year 2030; and

Whereas, It is estimated that 1.4 million people in the state of Michigan have hearing loss; and

Whereas, Among seniors, hearing loss is the third most treatable disabling condition, preceded by arthritis and hypertension; and

Whereas, While 95 percent of people with hearing loss could be successfully treated with hearing aids and listening devices, only 22 percent currently use them; and

Whereas, Every day approximately 3 in 1,000 infants are born profoundly deaf or with a partial hearing loss, making hearing loss the No. 1 birth defect in America; and

Whereas, Hearing loss can greatly hinder everyday, ordinary communication, and people with a hearing loss often feel a sense of isolation and decreased self-confidence; and

Whereas, It is important that people with hearing loss in the state of Michigan be aware that there are many deaf/hard-of-hearing organizations, audiologists and hearing professionals, assistive listening device manufacturers, and support groups that offer a large range of solutions to help people with hearing loss; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize May 2006 as Hearing Loss Awareness Month in the state of Michigan.

Senators Kuipers and Schauer were named co-sponsors of the resolution.

Senator Basham offered the following resolution:

**Senate Resolution No. 116.**

A resolution commemorating November 9, 2006, as Whitwell Middle School's Children's Holocaust Memorial Day.

Whereas, In an effort to teach the students of Whitwell Middle School about diversity, parents, teachers, and administrators developed a special class about the Holocaust; and

Whereas, In learning about the 6 million Jews who were murdered during the Holocaust, the students sought a way to put that enormous number into perspective; and

Whereas The students in the Holocaust class chose to collect paper clips because they were worn by non-Jewish Norwegians in protest to the Nazi's forcing the Jews to wear yellow stars on their clothing; and

Whereas, The students of Whitwell Middle School wrote letters to sports heroes, politicians, film stars, and other leaders asking for help in their effort to collect paper clips and created a website explaining the project and asking for contributions; and

Whereas, White House correspondents learned of this project, began writing articles for German newspapers urging readers to send paper clips, and ultimately resulted in more than 46,000 paper clips being sent from Germany; and

Whereas, When the students had almost reached their goal of 6 million paper clips, they learned that many more than just Jews were killed and the total number of Holocaust victims was actually 11 million. They decided to collect the greater number of paper clips to represent all of the people murdered; and

Whereas, Once the 11 million paper clips were collected, the students hoped to find a German railcar used to transport prisoners to concentration camps to hold the paper clips; and

Whereas, After a lengthy search began throughout Germany and other parts of Europe, a Nazi-era railcar—Car Number 011-993—was found at a German railroad museum; and

Whereas, Upon receiving word that a railcar had been found, the entire Whitwell community came out to help build the Holocaust memorial; and

Whereas, The Children's Holocaust Memorial was officially dedicated on November 9, 2001, the 63rd anniversary of Kristallnacht—the "Night of Broken Glass" when the Nazis torched synagogues, looted Jewish-owned businesses, and committed murder; and

Whereas, On that day, the students of Whitwell Middle School showed the world that there is a way other than hate and intolerance; now, therefore, be it

Resolved by the Senate, That we hereby commemorate November 9, 2006, as Whitwell Middle School's Children's Holocaust Memorial Day in recognition of the Whitwell Middle School's Children's Holocaust Memorial and the profound impact it has had on the students, the community, our nation, and the world; and be it further

Resolved, That a copy of this resolution be transmitted to the Whitwell Middle School as evidence of our support, admiration, and commendation of the students and teachers of Whitwell Middle School and the entire Whitwell community for their efforts.

Senators Birkholz, Bishop, Brater, Cassis, Cherry, Clark-Coleman, Cropsey, Jacobs, Olshove, Prusi, Schauer and Switalski were named co-sponsors of the resolution.

Senator Basham offered the following resolution:

**Senate Resolution No. 117.**

A resolution commemorating June 3-11, 2006, as Aquatic Invasive Species Awareness Week in Michigan.

Whereas, Michigan and its economy are defined by the Great Lakes and depend on its great abundance of fresh water for manufacturing, tourism, fishing, public water supplies, agriculture, and numerous other uses; and

Whereas, Preventing the introduction and spread of aquatic invasive species ultimately benefits the state of Michigan, and stopping the introduction and spread of these species would reduce the need of the state of Michigan, business, industry, and citizens to employ costly methods to control and manage them; and

Whereas, Over 160 nonindigenous aquatic invasive species have been introduced to the Great Lakes; many of which are displacing native species, disrupting habitats, and degrading natural, managed, and agricultural landscapes and damaging water-based infrastructure, resulting in millions of dollars for control efforts each year; and

Whereas, Michigan has almost 1 million registered boaters and many other recreational, commercial, and industrial users of over 11,000 lakes and ponds and over 36,000 miles of streams in the state, many of which are impacted by aquatic invasive species; and

Whereas, Aquatic invasive species awareness is an important first step towards behavior change, which prevents the introduction and spread of aquatic invasive species; and

Whereas, The introduction and spread of aquatic invasive species must be addressed by all levels of government, business, industry, environmental groups, community organizations, and citizens to protect Michigan and Great Lakes waters from the irreversible damage caused by aquatic invasive species; now, therefore, be it

Resolved by the Senate, That we hereby commemorate June 3-11, 2006, as Aquatic Invasive Species Awareness Week; and be it further

Resolved, That we urge all citizens to increase their understanding and awareness of aquatic invasive species and their ecological and economic impacts and take preventative measures to stop the spread and introduction of aquatic invasive species; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Environmental Quality, Michigan Department of Agriculture, Michigan Department of Natural Resources, Michigan Department of Transportation, Office of the Great Lakes, Great Lakes Fishery Commission, Council of Great Lakes Governors, Michigan congressional delegation, and the Great Lakes Commission.

Senators Barcia, Birkholz, Bishop, Brater, Cassis, Cherry, Clark-Coleman, Jacobs, Olshove, Prusi, Schauer and Switalski were named co-sponsors of the resolution.

Senators McManus, Jelinek, Brown, Van Woerkom, Garcia, Allen and Goschka offered the following resolution:

**Senate Resolution No. 118.**

A resolution declaring April 2006 as Michigan Wine Month.

Whereas, Michigan's excellent wines are an important part of the state's agricultural diversity; and

Whereas, Michigan's grape-growing industry began in the southwestern part of Michigan in the mid-nineteenth century, and today has grown to include 45 wineries and an additional 16 tasting rooms located throughout the state; and

Whereas, Vineyards and wineries are an important component of Michigan's agricultural tourism industry; and

Whereas, The four federally-recognized viticultural areas in Michigan—Fennville, Lake Michigan Shore, Leelanau Peninsula, and Old Mission Peninsula—are the result of the moderating influence of Lake Michigan, excellent drainage, and light soil conditions, which are similar to conditions in the fine wine regions in Europe; and

Whereas, Vintners in Michigan have cultivated a wide variety of grapes, which allows them to produce a wide selection of quality wines—many of which have received national and international awards—including reds, whites, blushes, and sparkling and nonalcoholic juices; and

Whereas, Michigan vintners are supportive of the "wine in moderation" concept and promote the health aspect of wine, as well as the idea that wine is a food and should be enjoyed and complemented with other foods; now, therefore, be it



Resolved by the Senate, That the members of this legislative body declare April 2006 as Michigan Wine Month; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Agriculture as a token of our support.

Senators Barcia, Birkholz, Bishop, Brater, Cassis, Cherry, Jacobs, Kuipers, Prusi, Schauer, Switalski and Toy were named co-sponsors of the resolution.

Senator Hammerstrom offered the following resolution:

**Senate Resolution No. 120.**

A resolution commemorating May as Children's Mental Health Month in Michigan.

Whereas, Healthy Michigan children and families are our state's most valuable resources; and

Whereas, The Michigan Department of Community Health estimates that 11 percent of this state's children are currently affected by serious emotional disturbances; and

Whereas, Children who do not receive treatment for mental health problems are at high risk for school failure, substance abuse, and entrance into the juvenile justice system; and

Whereas, Families are essential partners in the delivery of effective mental health services, and early intervention leads to better mental health outcomes; and

Whereas, Michigan's families and children benefit greatly from mental health services that are individualized, culturally competent, family-driven, and community-based; now, therefore, be it

Resolved by the Senate, That we hereby commemorate May as Children's Mental Health Month in Michigan. We express our support for the proactive leadership of the Michigan Department of Community Health, the Association for Children's Mental Health, Michigan health care providers, quality improvement partners, and consumer advocates in the delivery of effective mental health services in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Community Health, the Association for Children's Mental Health, and the Michigan Association for Children with Emotional Disorders.

Senators Sanborn, Gilbert, Allen and Goschka offered the following resolution:

**Senate Resolution No. 119.**

A resolution to memorialize the Congress of the United States to fund fully the state activities mandated by the federal Real ID Act of 2005 and to establish effective federal regulations that protect the homeland while preserving liberty.

Whereas, The Real ID Act (part of P.L. 109-13) is federal legislation that imposes national standards for driver's license applications, requires multiple identification documents before states can issue ID cards, and prohibits states from issuing licenses to illegal immigrants. Also, the legislation contains provisions that would discourage illegal immigration, such as constructing a barrier in between Mexico and California; and

Whereas, Now that the Real ID Act is the governing federal law, it remains imperative that state and federal officials work as partners to achieve regulations that promote security and identity verification while ensuring the state's ability to implement the standards in a way that is workable, cost-effective, and respectful of privacy and civil liberty concerns; and

Whereas, The state of Michigan has been working for many years to strengthen the security of driver's licenses and personal identification cards. Federal regulations should adopt the best practices rather than impose unworkable or untested models without regard to functional or technical problems; and

Whereas, The Real ID Act is a potentially unfunded federal mandate. Federal standards should be subject to a cost-benefit analysis before final regulations are issued, and the regulations should not impose any obligations on the states for which the federal government is unwilling to provide federal aid; and

Whereas, It is critical that regulations provide a security framework while preserving maximum state authority and flexibility within the parameters of the law. Real ID regulations should be limited to those areas enumerated in the law and should not be used as a way to create a de facto national identification card; and

Whereas, The Real ID Act should not be allowed to undermine state and federal privacy, confidentiality, and civil liberty protections. Federal regulations in this area should not allow for the expansion of the use of physical documents or related records for other purposes; and

Whereas, The Real ID Act does not address troubled federal immigration systems. Federal regulations should ensure that states have direct links to verifiable, timely, and accurate data regarding immigration status; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to fund fully the state activities mandated by the federal Real ID Act of 2005 and to establish effective federal regulations that protect the homeland while preserving individual civil liberties; and be it further

Resolved, That copies of this document be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, 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, Senator Hammerstrom 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 Hammerstrom moved that the resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Barcia, Birkholz, Bishop, Cassis, Cropsey, Prusi and Switalski were named co-sponsors of the resolution.

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

Senators Switalski and Scott introduced

#### **Senate Bill No. 1207, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

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

Senators Switalski and Scott introduced

#### **Senate Bill No. 1208, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2002 PA 471.

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

Senators Switalski and Scott introduced

#### **Senate Bill No. 1209, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2005 PA 106.

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

Senators Switalski, Hardiman and Scott introduced

#### **Senate Bill No. 1210, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 225.

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

Senators Basham, Jacobs and Clark-Coleman introduced

#### **Senate Bill No. 1211, entitled**

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 13 (MCL 484.3113).

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

Senators Patterson, Garcia, Hammerstrom, Barcia, Toy and Goschka introduced

#### **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.

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

Senator Patterson introduced

#### **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.

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

**House Bill No. 5553, entitled**

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and sections 5 and 9 (MCL 124.605 and 124.609), the title as amended by 1999 PA 167.

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 Local, Urban and State Affairs.

**House Bill No. 5760, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2004 PA 5.

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 Education.

**House Bill No. 5887, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 168 (MCL 750.168) and by adding section 167d.

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 Local, Urban and State Affairs.

**House Bill No. 5888, 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 2003 PA 268.

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 Local, Urban and State Affairs.

### Statements

Senators Scott and Jacobs 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:

Yesterday you received a memo from the executive director of the Insurance Institute of Michigan, where he attached a recent editorial published in the *Detroit Free Press* regarding the issue of auto insurance. I read the April 9 *Free Press* editorial with great interest and decided to share my response with the editor in the hopes that it would get printed.

I would like to share with my colleagues my response sent to the newspaper: "While I agree with the *Free Press* observations on the inequities in Michigan's auto insurance rates, I must take issue with your assessment that legislators have responded with indifference or unrealistic proposals. Earlier this year, House and Senate Democrats introduced a legislative plan to address the rising costs of insurance in Michigan. The 20-bill plan would lower the cost of insurance, strengthen consumer protection, and improve industry accountability. Included are provisions to provide stronger tools to the insurance commissioner in determining where rates are excessive and ordering refunds where applicable, allow flexibility in setting base rates to provide more affordable insurance, establish an advocacy office to represent and protect the interests of consumers, and prohibit insurance companies from using an individual's credit history or score to determine insurance rates.

Governor Jennifer Granholm has urged quick action on this important legislation. These initiatives are hardly unrealistic. They are rather a way of shedding light on the industry's rate-setting system and ensuring consumer affairs in equitable treatment. With home heating costs rising, gas prices soaring, and prescription drug costs escalating, Michigan consumers should not have to bear the burden of an unaffordable product they're forced by law to have.

Respectfully, Senator Martha G. Scott, Democrat from Highland Park."

Senator Jacobs' statement is as follows:

I just wanted to remind colleagues about an interesting exhibit that has come to the State Capitol. The nationally-acclaimed *Love Makes A Family* photo exhibit is at our State Capitol today. It is on the first floor across from Senator Emerson's office.

What it does is it highlights gay families, and there is also another exhibit called *Diversity Across Michigan*, which highlights Michigan families as seen through the eyes of local GLBT artists and youths. I think as our Senate chamber tries to embrace the diversity in Michigan in many different ways, this would be an opportunity to also embrace the diversity that is shown in this photo exhibit.

It's there after session and I would invite people to go and take a look at it.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 1196, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 40a (MCL 791.240a), as amended by 1993 PA 346.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5823, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 49, 159j, and 535a (MCL 750.49, 750.159j, and 750.535a), section 49 as amended by 1998 PA 38, section 159j as added by 1995 PA 187, and section 535a as amended by 1999 PA 185.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5824, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7523 (MCL 333.7523), as amended by 1990 PA 336.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5490, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4703, 4704, 4705, and 4708 (MCL 600.4703, 600.4704, 600.4705, and 600.4708), as added by 1988 PA 104.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 18, 2006, at 1:10 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Tuesday, April 18, 2006, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators George (C), McManus and Clarke

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, April 18, 2006, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Garcia (C), McManus and Switalski

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Tuesday, April 18, 2006, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Stamas and Barcia

Excused: Senator Johnson (C)

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, April 18, 2006, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, April 18, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Cropsey (C), Brown, Garcia, Switalski and Prusi

#### Scheduled Meetings

**21st Century Jobs Funds Joint Select Oversight Committee (SCR 38)** - Thursday, April 20, 1:30 p.m. or later after committees are given leave by the House to meet, Room 519, South Tower, House Office Building (373-2420) (CANCELED)

**Agriculture, Forestry and Tourism** - Thursday, April 20, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -**

**Subcommittees -**

**Agriculture** - Thursdays, April 20, April 27, May 4, May 11 and May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

**Capital Outlay** - Thursday, April 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce, Labor and Economic Development** - Wednesdays, April 26, May 10 and May 17, 3:00 p.m., Room 405, Capitol Building (373-2420)

**General Government** - Tuesdays, April 25, May 2, May 9 and May 16, 1:00 p.m., Room 405, Capitol Building (373-2420)

**History, Arts, and Libraries** - Tuesdays, April 25, May 9 and May 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

**Human Services Department** - Wednesdays, April 26, May 3, May 10 and May 17, 8:00 a.m., Rooms 402 and 403, Capitol Building (373-1801)

**Judiciary and Corrections** - Tuesdays, April 25 and May 2, 3:00 p.m., Room 402, Capitol Building (373-3760)

**State Police and Military Affairs** - Thursdays, April 20, April 27, May 4, May 11 and May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

**Transportation Department** - Tuesdays, April 25, May 2, May 9, May 16 and May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Banking and Financial Institutions** - Thursday, April 20, 12:00 noon, Room 110, Farnum Building (373-2417)

**Education** - Thursday, April 20, 2:00 p.m., Room 210, Farnum Building (373-6920)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:09 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, April 20, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate