

No. 77
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, September 8, 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—excused
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Senator Ron Jelinek of the 21st District offered the following invocation:

Lord, as we begin this day's proceedings, let us be ever mindful of what You would have us do. Let us be just, diligent, and compassionate. And, while we carry out the duties for the citizens of Michigan, let us also continue to be mindful of those touched by the recent storm called Katrina, as well as those brave men and women fighting for freedom in other lands. Their well-being and safety remains in our prayers.

We ask these things while being grateful. We are grateful for all of the blessings You have bestowed upon us. With gratitude in our hearts, we end this prayer by saying thank You and Amen.

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

Motions and Communications

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senators Kuipers, Johnson and Patterson entered the Senate Chamber.

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

The motion prevailed.

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

The motion prevailed.

Senator Schauer moved that Senators Barcia, Clarke, Leland and Scott be temporarily excused from today's session.

The motion prevailed.

Senator Olshove stated that had he been present on September 7 when the votes were taken on concurring in the House substitutes to the following bills, he would have voted "yea":

Senate Bill No. 416

Senate Bill No. 463

Senator Olshove stated that had he been present on September 7 when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 347

House Bill No. 4071

House Bill No. 4145

Senate Bill No. 501

Senate Bill No. 569

Senate Bill No. 570

House Bill No. 4679

House Bill No. 4915

Senate Bill No. 648

Senator Olshove stated that had he been present on September 7 when the vote was taken on the adoption of the following concurrent resolution, he would have voted "yea":

Senate Concurrent Resolution No. 26

Senators Goschka, Scott and Clarke entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 7:

House Bill Nos. 4258 4997 4998 4999 5000

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, September 7, and are available at the legislative website:

| | | | | | | | | | | | | | | |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Senate Bill Nos. | 720 | 721 | 722 | 723 | 724 | 725 | 726 | 727 | 728 | 729 | 730 | 731 | 732 | 733 |
| | 734 | 735 | 736 | 737 | 738 | | | | | | | | | |
| House Bill Nos. | 5115 | 5116 | 5117 | 5118 | 5119 | 5120 | 5121 | 5122 | 5123 | 5124 | 5125 | 5126 | 5127 | 5128 |
| House Joint Resolution | | N | | | | | | | | | | | | |

Messages from the House

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

Senate Bill No. 356
Senate Bill No. 419
Senate Bill No. 130
Senate Bill No. 129
Senate Bill No. 601
Senate Bill No. 606
Senate Bill No. 607
Senate Bill No. 609
Senate Bill No. 611
Senate Bill No. 615

The motion prevailed.

Senate Bill No. 616, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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.

Senators Brater and Barcia entered the Senate Chamber.

Senate Bill No. 617, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

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

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

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

The Senate agreed to the full title.

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

Senator Leland entered the Senate Chamber.

House Bill No. 4436, entitled

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

The House of Representatives has amended the Senate amendments as follows:

1. Amend Senate Amendment No. 4, page 18, following line 13, following subsection (5), after "Special census revenue sharing payments" by striking out "92,000" and inserting "453,000" and adjusting the subtotals, totals, and section 201 accordingly.

The House of Representatives has concurred in the Senate amendments as amended and agreed to the title as amended.

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

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

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

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 386**Yeas—37**

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

Nays—0**Excused—1**

Birkholz

Not Voting—0

In The Chair: President

Senate Bill No. 373, entitled

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 236b.

Substitute (H-2).

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 387**Yeas—37**

| | | | |
|---------|-------------|-----------|-----------|
| Allen | Clarke | Jacobs | Sanborn |
| Barcia | Cropsey | Jelinek | Schauer |
| Basham | Emerson | Johnson | Scott |
| Bernero | Garcia | Kuipers | Sikkema |
| Bishop | George | Leland | Stamas |
| Brater | Gilbert | McManus | Switalski |
| Brown | Goschka | Olshove | Thomas |
| Cassis | Hammerstrom | Patterson | Toy |

Cherry
Clark-Coleman

Hardiman

Prusi

Van Woerkom

Nays—0

Excused—1

Birkholz

Not Voting—0

In The Chair: President

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

Senate Bill No. 620, entitled

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 236c.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 388

Yeas—37

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

Nays—0

Excused—1

Birkholz

Not Voting—0

In The Chair: President

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

Third Reading of Bills

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

Senate Bill No. 658

Senate Bill No. 548

Senate Bill No. 549

Senate Bill No. 550

Senate Bill No. 470

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 658, entitled

A bill to amend 1889 PA 39, entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp-meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes; and to impose certain duties on the department of commerce," by amending section 4 (MCL 455.54), as amended by 1982 PA 85.

The question being on the passage of the bill,

Senator Allen offered the following amendment:

1. Amend page 1, line 3, after "~~by~~" by striking out the balance of the line through "association" on line 6.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 389**Yeas—37**

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

Nays—0**Excused—1**

Birkholz

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 548, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 7 (MCL 28.297), as added by 1997 PA 99.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 390**Yeas—37**

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

Nays—0**Excused—1**

Birkholz

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 549, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 208b and 232 (MCL 257.208b and 257.232), section 208b as amended by 2000 PA 159 and section 232 as amended by 2000 PA 192.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 391**Yeas—37**

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

Nays—0**Excused—1**

Birkholz

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 550, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 1997 PA 102.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 392**Yeas—37**

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

Nays—0

Excused—1

Birkholz

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 470, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

The question being on the passage of the bill,

Senator Cropsey offered the following substitute:

Substitute (S-1).

The substitute was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 393**Yeas—37**

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

Nays—0**Excused—1**

Birkholz

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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. 62

The resolution consent calendar was adopted.

Senators Hammerstrom and Sikkema offered the following resolution:

Senate Resolution No. 62.

A resolution commemorating September 2005 as Prostate Cancer Awareness Month in Michigan.

Whereas, The American Cancer Society is the nationwide community-based voluntary health organization working together with local Michigan medical educational institutions and hospitals to eliminate cancer as a major health problem, thereby saving lives and diminishing suffering from cancer through research, education, advocacy, and service; and

Whereas, Prostate cancer is the most common non-skin cancer found in American men, with a new case occurring every two and one-half minutes. In the last decade alone, over 350,000 people have died of prostate cancer—nearly as many deaths as from breast cancer and more than three times the number of individuals killed by AIDS; and

Whereas, In 2005, it is estimated nationally that 232,000 men will be diagnosed with prostate cancer, and of those, 30,000 will die from it. In Michigan, it is estimated that 7,800 men will be diagnosed and 1,200 will die as a result of prostate cancer in 2005. Sadly, many of these deaths may have been prevented through increased awareness of prostate cancer and preventive measures such as advanced screening. Since the use of early detection tests for prostate cancer became relatively common, the prostate cancer death rate has dropped; now, therefore, be it

Resolved by the Senate, That September 2005 be proclaimed as Prostate Cancer Awareness Month in Michigan to aid health care institutions throughout Michigan in the educational and preventive efforts.

Senators Barcia, Basham, Bishop, Cassis, Cherry, Clark-Coleman, Clarke, Gilbert, Jacobs, Kuipers, Leland, Olshove, Prusi, Schauer, Scott, Switalski and Toy were named co-sponsors of the resolution.

Senators Emerson, Schauer, Scott, Prusi, Barcia, Leland, Thomas, Brater, Basham, Clark-Coleman, Bernero, Jacobs, Clarke, Switalski and Cherry offered the following resolution:

Senate Resolution No. 61.

A resolution to memorialize the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices.

Whereas, The price of gasoline continues to be an issue of concern to families throughout Michigan; and

Whereas, The price of regular unleaded gasoline has increased steadily over the past year with a statewide average beginning around \$1.91 per gallon and recently surging over \$3.00 per gallon; and

Whereas, Current price instability, along with unforeseen circumstances, such as Hurricane Katrina, has led to predictions from respected economic observers that gasoline supplies will continue to be low and prices will continue to rise for the foreseeable future; and

Whereas, A number of media outlets have noted the limited ability of state governments to deal effectively with the problem. Some well-intentioned proposals would have significant budget consequences while providing little meaningful relief for consumers, and others may offer significant long-term relief but almost none in the short term; and

Whereas, The recently enacted federal Energy Policy Act of 2005 did nothing to address the price of gasoline at the pump, but was filled with tax cuts for oil companies which are already making record profits from the inflated price of oil; and

Whereas, The ability to deal effectively with rising energy costs in the global marketplace resides with the United States President and Congress who have several tools at their discretion to provide relief to burdened consumers; now, therefore, be it

Resolved by the Senate, That we memorialize the President of the United States and the United States Congress to take prompt action to provide relief to Michigan consumers and others around the nation; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,
Senator Hammerstrom moved that the resolution be referred to the Committee on Transportation.
The motion prevailed.
Senator Olshove was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senator Switalski introduced
Senate Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article IV, to modify term limits for certain elected state offices.

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

Senators Cherry, Schauer, Goschka and Garcia introduced
Senate Bill No. 748, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2002 PA 669.

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

Senators Schauer, Cherry, Goschka and Garcia introduced
Senate Bill No. 749, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4x (MCL 205.54x), as amended by 2004 PA 173.

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

House Bill No. 4258, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3q (MCL 8.3q).
The House of Representatives has passed the bill and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 4997, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by repealing section 514 (MCL 487.3514).
The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

House Bill No. 4998, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by repealing section 1135 (MCL 491.1135).
The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

House Bill No. 4999, entitled

A bill to amend 2003 PA 215, entitled "Credit union act," by repealing section 307 (MCL 490.307).
The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

House Bill No. 5000, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by repealing section 4406 (MCL 487.14406).
The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

Statements

Senators Toy, Thomas, Basham, Hammerstrom and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Toy's statement is as follows:

Four years ago this Sunday, our nation's capital, its financial centers, and indeed, our way of life came under attack. Yet, as our President has said in the wake of the horrific events which befell our nation one unassuming Tuesday morning in September, "Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America."

This Patriot Day let us not forget that we live in the land of the free and the home of the brave. And though we know that there are those in this world who would stop at nothing to deprive us of these liberties that we in this nation hold so dear, let us embrace the many blessings we enjoy to call America and this great state of Michigan home.

Let us recognize those brave Michigianians who have been called around the globe to combat the enemy, and let us pay our most solemn respect to the many who have made the ultimate sacrifice in the defense of our nation and our way of life.

These men and women are now also called to help our fellow countrymen and women confront the unimaginable destruction in the aftermath of the unprecedented natural disaster which Mother Nature has unleashed in our own backyards. We thank you for your service to the citizens of Michigan and the freedom that it secures, and we send a message of hope to those who today may still live in oppression and fear.

This September 11th let us remember those we lost, but also that which we have and too often take for granted. Though the death and destruction may have been senseless, the events of 9/11 are not without a story to tell of the compassion and courage of the American people.

From brave passengers who fought with terrorists, to police and firemen who ultimately gave their own lives in their pursuit to save others, to the outpouring of support by average citizens that is now being replicated to aid our friends in Louisiana and Mississippi, we are truly fortunate to call these men and women our own.

May God bless our great state of Michigan, and may God continue to bless these United States of America—land of the free and home of the brave.

Senator Thomas' statement is as follows:

Earlier this week, I introduced some legislation that I thought was really just going to be something nice to talk about, but I received an e-mail from a gentlemen who has really strengthened my resolve to raise this issue very strongly with the Legislature. The gentleman is David Haven, and he is a firefighter/EMT from Williamston who wrote me saying that on November 10, 2004, at 6:30 a.m. in the morning, he was on an ambulance run responding to a call on I-96. His lights and sirens were on. A woman driving a car in the fast lane reaching for a cell phone, according to a police report, not paying attention to what was going on, rear-ended their ambulance at about 65 to 70 miles per hour. Since then, Mr. Haven has not been able to work. He is now going on his third surgery to replace and repair his life. He concludes his e-mail, "I wish a law would have come out a lot sooner, but it is better late than never."

Again, I introduced earlier this week Senate Bill No. 737 which was designed to address the proliferation of cell phone use while driving. There is a major hazard on the roads today. It's not just drivers; it's not just eating; it's not listening to the radio; it is your cell phone that causes great distraction. I'm willing to bet that every member of this body at some point has contributed to this distraction and unsafe condition that exists on Michigan roads. My bill would not ban the use of cell phones while driving. I don't think we'd pass through this chamber a bill that probably none of us would abide by constantly. Simply what I'm asking you to do, what I ask this Legislature to do, is require those who drive aggressively, those who drive in the fast lane or in the passing lane, not be allowed to use their cell phones. Michigan is one of the last states in the nation to address cell phone use and distracted drivers. I'm not advocating an outright ban. I'm advocating a reasonable measure to address this issue.

Yesterday a member of the House of Representatives also introduced legislation focusing the attention on cell phone use, not allowing children—young people with a graduated license—to use their cell phones. Several states have already passed that legislation. My esteemed colleague from the 7th District, the chair of the Technology and Energy Committee, was the first member of this Legislature to start championing this issue and went through a great deal of stress, I would suspect, from an industry that believed that we were trying to poke fun at them. Study after study, though, has indicated from the University of Utah, the *New England Journal of Medicine*, and AAA has said that using a cell phone while driving is just like driving drunk. In fact, this is the next drunk driving. It is very difficult to adjust one's attention from the distraction of talking on the phone, unlike listening to the radio or adjusting to conversation that exists in a car with a passenger or eating. This is a serious public health hazard, one that deserves debate.

Senate Bill No. 737 was referred to the Transportation Committee. I will certainly call and request a hearing on this issue from the esteemed chair, and I hope that this Legislature will take a serious look at the many, many harmful

effects of cell phone use while driving. I look forward to working with the good Senator from Canton on this issue and any colleague who wants to stand up and not hear stories of Mr. David Haven, again, a public defender, a public supporter of us whose life has been torn apart because of a distracted driver not paying attention while talking on their cell phone.

Senator Basham's statement is as follows:

While many in recent days have appropriately noted that the families in the South are dealing with the tragedy much more devastating than any inconveniences we are experiencing here at the gas pumps in Michigan, we cannot ignore the impact these energy costs may have on our economic future. The financial pain that Michigan consumers have been experiencing at the pump is serious. They are entitled, therefore, to a serious response to a crisis that could very well threaten our state's economic recovery.

According to a recent Gallup poll, 69 percent of Americans say they are suffering a financial hardship from higher gas prices. Even worse, 18 percent of Americans say they are suffering severe financial hardship from rising gas prices. Increasingly, low-income workers are being forced to curtail basic necessities for their families, like food, medicine, and clothing, simply to get by.

In recent weeks, a number of state proposals have been introduced to allegedly deal with escalating gas prices. I fear, Mr. President, that such proposals will be ineffective in the short term and could, in some instances, exacerbate our state budget problems. There is no doubt that government action is warranted. The real issue is why has the federal government left it to the states to go it alone in dealing with skyrocketing gas prices? Because of the national scope of the gasoline supply and the limits on state governments from the Interstate Commerce Clause, the President and Congress have a much greater ability to affect gas prices than do the fifty individual states.

We support recent proposals for the states to encourage the development of new biodiesels. We also applaud the Governor for the job she has done with releasing \$1.3 million for additional gas inspectors to ensure that Michigan consumers are not being cheated by unscrupulous gas retailers.

However, any serious solution to escalating gas prices must come from Congress and the President, yet they remain largely silent on this issue.

The recent federal energy bill included billions of dollars in tax cuts and sweetheart deals for the oil and gas industry that did nothing to reduce the price of gas. Instead of just a business as usual response from the President and Congress, we actually need leaders willing to take on the big oil companies that are reaping record profits while working families struggle to get by. It's only fair that the industry now share some of the pain that consumers have been experiencing for months.

We have introduced a resolution calling upon Congress and the President to use all of the tools at their discretion to provide relief to burdened consumers. It is relief that is long overdue. I encourage my Senate colleagues to join me in taking this stand on behalf of Michigan consumers.

Senator Hammerstrom's statement is as follows:

Colleagues, I rise today to honor a fallen soldier from my district. Army Captain Lowell T. Miller, II, of Monroe, Michigan, died last week after being hit with small arms fire in Iraq. He was 35.

Captain Miller, known by his family and friends as "Tom" or "Tommy," graduated from the Virginia Military Institute in 1993 and was assigned to the Army National Guard's 1st Battalion, 155th Infantry Regiment in McComb, Mississippi. His military training team was working with Iraqi Army soldiers when they were attacked by enemy forces 30 miles south of Baghdad.

Captain Miller comes from a family with deep military roots. His father Tom, who resides in Senator Emerson's district, served more than 22 years in the Naval Reserves, and his brother and sister both have served active duty in Iraq. After the terrorist attacks on 9/11, Captain Miller helped with security at the Michigan-Canada border. He also served in Egypt.

In an e-mail he sent to his father in June, Captain Miller explained his sense of duty to the military: "Dad, I serve so others don't have to. You taught me to be a leader, to stand up and to sacrifice so others would not have to. You were in the military and you served so your kids wouldn't, yet we do. You taught us well."

Captain Miller is survived by his wife Angela of Monroe; two children: Danielle, 11, and Alexandra, 7, both of Flint; and two stepchildren: Jessica, 13, and Jordan, 6, both of Monroe. He is also survived by his father, his mother Linda, brother Patrick, sister Jennie; and many family, friends, and loved ones.

We offer all of them our condolences.

A moment of silence was observed in memory of Army Captain Lowell T. Miller, II.

Senator Scott's statement is as follows:

Again today I have some stories from my website. The first one, "I moved out of Detroit for that very reason—the cost of auto insurance. If the insurance goes down and Freman Hendrix wins the November election, I may consider

moving back to Detroit. Also do you realize just how many people can't vote that live in the city of Detroit because they are using someone else's address outside of Detroit just to have lower insurance rates?" That is something I constantly tell my colleagues.

Another story, "I have lived in Detroit for 43 years as a son of the city. I pastor a church in Shelby Township. I was talking to some of the members and they told me they have three cars with full coverage and are paying less than I did with no fault (Titan insurance company)."

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, September 7, 2005, at 3:00 p.m., Room H-252, Capitol Building

Present: Senators Hammerstrom and Leland

Scheduled Meetings

Commerce and Labor - Tuesday, September 13, 3:00 p.m., Room 100, Farnum Building (373-2413)

Judiciary - Tuesday, September 13, 2:00 p.m., Room 210, Farnum Building (373-3760)

Michigan Capitol Committee - Thursdays, September 15 (CANCELED), and October 6, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-0289)

Michigan Law Revision Commission - Wednesday, September 14, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senior Citizens and Veterans Affairs - Wednesday, September 14, 1:00 p.m., Room 100, Farnum Building (373-1707)

Transportation - Tuesday, September 13, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:48 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, September 13, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate