

**No. 22**  
**STATE OF MICHIGAN**  
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Senate Chamber, Lansing, Thursday, March 10, 2005.

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  
Bernero—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—excused  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—present  
Van Woerkom—present

Reverend David R. Pike of St. David's Episcopal Church of Lansing offered the following invocation:

Almighty and everliving God, we begin this day by giving thanks to You for watching over and protecting us through the dark night now ended. You have granted us this new day, a day filled with hope and with rich opportunities, and for that we give You thanks as well.

History has taught us that in every generation wise leaders have come forth to lead this nation and her states. In all places and at all times, there have been people of great wisdom, leaders with visions, champions of the poor and the disenfranchised, and because of their service, this world is a better place. In the darkest of time, there have always been great beacons of light. Whenever a need has arisen, so have wise leaders who have met head-on every challenge presented. We thank You for what we have learned from the past and for the leadership of our teachers and mentors.

And now, Almighty God, we stand at the present and look to the future. You have called together this particular community of leaders from across the state. You have given each person present unique gifts to carry out the work of governing and leading this great state of Michigan. We thank You, Almighty God, for each person here present and for their willingness to say "yes" to public service. We thank You for their talents, wisdom, insight, courage, and leadership. This day we ask that You would bless this Senate as it carries out its duties.

Fill each person here present with Your wisdom. Strengthen our leaders so that they may speak what must be spoken, hear what must be heard, chart a path, and make decisions based on a true desire to serve the common good and not for personal gain.

Finally, at this time we ask Your blessings on George, President of the United States, Jennifer our Governor, and all other elected officials, locally and at large, who guide this great nation in which we live. Grant that each of us may be an instrument of Your peace. Allow each of us to bring hope in those places where hope cannot be found, comfort to those who mourn, and ultimate peace to the world.

All this we ask to Your honor and great glory. Amen.

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

### **Motions and Communications**

Senators Johnson, Emerson and Jelinek entered the Senate Chamber.

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

Senator Schauer moved that Senator Scott be excused from today's session.  
The motion prevailed.

### **Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:07 a.m.

10:27 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senator Leland entered the Senate Chamber.

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

#### **Michigan Technological University Board of Control**

Ms. Kathryn I. Clark, Ph.D., of 1611 Harbal Drive, Ann Arbor, Michigan 48105, county of Washtenaw, reappointed to represent the general public, for a term expiring December 31, 2012.

Ms. Martha K. Richardson of 1123 Yorkshire, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Claude Verbal, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

**Grand Valley State University Board of Control**

Ms. Noreen K. Myers of 1019 East Main, Lowell, Michigan 49331, county of Kent, succeeding John Kennedy, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Ms. Kate Pew Wolters of 2260 Cascade Springs Drive, Grand Rapids, Michigan 49546, county of Kent, succeeding Karen Henry Stokes, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

**Ferris State University Board of Control**

Mr. George J. Menoutes of 6036 Mapleridge Drive, Flint, Michigan 48532, county of Genesee, succeeding Louis J. Meeuwenberg, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Ronald E. Snead of 14089 Sassafras Court, Greenville, Michigan 48838, county of Kent, succeeding Bruce Parsons, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

**Central Michigan University Board of Control**

Ms. Marilyn French Hubbard, Ph.D., of 1955 Tuckaway Drive, Bloomfield, Michigan 48302, county of Oakland, succeeding James Fabiano, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Sambasiva R. Kottamasu, M.D., of 12 Lumbermen Way, Saginaw, Michigan 48603, county of Saginaw, succeeding Melanie Reinhold Foster, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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

Senator Hammerstrom moved that the rules be suspended and that the following appointment, now on Committee Reports, be placed on the order of Messages from the Governor for consideration today:

**Board of State Canvassers**

Ms. Dorothy E. Jones, a Democrat, of 263 Kirk Avenue, Ypsilanti, Michigan 48197, county of Washtenaw, reappointed for a term expiring January 31, 2009.

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

The Secretary announced that the following official bills were printed on Wednesday, March 9, and are available at the legislative Web site:

<b>Senate Bill Nos.</b>	<b>288</b>	<b>289</b>	<b>290</b>																
<b>House Bill Nos.</b>	<b>4458</b>	<b>4459</b>	<b>4460</b>	<b>4461</b>	<b>4462</b>	<b>4463</b>	<b>4464</b>	<b>4465</b>	<b>4466</b>	<b>4467</b>	<b>4468</b>	<b>4469</b>	<b>4470</b>	<b>4471</b>					
	<b>4472</b>	<b>4473</b>																	

**Messages from the Governor**

**Michigan Technological University Board of Control**

Ms. Kathryn I. Clark, Ph.D., of 1611 Harbal Drive, Ann Arbor, Michigan 48105, county of Washtenaw, reappointed to represent the general public, for a term expiring December 31, 2012.

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. 27**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer

Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

Senators Brater, Prusi 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 Brater's statement is as follows:

I also rise in support of the reappointment of Kathryn Irene Clark to the Michigan Technological University Board of Control. As my colleague has described, Ms. Clark's illustrious professional background and her proven contributions to this board make her an excellent candidate for reappointment.

Add to this her exemplary academic credentials. With master's and doctoral degrees from the University of Michigan, Ms. Clark was awarded a postdoctoral fellowship in the Department of Physical Medicine and Rehabilitation, studying skeletal muscular and nerve responses to certain drug exposures. In addition, as a graduate school teaching assistant and research assistant, she designed curriculum, wrote textbooks, lectured, and oversaw laboratory operations in her field of kinesiology.

More recently, Ms. Clark worked as a consultant with the Michigan Virtual High School assisting in the development of the Math, Science and Technology Academy. With Ms. Clark's expertise in the development of a vision and mission, the academy positioned itself to establish partnerships and expand its scope to national and international scale.

Her professional designations, honors and awards, and published works are numerous and prestigious. It is this caliber of entrepreneur that will help Michigan become a leader in research and technology in the 21st century.

Based on these accomplishments, both professional and academic, along with her proven service to the Board of Control, I strongly urge you to join in recommending the reappointment of Kathryn Irene Clark.

Senator Prusi's statement is as follows:

I rise today to support the reappointment of Kathryn Irene Clark to the Michigan Technological University Board of Control. Ms. Clark currently serves as president and CEO of Docere, LLC, an Ann Arbor firm specializing in science and education. The science arm of the company partners with organizations such as the Jean-Michel Cousteau Society, enhancing ocean and marine wildlife research with an educational objective. The proposed collaborative body, the Global Ocean Network, will be led by Ms. Clark, who will serve as chief scientist. The education arm of the company is dedicated to helping teachers engage students through the Internet and educational tools. These are the entrepreneurial high-tech jobs that represent Governor Granholm's vision for our state.

Ms. Clark previously served as chief scientist, Human Exploration and Development of Space Enterprise for NASA, seeking collaborative possibilities among NASA science programs. She's also pursued education and outreach opportunities related to human space flight endeavors, including the International Space Station, the shuttle, and future missions to the Moon and Mars. Kathryn Clark has also served as a research investigator in the Department of Cell and Developmental Biology at the University of Michigan and as deputy director of the Center for Microgravity Automation at a NASA Commercial Space Center.

Her educational background and her work experience are exemplary. During her previous service on the MTU Board of Trustees, she has proven to be a valuable asset. In light of these strengths, I strongly support Ms. Clark's reappointment to the board and encourage my colleagues to join me.

Senator Goschka's statement is as follows:

I rise in very strong support of Kathryn Clark to be reappointed to the Michigan Technological University Board of Control. She is a reappointment. She clearly demonstrated remarkable strength and ability in understanding higher education issues in the state of Michigan. Kasey Clark has been a great member to that board and will continue to be, and I would urge your support for her to be reappointed.

#### **Michigan Technological University Board of Control**

Ms. Martha K. Richardson of 1123 Yorkshire, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Claude Verbal, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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. 28**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

Senators Prusi 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 Prusi's statement is as follows:

I, too, rise in support of Martha Richardson to the appointment on the Board of Control. If any of the members would have been able to join us last week—or two weeks ago—in the subcommittee, both universities that had appointments in front of us provided us with outstanding candidates, and Martha is one of those outstanding candidates. She demonstrated a total grasp of the issues surrounding higher education and particularly those of one of our premier engineering schools in the Upper Peninsula, as well as doing community and business work in her own district.

I would encourage my colleagues to join us in supporting this appointment to the MTU Board of Control.

Senator Goschka's statement is as follows:

It is again my honor to stand on behalf of Martha Richardson, known as Marti Richardson. She showed again a tremendous understanding and love for higher education. She answered all the questions well, clearly demonstrated a strong ability, and again, an understanding of the importance of higher education in the state of Michigan.

She's quite the visionary, I would say, as we heard her remarks. I actually saw her later that day and had a good visit with her. I didn't realize that she is involved in as many things as she is. She is very much involved in volunteer work, particularly as it pertains to children and adoption issues and services for children and families.

Again, I can't think of a better person at this time to add to that board, along with Kasey Clark, then Marti Richardson. I would very strongly urge your support for this very strong appointee.

### **Grand Valley State University Board of Control**

Ms. Noreen K. Myers of 1019 East Main, Lowell, Michigan 49331, county of Kent, succeeding John Kennedy, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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. 29**

### **Yeas—37**

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

### **Nays—0**

### **Excused—1**

Scott

### **Not Voting—0**

In The Chair: President

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

The motion prevailed.

Senator Goschka's statement is as follows:

Noreen Myers stood out as a very strong candidate, once again, a very strong appointee by the Governor for the Board of Control at Grand Valley State University. Clearly, she's a Laker through and through. But, more importantly, she had a very firm grasp of higher education and the importance of promoting higher education and had some very good ideas as to how to encourage more people to go to school beyond the K-12 experience.

Clearly, a very strong supporter of higher education, and I think she will do a remarkable job. I would urge your support of Noreen Myers to the Board of Control at Grand Valley State University.

Senator Cherry’s statement is as follows:

I stand in support of the nomination of Noreen Myers to the Grand Valley State University Board of Control. Ms. Myers is a Grand Valley State alumna. She has parlayed her passion for political science and her love for the law into a successful law practice where she represents American workers.

She is active in many civic and professional organizations. Ms. Myers is vice chair and founding board member of the Progressive Women’s Alliance of West Michigan and is co-chair of the Negligence, Employment and Worker’s Compensation Sections of the Michigan Bar Association.

I ask my colleagues to stand with me in support of Noreen Myers’ nomination to the Grand Valley State University Board of Control.

Senator Hardiman’s statement is as follows:

I also rise in support of the nomination of Noreen K. Myers to the Grand Valley Board of Control. You’ve heard from the other speakers of her numerous experience and qualifications, and I would certainly agree with those speakers, but also mention that she has been very active in the community, even at a local level serving on the Lowell Area Arts Council and many other capacities. For those reasons and for her love of education, I would certainly stand in support of her nomination and ask the members to approve that.

**Grand Valley State University Board of Control**

Ms. Kate Pew Wolters of 2260 Cascade Springs Drive, Grand Rapids, Michigan 49546, county of Kent, succeeding Karen Henry Stokes, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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. 30**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

The motion prevailed.

Senator Goschka's statement is as follows:

Kate Pew Wolters clearly stood out as a strong candidate. It was interesting to note that her father was one of the original founders of Grand Valley State University way back in 1960. In fact, a building is named after him—that is, her father—in Grand Rapids at the university.

No question again, she is a lady who not only understands the importance of higher education, she had some strong opinions as to how to promote higher education in Michigan. As we all know, this issue continues to be very much in the forefront as we look at the entire picture of how to revive the economy, how to create more jobs, and higher education is clearly the key to do all of that. She recognizes that. I strongly support her, and I would urge your support to Kate Pew Wolters as an appointee to the Grand Valley State University Board of Control.

Senator Hardiman's statement is as follows:

It is my pleasure to rise and support the nomination of Kate Pew Wolters to the Grand Valley Board of Control. Ms. Wolters and I go back about 20 years. We've known each other in the community. She's a strong advocate for the community and an activist there.

Let me just mention a few things. Obviously, she's the president of the Kate and Richard Wolters Foundation in Grand Rapids; executive director, Steel Case Foundation for several years; Hope Rehab Network; also the Center for Independent Living, where we met and began our involvement together; and many other organizations too numerous to mention. She has been an activist for so many years supporting education, and, as has already been mentioned, her father was even a part of the founding of Grand Valley State University. She's a wonderful nominee, and I know that she will do a wonderful job on the Board of Control.

I ask that the members join with me in supporting Kate Pew Wolters.

Senator Cherry's statement is as follows:

I also rise in support of the nomination of Kate Pew Wolters to the Grand Valley State University Board of Control. Ms. Wolters is president of the Kate and Richard Wolters Foundation, which makes grants to nonprofit organizations. Her dedication to human services, the arts, and education is apparent in her current position, as well as in past roles in crisis intervention and family therapy.

Ms. Wolters' involvement in her community solidifies her standing among Michigan's leaders, and she will be an exceptional member to the Grand Valley Board of Control.

I ask my colleagues to join me in support of Ms. Wolters' nomination.

### **Board of State Canvassers**

Ms. Dorothy E. Jones, a Democrat, of 263 Kirk Avenue, Ypsilanti, Michigan 48197, county of Washtenaw, reappointed for a term expiring January 31, 2009.

The question being on the disapproval of the said appointment to office,

The Senate disapproved of the appointment to office, a majority of the members serving voting therefor, as follows:

### **Roll Call No. 31**

### **Yeas—22**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

### **Nays—15**

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Switalski
Bernero	Clarke	Olshove	Thomas
Brater	Emerson	Prusi	

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

Senators Sikkema, Emerson, Jacobs, Thomas, Basham, Cropsey, Brater, Clark-Coleman, Hardiman and Clarke asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's first statement is as follows:

I rise to urge the members to support the motion. The motion is to reject the appointment of Ms. Jones to the State Board of Canvassers. I do so with no pleasure, and in many respects, I wish we had not come to this point that we are today. But, in my opinion, as the Senate Majority Leader, the chair of Government Operations Committee, based on the research we've done and the testimony yesterday, there is a clear justification for rejecting this appointment. And that is that Ms. Jones, who has been on the state board for many years, actually first appointed by former Governor Engler, acted in such a way that was a clear breach of her duty and a breach of her oath of office. This is in respect to votes last August when two petition drives were brought to the state board, one dealing with the Citizens for the Protection of Marriage and another dealing with attempts to get Ralph Nader on the ballot.

As I've said before, the issues at the time, in terms of the petitions, are really irrelevant. But I believe that Ms. Jones had a clear duty to approve these petitions. She declined to do so. She did so in spite of the clear recommendation from both the Elections Division staff and legal counsel. And they said their duty was clear. Subsequent to that when the petitioners went to court, the Court of Appeals very quickly ruled by saying that the board had a clear legal duty—and I emphasize the word "clear"—to put both of these petitions on the ballot.

If you look at the comments that were made by newspapers across the political spectrum at the time, I think they're quite revealing. *Lansing State Journal*, *Saginaw News*, *Flint Journal*, *Detroit News*, and *Detroit Free Press* all castigated actions of the board. The *Flint Journal's* quote is interesting, "Recent action by the Board of Canvassers is an appalling slap in the face to Michigan voters." *Detroit News*, "The board cheated Michigan voters of their democratic choice." *Lansing State Journal*, "Board of Canvassers creatively redefined their constitutional role." *Detroit Free Press*, like most newspapers that came out against the substance of the proposal, stated that, "The State Board of Canvassers plainly overstepped its authority in blocking a proposed ban on gay marriage from the Michigan ballot this fall." They went on to say, "The circulators of this petition did their work in good faith. They deserve better than an unauthorized judgment on their cause."

Over 460,000 people who signed one of those petitions were temporarily disenfranchised by the actions of the state board. That is, in my judgment, a clear breach of legal and constitutional duty.

Kind of lost in all this, but I think it's important to point out, is that the petitioners when they went to court, sought something called a "writ of mandamus." That is a legal action asking a court to direct a public official to do their job. The court, after stating that the Board of Canvassers had a clear legal duty to approve the petitions, went on to say they had no confidence that the state board, based on the record, would change their mind. So instead of directing the state board to do something the court felt they wouldn't even do anyway, they directed Secretary of State Terri Land to do it. But a writ of mandamus is a request from the court to direct a public official to do their job.

As I mentioned, I take no pleasure in doing this, but I believe the Senate has a constitutional role envisioned in advice and consent that carries with it a duty and a responsibility. The action is unfortunate today that I ask you to take, but it is clearly justified.

Senator Emerson's statement is as follows:

I rise to disagree with the Majority Leader. I rise to add my voice as someone in total support of Dorothy Jones.

I was at the confirmation hearing of Dorothy Jones, and it was clear to me and to everyone there that they were being graced by the presence of a fine public servant. After decades of service to the UAW, she volunteered her time on the board, and, in return for her 8 years of service, she is being rejected by the majority because they disagree with two votes. Is there any member of this body who thinks that someone should be put out of office on the grounds that the Court of Appeals—not even the highest court in this state—disagreed with you?

Now, I want everyone to be clear about what we are talking about. We are talking about the Nader petition and the gay marriage petition. She believed, and still believes, that there were sufficient allegations of fraud to warrant an

investigation of those petitions. That very allegation is noted in the Court of Appeals opinion that later decided this case. This was a good-faith belief, not an outrageous one. The court cases indicate that a mere allegation of fraud merits investigation, and therefore, it was the Republican members who flouted that law.

In fact, there was confusion over the Nader issue. The Secretary of State herself didn't know what to do with him. The Secretary chose not to place Nader on the ballot. The Nader people eventually went to court, as they did in many states around the country. I find it compelling that at least three federal courts in other states kept Nader off the ballot. There was a legal issue regarding the petition, and that should have been resolved by the courts. That question was whether some organization other than the candidate's organization can file petitions on his behalf.

Regarding the gay marriage petition, I believe that Ms. Jones was right. The language is unclear. Questions still remain about whose benefits are cut off. Dottie Jones was trying to help the voters reach a better understanding of what the petition language meant. I don't think that's any reason to reject this qualified person for this position.

Now, we need to compare the two votes in 2004 with two other votes in 2002. In 2002, the board considered petition language regarding proposed constitutional amendments to redirect Michigan's tobacco settlement money toward health care and the second proposal regarding drug criminal sentencing. The Republican members of the board found that both proposals were defectively worded. A spokesman for John Engler was quoted as saying he opposes both proposals as too costly and that the groups "have only themselves to blame" for failing to meet the requirements of the board.

I don't recall the members of this body rising to protest the actions of the Republican members of the board, claiming that it lacked the authority to review the language of the proposals. On the tobacco settlement issue, a spokesman for the amendment stated that the Governor's claim was "just junk. We followed all the rules, and there is no requirement for preapproval of language," was their quote. He said the Republican members of the board exceeded their authority by considering the policy implications of the proposal, rather than the petitions.

Now, two years later, when a Democrat makes a controversial decision, even the most qualified one cannot serve on the board. I believe that history speaks for itself.

The Majority Leader also mentioned in committee and again here on the floor that Ms. Jones should have followed the advice of the Attorney General, apparently without question. I want to remind the Senate of a 1999 press release from the Majority Leader where he stated: "Over the years a sort of legal fiction has developed concerning opinions issued by the Attorney General's office. The fact that neither the Michigan statute nor our Constitution grants any binding authority to Attorney General's opinions" was his statement at the time. Of course, that was issued when Jennifer Granholm was the Attorney General. Now, apparently, public servants ought to accept the advice of the Attorney General no matter what their conscience tells them. I support Dorothy Jones.

Senator Jacobs' statement is as follows:

I, too, rise in support of the reappointment of Dorothy Jones to the State Board of Canvassers. I just want to highlight for the Senate her numerous accomplishments. During and after her long career with the UAW, she had been appointed by four Governors to various posts. Her first appointment was by a Republican, Governor Milliken, who appointed her to the Advisory Commission on Substance Abuse Services. She was later appointed to the Michigan Task Force on Sexual Harassment, and Governor Blanchard appointed her to the Michigan Women's Commission, where she served as the chairperson from 1985 to 1991. While on the commission, she was named president of the National Association of Commissions for Women. Later still, Governor Engler appointed her to her current position on the Board of Canvassers and, in 2001, reappointed her to that position.

But Dottie Jones is more than a mere resume. I sat in that committee yesterday, and she impressed me with her eloquence and her determination to do right and to go with her heart and her head to help to clarify a complex question for the voters of Michigan. I think we need more people like Dottie Jones volunteering their time, not fewer. I urge the majority party to reconsider their position on this appointment.

Senator Thomas' statement is as follows:

I rise to join with my Democratic colleagues in support of the appointment of Dorothy Jones to the Board of State Canvassers.

I don't think that anyone should question the qualifications of Ms. Jones, and I am absolutely astounded that this body appears ready to reject this abundantly qualified individual for reappointment to a board on which she has served for more than eight years. As has previously been mentioned, no one who attended the committee hearing yesterday will question her ability. No one who attended the committee hearing yesterday would question her intelligence or her understanding of the process to which she serves. No one should question her integrity when she stated that after last fall's Court of Appeals decision that she would follow strictly the letter of the law even if she did not believe that the court was correct. I wish that we could say that of all of Michigan's judges, that they would display the judicial temperament that Ms. Jones so readily and articulately displayed yesterday.

And no one can or ever should question that we need a representative of the African-American community to sit on this board. And yet today, the Michigan Senate stands ready to declare her unfit to hold a position she has held for eight

years, apparently, on the basis that Republican judges on the Court of Appeals overturned two of her more than 100 votes on this board. The former board attorney was just named the Republican Attorney General's chief assistant, yet there are those on the other side who would suggest that this decision is motivated not by politics. Clearly, it is political.

The Board of Canvassers should not be a rubber stamp. The Board of Canvassers is not a rubber stamp. She was trying to help the voters clarify petition language that is still unclear months after the vote, months after the opinions granted by the Court of Appeals, and we all know that will ultimately be decided in court. Clearly unclear.

There is no person in this chamber who would surrender his or her position if the Court of Appeals or any court in this state disagreed with a position we advocated on the floor of this Senate, and yet, this chamber sets a double standard for Ms. Jones today.

It has been mentioned that 462 other nominees were allowed to take their positions by the majority party here under the Granholm administration. I am outraged that the line of qualifications has been drawn on such a qualified nominee as Dorothy Jones and wonder out loud if all future nominees to the Board of Canvassers will be asked to explain what they would have done on these two votes in question; if they would have acted in the same way. Such a litmus test is not taking our constitutional responsibility of advice and consent seriously. It is simply abusing our power, and I believe it is a practice anathema to our democracy.

Senator Basham's statement is as follows:

I rise to support the appointment of Dorothy Jones to the State Board of Canvassers and also to express my disappointment at the irresponsibility and partisan maneuvers of the majority party.

There can be no doubt that Ms. Jones is highly qualified to fill this role on the State Board of Canvassers. In fact, Governor Engler believed so as well. It's clear that the majority is seeking to smear the character of this fine citizen servant by wrongly accusing her of violating her oath of office. When Ms. Jones took her oath of office, she promised to do two things: uphold the Constitutions of the United States and Michigan and discharge her duties according to the best of her ability.

The majority has not provided one instance in which Ms. Jones violated either of these provisions. True, she did not certify signatures for a ballot initiative that she thought to be illegal. Her rejection was later overturned by the Court of Appeals. If this is violating her oath of office, then there is likely not one member of this chamber who is not guilty of the same. Courts overturn our legislation all the time.

It is apparent that what this is really about is the majority taking one more crack at a divisive issue and starting the 2006 campaign today.

I am a middle-aged white man from Taylor. I have served three terms in the House. I've served over two years in the State Senate. I've never used the word "racist" or "sexist," but one has to wonder.

I encourage members to rethink their position and to support this nominee.

Senator Cropsey's statement is as follows:

I'm trying to bite my tongue and say only what should be said. There are implications here in the undercurrent that this is racist or sexist. We will have a nomination coming up for Central Michigan University in which we have an African-American lady whom I will be supporting to that board. The fact is, I think if you take a look at a lot of the nominations we have that are going through today, frankly, I don't know the race of many of them, and it's only by the names that you know the sex. I think I will be approving every single one, except this one.

Dorothy Jones was sworn to uphold the Constitution of the state of Michigan. The Constitution is very clear as to what the State Board of Canvassers or the Secretary of State is supposed to do, and that is in Article 2 of the Constitution, where it talks about what you do on initiative and referendum. It sets out some very clear guidelines. An initiative can only be done by the people, but only what the Legislature could do. A referendum, the qualifications are there and we approve or disapprove. The people approve or disapprove what the Legislature has done, except they cannot approve or disapprove an appropriations bill. That's in Article 2 of the Michigan Constitution.

That's dealing with law, with people being able to approve or disapprove or initiate law. Article 12 of the Michigan Constitution says what needs to be done in order to amend the Constitution. It's very broad, but it sets out that it must be done according to law. It sets out very clearly that it must state what parts of the Constitution are to be abrogated and what parts aren't.

Now, there was a question a few years back on a drug issue in which a reference was made that would have abrogated the victims' rights area of law. The State Board of Canvassers said "Well, this wasn't put in your petition. We cannot allow the petition." So you say OK; that was a valid exercise of the State Board of Canvassers saying that they shouldn't do that. You go into the election law and there are certain areas of the election law, let me read one. This is 168.485 of the Michigan Compiled Laws. This says "The question shall be worded so as to apprise the voters of the subject matter of the proposal issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to the general public."

Let me ask you something. Did anybody go to the polls and say on Proposal 2, “You know, I don’t know what this issue is about?” No. What Dorothy Jones and what the other Democrat did, who’s even more partisan than Dorothy Jones, was to say, “We want it to be legally precise. We want you to put in everything, any sort of implication at all.” The law specifically says you’re not supposed to do that. It says the question needs to be clear; that everybody know that they were voting on that issue when they voted on it. I would say, yes, they did. Virtually everybody did. There wasn’t a question about that, and the question was clear so you understood it.

You can go into the law on 168.74. This is dealing with constitutional amendments. There are certain areas of law that this Legislature has passed that said you must abide by this. Did Dorothy Jones do that? No, she did not. The fact is, she did not approve saying that they had the requisite number of signatures when clearly they had the requisite number of signatures. A few days later when they got together and said, “Well, maybe we can approve the wording that is done by the Director of Elections,” which is protected by Civil Service and was not appointed by this Secretary of State, but they would not even approve the wording, even though the wording was the constitutional amendment itself.

People, that’s a no-brainer. You can go through several different areas of what the press was saying. Even *The State News*, the most liberal paper I could find, said that this was an example of vigilantism for the state board to do what it did. It’s pathetic what the state board did. And you say, “Well, it was only one decision.” You know, there was a chief justice in the United States Supreme Court who was noted to be a great lawyer and great chief justice, but nobody on the other side of this aisle would ever vote to confirm this person as chief justice because of one decision—or on this side of the aisle. It was the Dredd Scott decision.

This lady tried to disenfranchise the people of the state of Michigan who overwhelmingly approved this petition. We need to turn this down, and very frankly, Mr. O’Connor, when he comes before here, I will more than gladly vote against him also.

Senator Sikkema’s second statement is as follows:

A couple of responses. One is I think that the members should take the comments of the previous speaker to heart because he is, to my knowledge, the only member of this body who has actually served on the State Board of Canvassers. I also decided not to respond directly to some of the more recent comments made.

I would like to talk about what I think the standard is for advice and consent because that is important. There was a question or comment recently made about this on this floor about whether all future nominees would be held to the same standard. The answer is unequivocally yes. This body has either approved or let stand after today 470, I’m guessing, nominees from the Governor that are subject to advice and consent. Up until today, not one has been rejected. My view of the standard that should be applied to advice and consent is because the Michigan Constitution, unlike the federal Constitution, envisions and gives us the role of rejection, rather than affirmative confirmation. I believe all nominees get the benefit of the doubt. That is the standard that I’ve urged us to apply across the board. There has to be a reason for us to reject, not a reason for us to confirm. That is different from the federal standard. That gives the benefit of the doubt to the nominee and to the Governor who makes these appointments.

There is no race standard. There is no political ideology standard. We just approved the nominee to the Grand Valley State University board who was on the finance committee for both Senator Stabenow and Governor Granholm when they were running for election and re-election. Political affiliation, political ideology, is not a standard. Race is not a standard. This is a case, though, where the nominee has been in this position for many years and, in fact, the actions in question last August was she was chairman of the board. She should have known, if anybody, that what she was doing was a breach of her duty.

I am extremely proud of how we’ve handled these appointments over the last two years. I think we have risen to the standard that the Michigan Constitution envisions for the Michigan Senate. Let me say publicly because I’ve said this privately to individuals, this majority party has taken it one step further than what the Constitution envisions. That step is that I have a commitment to Governor Granholm that I made at the beginning of her term. If we have a problem with a nominee for whatever reason, such as this one, I will go to her ahead of time, tell her what it is, and she can then decide to withdraw or not. That is kind of going the extra step not envisioned by the Constitution, and that is working very well because there have been six nominees where it was our due diligence that uncovered things that would prevent them from serving in public office, not the administration’s due diligence.

I think the standard that we’ve established for advice and consent is the right standard. It works. As I’ve mentioned, I’m not happy that this appointment has reached this stage, but if we don’t reject this nominee for what is a clear breach of duty, there is no meaning to our role of advice and consent.

Senator Brater’s statement is as follows:

I rise very sadly today to express my disappointment with the action of the Government Operations Committee yesterday. By refusing to support the reappointment of a very, very qualified candidate to the State Board of Canvassers, the majority party has proved that they will put partisan politics above the best interest of this state.

I have known Dottie Jones for many years as an involved and active citizen of Washtenaw County. She has been active in the local and state arena, encouraging grassroots participation in our democratic system. She has long been a leader in Michigan labor among women and the African-American community.

Dorothy Jones has been appointed to various boards and commissions by each of the last four Governors. William Milliken believed Dorothy Jones was qualified to serve on the Advisory Committee on Substance Abuse Services, and the Senate agreed. Jim Blanchard believed Dorothy Jones was qualified to chair the Michigan Women's Commission, and the Senate agreed. John Engler believed Dorothy Jones was qualified to serve on the Board of State Canvassers, and the Senate agreed, not once but twice. Jennifer Granholm believes that Dorothy Jones is still qualified to serve on the Board of State Canvassers, but this Senate refuses to reappoint her or confirm her reappointment.

For the first time in more than 15 years, this Senate has said it knows better. What has changed for Dorothy Jones? The change is she refused to rubber stamp the wishes of the Republican Party when those wishes failed to meet the standards of our state's laws. Dorothy Jones has a long and distinguished career in service to the people of the state of Michigan. It is a tragedy to lose her wisdom and experience on the Board of Canvassers at a time when many nationally are raising questions about the fairness of our election system. Rejecting her reappointment will leave the Board of Canvassers with no minority membership.

Dorothy Jones' willingness to follow the law in the face of strong political pressure should prove to all of us that she is truly qualified to serve on the Board of State Canvassers, not the other way around. I urge her reappointment.

Senator Clark-Coleman's statement is as follows:

I am quite disturbed by this action to reject this highly qualified candidate for reappointment to the Board of State Canvassers. We should at this time be able to put aside partisanship for the benefit of good government. Clearly, this candidate has been rejected as a result of a couple wedge issues. We should not want a member of this body to walk lockstep with any person or any party, but to carry out her duties as a member of that board. It really is a stretch for anyone to try to justify and provide rationale for rejecting a person who is the longest-serving member of the board; a person who has been appointed to offices by two Republican Governors, Governor William Milliken to the Advisory Committee on Substance Abuse Services and twice by former Governor John Engler to the Board of State Canvassers. She was appointed by two Democratic Governors, Governor James Blanchard to the Women's Commission, where she served as chair, and now by Governor Jennifer Granholm. She is reappointing her to the Board of State Canvassers. It is ironic that this person has been confirmed by the State Senate on four separate occasions.

Now, if there was something so wrong with her and she wasn't qualified, wouldn't we have seen that during those four separate occasions? I read with interest, much interest, the statements of Ms. Dottie Jones, and I must say there is no one, no statement that I have read that demonstrates the greater experience as this candidate. Her experience is impeccable. Now, after approving 400 appointments, why is it that the African-American woman is the only one to be rejected? As a black woman, I am personally offended. Are we setting a precedent for future appointments? That is, if we disagree with a decision by that member on one issue or two issues, we will not confirm their appointment no matter what? I sincerely hope not.

This is an issue that really strikes me deep to my heart because I began my career as an oddity in a world where a white male was given preference over everything. I had to scratch and I had to prove myself over and over again that I could be good, that I could be better. So at a time when we ought to be moving beyond racism and beyond sexism, we ought to be at a point in our lives now where we ought to be able to put aside those issues and support people who are highly qualified. We are not doing this now, and I don't know how any woman could sit here and vote for something of this sort to reject a person with these qualifications. It's impossible for me to understand how you can sit here and you can say, "Oh well, she voted for two issues that I disagree with." So, therefore, everything that she has done over all of the years that she has provided herself to public services, all of a sudden, we are going to throw her out. Well, let's just hope that when you go back to your districts and you run for re-election and you voted for something that somebody in your district didn't like, let's hope that they don't take that as a reason to toss you out of office.

Senator Hardiman's statement is as follows:

I rise today to comment on the confirmation vote for Ms. Dorothy Jones to the State Board of Canvassers. Now we have heard a lot of debate on this issue already. During that debate, terms "racist" and "sexist" were used. I understand that at times it is advantageous when two people disagree on an issue to assign motives to the one who disagrees. They are pretty egregious. Certainly, the terms "racist" and "sexist" are egregious. But my question that I ask is is it right to vote for someone even if you disagree with her actions or do not agree that they should be confirmed because they are of the same race? I think not. There will be other confirmations that will come forth, some of women and some of African Americans. I know there are some already whom I intend to vote for.

I intend to vote against the confirmation of Ms. Dorothy Jones for one single reason. In her actions as a board member, she chose to exercise her authority not to secure voting rights or choices for Michigan voters, but to block the legitimate placement of a ballot question before the voters. That is it. Now, I don't know this person. I wasn't at the confirmation hearing. I understand she has a long history of public service, which I think is wonderful, and I appreciate. But I think we do have an issue here. I think the Senate has an obligation to vote the way they believe is right.

I regret that her tenure on the Board of Canvassers comes to this, but I believe that the Senate has its own responsibility. Article 1, Section 1 of our State Constitution says “All political power is inherent in the people.” When Michigan citizens mobilize to place a valid question on the ballot, the State Board of Canvassers should not attempt to thwart that effort because of personal sentiments or beliefs.

When a member of the Board of Canvassers is reappointed, even after such a record, the Senate must exercise its role in advice and consent to prevent that person from serving if that is what each Senator believes. We need to vote our consciences.

I regret that this special action is required, but I am also convinced it must be taken to preserve the trust and confidence of Michigan citizens.

Senator Clarke’s statement is as follows:

I want to tell you that there is nothing that Ms. Dorothy Jones has done as a member of the State Board of Canvassers that even remotely violates the Constitution. Nowhere in our Constitution does it address or describe the scope of the duties of members of the State Board of Canvassers. Even after the fact when the Court of Appeals did render its decision, Ms. Jones said that she would follow the rule of law even if the rule of law went against her own personal beliefs on those decisions. That’s really admirable. In fact, it’s a standard that I don’t believe that five members of the majority party who sit on the Supreme Court could even follow.

Now I do understand that this body has approved 462 gubernatorial appointments. That’s fine. I think that’s commendable, but now you’re drawing the line. To draw the line on an extraordinarily qualified African-American woman does not send the right message about the importance of diversity in state government.

#### **Ferris State University Board of Control**

Mr. George J. Menoutes of 6036 Mapleridge Drive, Flint, Michigan 48532, county of Genesee, succeeding Louis J. Meeuwenberg, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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. 32**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

The motion prevailed.

Senator Goschka's statement is as follows:

The committee met yesterday with Mr. Menoutes, and he clearly, again, stood out as one who not only had a heart for the matters concerning Ferris State University, but in the bigger picture. He clearly demonstrated an understanding of higher education issues in the state of Michigan. He is a very successful pharmacist, graduated from that university, and clearly will work very hard as a member of the Board of Control.

I heartily endorse Mr. George Menoutes for the Board of Control at Ferris State University, and I would urge your support of him as an appointee.

Senator Cherry's statement is as follows:

I rise in honor today to support the nomination of George Menoutes to the Ferris State University Board of Control. I and you and Senator Emerson have known George for a very long time and believe strongly that he will represent his alma mater with integrity and distinction. I can say that with such confidence because I have seen the service he has provided to the Flint community for many years. In addition to his work as a pharmacist, George has served Flint Township on the Fire Commission, Building and Grounds Commission, the Planning Commission, and the Township Board of Trustees. When I was younger, he served as a county commissioner and spent many times over at my parents' house.

But his service didn't begin in Flint. Before his outstanding work in my community, George served his country with honor in World War II.

I believe George Menoutes will serve the Ferris State Board of Control well. It is a natural continuation of the commitment he made to the school as a student. George was both captain of the football team and class president.

I hope my colleagues will join me in supporting the nomination of George Menoutes.

**Ferris State University Board of Control**

Mr. Ronald E. Snead of 14089 Sassafras Court, Greenville, Michigan 48838, county of Kent, succeeding Bruce Parsons, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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. 33**

**Yeas—37**

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

**Nays—0**

**Excused—1**

**Not Voting—0**

In The Chair: President

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I rise to support the nomination of Ron Snead to the Ferris State University Board of Control. Mr. Snead was one of several candidates who have come before us—excellent candidates—and he certainly stands out; his vast experience in business as well as his community involvement. Let me just mention a few things.

I have known Mr. Snead for several years, but his community involvement includes serving as the second vice president for the Michigan State NAACP, director of Girl Scouts and a Michigan Trails Board, member of Ferris State University Role and Mission Commission, chairman of the Minority Merit Scholarship Committee, and several other positions with Ferris State. He also graduated from Ferris State, and he believes in education.

I believe he is going to be a fine member for the Ferris State board, and I do support his nomination.

Senator Goschka's statement is as follows:

I also rise in very strong support of Ron Snead to be appointed to the Board of Control of Ferris State University. He's a very affable, friendly gentleman with remarkable integrity and a clear vision and understanding of higher education issues. I feel very confident, along with Mr. Menoutes, that the university at Ferris State is going to be in very good hands with people such as Ron Snead.

I strongly support him. I would encourage you to also support him as an appointee to the Board of Control at Ferris State University.

Senator Clarke's statement is as follows:

I also want to urge the nomination of Ronald Snead to the Ferris State University Board of Control. He has a great history of involvement with Ferris State University. He's a graduate of that university. He has chaired the Minority Merit Scholarship Committee, and he's also a member, I'm proud to say, of the No. 1 African-American fraternity in the world, Alpha Phi Alpha Fraternity, Inc.

I do urge this body's support of his nomination.

**Central Michigan University Board of Control**

Ms. Marilyn French Hubbard, Ph.D., of 1955 Tuckaway Drive, Bloomfield, Michigan 48302, county of Oakland, succeeding James Fabiano, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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. 34****Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

Senators Clark-Coleman, Cropsey, Goschka, Clarke and Hardiman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

I rise to support the nomination of Marilyn French Hubbard, a true professional whom I have known and respected throughout the years, and that she be nominated to the Central Michigan Board of Control. Marilyn Hubbard's long and distinguished career truly represents the Michigan entrepreneurial spirit. Although she started as an executive secretary—as I did—for GM, Marilyn Hubbard has risen through the ranks to currently serve as a corporate vice president for Henry Ford Health Systems. Though she worked her way through school in the beginning—as I did—Marilyn Hubbard proved that hard work and determination pays off. She holds five college degrees, including two Ph.Ds.

In 1978, Marilyn Hubbard started a small organization to help entrepreneurial African-American women. Today the National Association of Black Women Entrepreneurs has over 5,000 members around the globe and serves as a model for other ethnic women and professional organizations to follow. Marilyn Hubbard is widely recognized as an authority on marketing, small business entrepreneurship, leadership, and women's issues. She is an accomplished author who has served mayors, governors, and Presidents in a variety of appointed positions. I can assure you, Marilyn Hubbard is well-qualified to serve her alma mater, Central Michigan University.

It is indeed my pleasure and I am very proud to join the colleagues today in supporting her nomination.

Senator Cropsey's statement is as follows:

I rise in support of Marilyn Hubbard—it's actually Dr. Hubbard—to the Board of Control for Central Michigan University.

I have not worked much with Marilyn Hubbard in the past, but I do look forward to working with her. She is an outstanding lady. She has 25 years of experience as a business and community leader with broad-based interaction with local, state and national civic, religious, and political organizations. Her community service has included building coalitions, partnerships, and strategic alliances in the economic, workforce, small business, women, and minority communities. She's recognized as an authority on marketing, small business entrepreneurship, leadership, and minority and women's issues. She has served in leadership roles through the appointments of Detroit mayors Coleman Young and Dennis Archer, Michigan Governor James Blanchard and Presidents Jimmy Carter, Ronald Reagan, George Bush, and Bill Clinton; and also with community leaders such as Jesse Jackson, Congresswoman Carolyn Kilpatrick, and Detroit Mayor Kwame Kilpatrick.

I do look forward to working with her, and I know that she will add a lot to the board at Central Michigan University.

Senator Goschka's statement is as follows:

I also rise in very strong support of Marilyn French Hubbard as an appointee to the Board of Control at Central Michigan University.

She clearly demonstrated an adept understanding of higher education issues and exuded immense integrity. I believe that with her vision, Central Michigan University will be in very good hands with her leadership.

I would strongly urge your support for the appointee Marilyn French Hubbard to the Board of Control at Central Michigan University.

Senator Clarke's statement is as follows:

I urge the appointment of Marilyn French Hubbard.

I've known her for several years. She's a very open-minded, engaging, and forward-thinking administrator for a large hospital system here in the city of Detroit.

Again, she's a very top-quality person, very capable, and I urge your support.

Senator Hardiman's statement is as follows:

I support the nomination of Marilyn French Hubbard. Many things have been mentioned about her long and distinguished career. I would just like to say that she has a great story. She rose, overcame obstacles, and is now reaching to help others. Just looking at her publications regarding *Self-Esteem* and a *Guide for Effective Leadership, Sisters Are Cashing In, Networking Can Work to Benefit Many*, and on and on it goes.

She will be a wonderful role model as well as a wonderful member of the board, and I certainly support her nomination.

### Central Michigan University Board of Control

Mr. Sambasiva R. Kottamasu, M.D., of 12 Lumbermen Way, Saginaw, Michigan 48603, county of Saginaw, succeeding Melanie Reinhold Foster, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

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. 35

**Yeas—36**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—1**

Toy

In The Chair: President

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

The motion prevailed.

Senator Clarke's statement is as follows:

I also urge the approval of the appointment of Sambasiva Kottamasu. I happen to know Dr. Kottamasu. He is a renowned radiologist and served on the faculty of both Wayne State Medical School and the University of Michigan Medical School.

I had the privilege of meeting him and working with him personally on a bipartisan trip to India, which resulted in relationships between universities in India and several of our public universities here in Michigan. So from firsthand experience, I know of his character, his qualifications, and his enthusiasm to serve the citizens of Michigan.

I definitely urge your support of Dr. Kottamasu's appointment.

Senator Goschka's statement is as follows:

I also rise in very strong support of Dr. Sambasiva Kottamasu to the Board of Control at Central Michigan University.

I'm very honored and fortunate that Dr. Kottamasu is my constituent. I know him to be an individual of great renown, of wonderful integrity, and clearly a visionary, again, when it comes to the issue of higher education. Yesterday when the board met with him, one could immediately sense his openness, his willingness, his desire to do all that he can not only for Central Michigan University, but for all of the universities in this state to work together to enhance higher education.

Many times during the hearing and other past hearings, we also heard their views on the Cherry Commission report. All have given very strong, glowing words, and they have been backed up with actions from the perspective of intent. I very much appreciate their support of that commission, and again, Dr. Sambasiva Kottamasu as a new member of the Board of Control at Central Michigan University will do a very, very good job for that university.

I strongly support him as an appointee to that board of control.

Senator Cropsy's statement is as follows:

Dr. Sam, as he is known, I think will make a tremendous addition to the board at Central Michigan University. He has served on the faculty at Henry Ford Hospital, University of Michigan School of Medicine, University of Michigan Medical School, and the Wayne State University School of Medicine. I think he fits in very nicely to the university, especially now that they have the new health professions building.

I look forward to working with Dr. Sam because he adds a tremendous amount to the board. When you take a look at his resume, it's a classic American story. You had a young man growing up in India, getting his doctorate, I believe, marrying his wife, who is also a medical doctor, coming here to the United States, going through Flint, Detroit, ending up in Saginaw, and now on the board at Central Michigan University.

I welcome him to the board, and I look forward to great things from Dr. Sam.

By unanimous consent the Senate proceeded to the order of

#### **Statements**

Senators Bishop, Emerson, Thomas 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 Bishop's statement is as follows:

As I was sitting here today, I oftentimes realize that this body will get mired down in politics; will get heated in our discourse as we conduct our Senate activity. But every once in a while, we're reminded of what's really important in this world and in our lives. At this time, I would ask all of you to leave behind the politics for the day and rally around as a family, as we move into this statements period of our session.

Today I rise with a heavy heart, but with an overwhelming and profound sense of responsibility to find the best words to properly honor a fallen hero. That hero's name is First Lieutenant Adam Malson of Rochester Hills, who died tragically on February 19, 2005, while serving his country in the United States Army in Iraq.

Adam was assigned to the 4th Battalion, 31st Infantry Regiment, out of Fort Drum, New York. At the time of his death, he was on a special mission in support of the Iraqi National Army, when he ran to assist an Iraqi woman in distress. The woman was on her way to a mosque near Baghdad when she was attacked.

True to form, without hesitation, Adam Malson immediately ran to her aid. Seconds later, while he and his Iraqi translator crouched beside the woman, a homicide bomber swiftly descended and detonated an improvised explosive, killing the men instantly. As a direct result of Adam's courage, however, the woman survived the attack.

Adam is from my hometown, and his family is from my hometown. I've had a chance to speak with some of his family members and some of the people who knew him, some of his friends. By all accounts, Adam is a true American hero. He lived his creed and died doing what he had always wanted to do, and that's to serve his country and to help others. It's a purpose-driven life, something for all of us to aspire to, but rarely few can actually attain.

Adam knew early on what God had planned for him, and he lived his entire life with that same passion, desire, and determination that would always and will always define him. While in school, Adam was competitive and excelled in sports and academics, earning several honors for football, wrestling, and track and graduating from Michigan State with nearly a perfect GPA. In college, Adam was drawn to the ROTC and also to his future wife, Lindsey, who was also a member of the ROTC. After Adam and Lindsey received their diplomas in May of 2003, the two graduates walked directly to MSU Demonstration Hall, where they were sworn into the United States Army. The couple, who married soon after graduation, were preparing to celebrate their third anniversary in May.

To no one's surprise, Adam learned just days before he died that he had been invited to try out for the elite Range Force when he finished his current deployment. This is a group that you don't apply to. You don't ask to be a part of. They ask you. And it was nothing of a great surprise, knowing Adam and what he was capable of doing.

Adam's father, Ben Malson, I think, said it best when he simply said, "Anybody that crossed his path knew he was a stand-up guy." Stand-up guy, indeed.

We have a big responsibility in this Senate, and oftentimes we find it very difficult to find the proper words to adequately express our condolences. We pray for the wisdom to best convey our heartfelt grief for this family. If I say anything today, though, I want the Malson family to understand and to know of this state's and this body's profound appreciation—every member in this Senate today, all employers, guests in the Gallery, everybody today—for the life of Adam Malson. He will live on in our hearts and minds as an American hero and a true stand-up guy.

We are honored today to have some of the Malson family here. I would ask that we have them rise. Today we have his father Ben, his mother Debra, his wife Lindsey, and her mother Sharon. They are in the east Gallery. I'd ask that they rise, and I'd also ask that my colleagues help me in welcoming them today.

Senator Emerson's statement is as follows:

I'd like to take a few moments to recognize one of our staff who is leaving. I'd like to let members know that Leslee Fritz, who is our communications director for the Senate Democratic Caucus and the staff director for the caucus, is leaving us to go onto bigger and better things. She is going back to work for the Lieutenant Governor in his office. So she won't be going far, since I think he continues as the presiding officer of this body. But I want to let Leslee know how much we appreciate the hard work that she has put in for the last three years working for the caucus. It is a tremendous babysitting effort, and she's done a terrific job of doing that, taking care of the myriad needs of caucus members. We do appreciate her very much, and I have a tribute here that I would like to present to you, Leslee, as well as the seal of the state that has been signed by members of the Senate.

I wanted to let you know how much we've appreciated everything you've done. I would ask the members to give her a round of applause.

Senator Thomas' statement is as follows:

I also wanted to commend the Senator from the 12th District for perhaps one of the most touching statements that I've heard on the Senate floor over my past few years. It does bring into light and makes me reflect upon the debate we had earlier today where, I think, passions were raised on both sides. I certainly do hope that as we debate legitimate differences that we have that feelings of offense don't come into this process. We all come from different backgrounds and have different ideas and certainly do have different thoughts on right and wrong at times. I hope that that debate will not prohibit us from working together in a collegial fashion for all members.

I wanted to address today the issue of credit scoring and actions taken by the Joint Committee on Administrative Rules that did file an objection. We did hear a statement to that effect yesterday, and I think we've missed some of the statements by Senator Scott this week as she has not been here. But the JCAR committee, on which I sit, objected to actions taken by the insurance commissioner for three specific reasons. I wish to raise a bit of rebuttal to the three reasons raised by JCAR.

The first reason offered in JCAR's objection to the rule was that the agency was exceeding its statutory scope of rule-making authority. Section 210 of the insurance code directs the insurance commissioner to promulgate rules as she considers necessary to effectuate the purpose and to execute and enforce the insurance laws of the state of Michigan. Rule set 2004-022LG, which is the ban on credit scoring, is promulgated under this clear and broadly discretionary rule-making authority. The commissioner is also performing her duty as acknowledged and reinforced by the Michigan Supreme Court in its 1978 decision Shavers vs. Attorney General of Michigan, where it was directed to give substantial meaning to statutory standards on rates in the insurance code. This rule set clarifies that a reasonable classification system required of all automobile, home, and personal lines insurance under Chapters 21, 24, and 26 of the insurance code does not include insurance credit scoring as a rating factor. This rule set is consistent with all the provisions of Michigan's insurance code.

This rule set is also needed to clarify and implement Section 2111 of the insurance code that requires an insurer seeking to use a new rating factor for automobile or home insurance not specifically listed in the previously mentioned section to prove to the commissioner at an APA hearing that the proposed additional factor would encourage innovation, encourage insureds to minimize the risk of loss from hazards insured against, and would be consistent with the insurance code. No insurer has ever once requested an APA hearing or presented proof as required under state law.

Opponents further argue that the commissioner has no authority to reduce base rates in this rule set. OFIS has company data that proves base rates were increased in order to grant discounts based upon insurance credit scores. In order to make consumers whole, a corresponding reduction in base rates is necessary and an integral part of this rule set.

The second argument raised by JCAR that this was above OFIS's required authority is that the rule is in conflict with state law; that is, The Insurance Code of 1956. This rule is not, in fact, in conflict with state law, but effectuates and

gives substantial meaning to the statutory provisions cited above and discussed in further detail, if you'll allow me. This rule set exactly enforces Section 2110a that requires all rating discount factors to produce reductions in losses or expenses. Unlike seat belts and smoke alarms, granting discounts based upon good insurance credit scores does nothing to reduce credit losses or insurance losses. The Michigan Legislature further in Section 2111 of the insurance code listed the only rating factors for auto and home insurers may use based upon consideration of fairness. This section has never been amended to include credit scores. Using credit scoring as a rating factor is, therefore, illegal under Michigan law.

Opponents of this rule have asserted as justification for its use that there is a correlation between low credit scores and a propensity for loss. However, in 2001, EPIC actuaries found that people in Michigan with only fair credit scores filed the fewest claims, and people with good and bad credit scores filed the most claims. So even if the correlation were true, that would not make insurance credit scoring a factor permitted in rating essential insurance. This is an arbitrary action taken by JCAR.

Senator Jacobs' statement is as follows:

As America's most successful domestic program, Social Security reflects the very best in American values. It reflects an America that appreciates the effective government and acknowledges the mutual responsibility that our countrymen feel toward one another. It reflects an America that wants its senior and disabled citizens to share in the prosperity of our nation and remain active participants in our country's economy and democracy. It reflects an America that wants all hard-working citizens to be able to live their retirement years in dignity.

But Social Security is being threatened by some in Washington who see a different America. Several privatization schemes have been floated recently that would not only undermine America's future retirement security, but shake the financial stability of our state. In Michigan alone, there are nearly 1.7 million people who receive benefits exceeding \$18 million annually. That is an outstanding \$1.5 billion per month being added to Michigan's economy. Approximately one-third of Social Security recipients rely on these benefits as their sole source of income. Ninety-six percent of Michigan's 1.2 million seniors received benefits from Social Security in 2002. The average retiree benefits equal \$964 per month, and individuals with disabilities and survivors also rely on this insurance safety net.

The bipartisan charge we should give to our members of Congress is to fix, not destroy, this safety net. Today a group called the Alliance to Protect Social Security and Medicare is in our Capitol, inviting elected officials to sign a pledge opposing any attempt to privatize Social Security. The Alliance to Protect Social Security and Medicare will be accepting signatures until 1:00 p.m., just off the Rotunda on the first floor here in the Capitol. My intention was to invite all my Senate colleagues to sign this pledge, but as I see that members from the majority party are not here, I would only assume that they are all downstairs in line signing the pledge, and I hope that is true.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

##### **Senate Bill No. 137, entitled**

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending section 10 (MCL 338.1710).

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

#### **Resolutions**

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

##### **Senate Resolution No. 16**

The resolution consent calendar was adopted.

Senators Thomas, Prusi, Basham, Toy, Schauer, Garcia, Cherry, Olshove, Goschka and Birkholz offered the following resolution:

##### **Senate Resolution No. 16.**

A resolution commemorating Saturday, June 4, 2005, as Childhood Cancer Survivors Day in the state of Michigan.

Whereas, Today, over 250,000 Americans are survivors of childhood cancer. Most children survive thanks to advances in early cancer detection, treatment, and research; and

Whereas, Children's Hospital of Michigan, the oldest and largest hospital caring for the children of Michigan, has an active productive cancer survivor population. This demonstrates that a cancer diagnosis is no longer an automatic death sentence; and

Whereas, In addition to Childhood Cancer Survivors Day, communities all across America will be celebrating life on Sunday, June 5, 2005, as part of the world's largest cancer survivor event, the 18th annual National Cancer Survivors Day; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate Saturday, June 4, 2005, as Childhood Cancer Survivors Day in the state of Michigan. We urge all citizens to join in this joyous celebration of life; and be it further

Resolved, That a copy of this resolution be transmitted to Children's Hospital of Michigan as evidence of our support for their endeavors.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

#### **House Concurrent Resolution No. 4.**

A concurrent resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

Whereas, The sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas, Michigan has long been a "donor state," contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas, Last session, the United States Senate passed highway reauthorization legislation that would have provided \$318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to \$300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided \$284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between \$284 and \$299 billion, but left unresolved the question of funding equity for donor states such as Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; and be it further

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

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Barcia, Bernero, Brater, Cassis, Garcia, Gilbert, Goschka, Hardiman, Jacobs, Kuipers, Olshove, Patterson, Prusi, Switalski and Thomas were named co-sponsors of the concurrent resolution.

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

Senators Cropsey, Jelinek, Patterson, Bishop, Barcia, Schauer, Prusi, Leland, Thomas, Clarke, Stamas, McManus and Emerson introduced

#### **Senate Bill No. 297, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

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

Senators Kuipers, Bishop, George, Stamas, Garcia, Cropsey, Jelinek, Goschka and Sanborn introduced  
**Senate Bill No. 298, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1062 (MCL 450.2062), as amended by 1997 PA 118.

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

Senator Garcia introduced

**Senate Bill No. 299, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11b, 11f, 11g, 11j, 20, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 107, and 147 (MCL 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632j, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1707, and 388.1747), sections 11 and 51a as amended by 2004 PA 518, sections 11b, 11f, 11g, 11j, 20, 20j, 22a, 22b, 24, 26a, 31d, 32c, 32d, 32j, 39a, 41, 41a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, and 147 as amended and section 22d as added by 2004 PA 351, and sections 31a and 98b as amended by 2004 PA 593, and by adding section 26b.

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

Senators Jacobs, Schauer, Basham, Hammerstrom and Patterson introduced

**Senate Bill No. 300, entitled**

A bill to regulate the conversion and acquisition of a nonprofit health care organization; to prescribe the powers and duties of certain state agencies and departments; to require the disclosure of certain information; to provide for a hearing under certain circumstances; and to prescribe penalties and remedies.

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

Senators Gilbert, Toy, Allen, Garcia, Brown, George, Patterson, Kuipers, Cherry, Birkholz, Goschka, Van Woerkom and Leland introduced

**Senate Bill No. 301, 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 sections 1 and 2 (MCL 28.291 and 28.292), section 1 as amended by 1997 PA 99 and section 2 as amended by 2003 PA 143.

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

Senators Bernero and Toy introduced

**Senate Bill No. 302, entitled**

A bill to amend 1988 PA 112, entitled "The business opportunity act for persons with disabilities," by amending section 3 (MCL 450.793), as amended by 1998 PA 73.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Toy and Bernero introduced

**Senate Bill No. 303, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

### Committee Reports

The Committee on Transportation reported

**Senate Resolution No. 14.**

A resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

(For text of resolution, see Senate Journal No. 19, p. 219.)

With the recommendation that the resolution be adopted.

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Transportation reported

**Senate Concurrent Resolution No. 12.**

A concurrent resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

(For text of resolution, see Senate Journal No. 19, p. 224.)

With the recommendation that the concurrent resolution be adopted.

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Transportation reported

**House Bill No. 4197, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and

agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 20a (MCL 247.670a), as amended by 2002 PA 498.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 8, 2005, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

The Committee on Judiciary reported

#### **Senate Bill No. 286, entitled**

A bill to require online dating services to conduct criminal background checks or to provide certain notices; and to provide remedies.

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.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Sanborn, Patterson and Bernero

Nays: Senators Bishop, Schauer and Brater

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

The Committee on Government Operations reported the following appointment to office:

#### **Board of State Canvassers**

Ms. Dorothy E. Jones, a Democrat, of 263 Kirk Avenue, Ypsilanti, MI 48197, county of Washtenaw, reappointed for a term expiring on January 31, 2009.

With the recommendation that the Senate disapprove the said appointment.

Kenneth R. Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen and Cassis

Nays: Senators Emerson, Jacobs and Thomas

The appointment was placed on the order of Messages from the Governor.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Wednesday, March 9, 2005, at 11:02 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint public hearing held on Monday, March 7, 2005, at 6:30 p.m., Canton Township Hall, 1150 S. Canton Center Road, Canton

Present: Senators Gilbert (C) and Basham

Excused: Senators Kuipers, Goschka and Leland

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:  
Meeting held on Tuesday, March 8, 2005, at 3:00 p.m., Room 110, Farnum Building  
Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:  
Meeting held on Wednesday, March 9, 2005, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:  
Meeting held on Wednesday, March 9, 2005, at 1:12 p.m., Room 110, Farnum Building  
Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

## COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:  
Meeting held on Wednesday, March 9, 2005, at 3:00 p.m., Room 210, Farnum Building  
Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Leland and Bernero  
Excused: Senator Olshove

## COMMITTEE ATTENDANCE REPORT

The Legislative Council submitted the following:  
Meeting held on Thursday, March 10, 2005, at 9:00 a.m., Rooms 402 and 403, Capitol Building  
Present: Senators Sikkema (C), Patterson, Allen, Hammerstrom, Emerson, Schauer, Brown and Jacobs  
Absent: Senator Sanborn

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

**Agriculture** - Thursdays, March 17, March 24 and April 14, 2:30 p.m.; and April 21, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

**Commerce, Labor and Economic Development** - Wednesdays, March 23, April 13, April 20 and April 27, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**General Government** - Tuesdays, March 22, April 12, April 19 and April 26, 1:00 p.m., Room 810, Farnum Building (373-2420)

**Higher Education** - Tuesday, March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**History, Arts, and Libraries** - Tuesdays, March 15, March 22 and April 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Monday, April 11, 5:00 p.m., Kalamazoo (location to be announced) (373-0793)

**State Police and Military Affairs** - Thursdays, March 17, March 24 and April 14, 1:00 p.m.; and April 21, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

**Transportation Department** - Tuesdays, March 15, March 22, April 12 and April 19, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Judiciary** - Tuesday, March 15, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Local, Urban and State Affairs** - Thursday, March 17, 1:00 p.m., DiPonio Room (#500-D), VisTaTech Center, Schoolcraft Community College, 18600 Haggerty Road, Livonia (373-1707)

**Michigan Capitol Committee** - Tuesday, March 15, 12:00 noon, Room 426, Capitol Building (373-0289)

**Natural Resources and Environmental Affairs** - Tuesday, March 15, 3:00 p.m., Room 110, Farnum Building (373-3447)

**Transportation** - Tuesday, March 15, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 12:31 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 15, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

