

No. 24
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, March 16, 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—excused
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

Senator Cameron Brown of the 16th District offered the following invocation:

Thank You, Father, for the absolute privilege of being an American and to serve in this chamber and to be an advocate for people. Help us to serve Your purpose, not ours, and as we do so, let us serve with an attitude of gratitude, grateful for the sacrifice of those who have made this opportunity possible for us.

We give You this day and pray that there will be many others as we strive to do Your will, and we pray this in Jesus' name. Amen.

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

Motions and Communications

Senator Schauer moved that Senators Leland and Thomas 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.

Senator Leland entered the Senate Chamber.

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

Northern Michigan University Board of Control

Mr. Brian Douglass Cloyd of 43 Oswego, N.W., Grand Rapids, Michigan 49504, county of Kent, succeeding Mary Lincoln Campbell, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Jon G. LaSalle of 1942 Neidhart Avenue, Marquette, Michigan 49855, county of Marquette, succeeding Scott Holman, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Western Michigan University Board of Control

Mr. Dennis W. Archer of 8162 East Jefferson, Unit 11B, Detroit, Michigan 48214, county of Wayne, succeeding Birgit Klohs, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Larry F. Tolbert of 1528 Northampton Road, Kalamazoo, Michigan 49006, county of Kalamazoo, succeeding Vernice Anthony, 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.

Messages from the Governor

The following messages from the Governor were received and read:

March 15, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 5474a of the Public Health Code, 1978 PA 368, MCL 333.5474a:

Childhood Lead Poisoning Prevention and Control Commission

Ms. Carole Ann Beaman, Ph.D., LLP, of 15420 Warwick, Detroit, Michigan 48223, county of Wayne, appointed to represent parents of a child who has experienced lead poisoning or child advocates with experience with lead poisoning in children from a city with a population of 750,000 or more, for a term commencing March 15, 2005 and expiring July 1, 2007.

Ms. Denise O. Chambers of 1058 Springwood Lane, Rochester Hills, Michigan 48009, county of Oakland, appointed to represent the Department of Human Services, for a term commencing March 15, 2005 and expiring July 1, 2007.

Ms. Joan R. Dyer of 55 Lakeview Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, appointed to represent “Get the Lead Out!” from a county with a population of more than 500,000 but not more than 700,000, for a term commencing March 15, 2005 and expiring July 1, 2007.

Mr. Bruce C. Jeffries of 215 East Elm Street, Mason, Michigan 48854, county of Ingham, appointed to represent the Michigan State House Development Authority, for a term commencing March 15, 2005 and expiring July 1, 2007.

Mr. Robert D. Sills of 1500 North Waverly Road, Lansing, Michigan 48917, county of Ingham, appointed to represent the Michigan Department of Environmental Quality, for a term commencing March 15, 2005 and expiring July 1, 2007.

Ms. Laurel R. Sproul of 10050 Glovers Lake Road, Bear Lake, Michigan 49614, county of Manistee, appointed to represent a local health department located in a county with a population of more than 170,000 but not more than 200,000, for a term commencing March 15, 2005 and expiring July 1, 2007.

Ms. Kimberlydawn Wisdom, M.D., M.S., of 19038 Silvercrest, Southfield, Michigan 48075, county of Oakland, appointed to represent the Michigan Department of Community Health, for a term commencing March 15, 2005 and expiring July 1, 2007.

Pursuant to Section 5474a(1) of the Public Health Code, 1978 PA 368, MCL 333.5474a, Ms. Kimberlydawn Wisdom, M.D., M.S., shall serve as Chairperson of the commission.

March 15, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 3b of the Fire Prevention Code, 1941 PA 207, MCL 29.3b:

State Fire Safety Board

Ms. Beverly Hannah-Jones of 1323 Oak Lawn Drive, Pontiac, Michigan 48341, county of Oakland, succeeding Mr. John Z. Ballew, whose term has expired, appointed to represent registered architects, for a term commencing March 15, 2005 and expiring July 15, 2007.

Ms. Judy Zehnder Keller of 454 Craemer Drive, Frankenmuth, Michigan 48734, county of Saginaw, succeeding Mr. Joel M. Woods, whose term has expired, appointed to represent persons who own a place of public assemblage, for a term commencing March 15, 2005 and expiring July 15, 2007.

Mr. Earl C. Howard of 10101 West Outer Drive, Detroit, Michigan 48223, county of Wayne, succeeding Mr. Vladimir Boldyreff, whose term has expired, appointed to represent registered professional engineers, for a term commencing March 15, 2005 and expiring July 15, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Northern Michigan University Board of Control

Mr. Brian Douglass Cloyd of 43 Oswego, N.W., Grand Rapids, Michigan 49504, county of Kent, succeeding Mary Lincoln Campbell, 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. 40

Yeas—34

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

Nays—0

Excused—3

Garcia

Scott

Thomas

Not Voting—1

Johnson

In The Chair: President

Senators Hardiman 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 Hardiman's statement is as follows:

I rise in support of the nomination of Brian Cloyd to the Northern Michigan University Board of Trustees.

Brian Cloyd works at Steelcase and has been there for some years and is a member of Greater Grand Rapids community. We go back several years. I've been very impressed with his commitment to the community, particularly in the area of K-12 education. It is wonderful to see that the Governor has appointed him to the Northern Michigan University Board of Trustees so he can bring that expertise to higher education. As a director of corporate and community relations for Steelcase Inc., Mr. Cloyd has over 26 years of extensive experience in working with community, business, and political leaders throughout Michigan. His commitment to his community is exemplary. He currently serves as a member of the Economic Club of Grand Rapids, Grand Rapids Chamber of Commerce, and the Workforce Development Council. In addition, his public service as a member of the Cherry Commission on Higher Education and economic development further qualifies Mr. Cloyd to successfully serve this honorable board.

He has a strong understanding of current issues facing the higher education community, and I am confident he will work diligently to apply his knowledge and experience at Northern Michigan University.

I ask my colleagues to support the nomination of Brian Cloyd to the Northern Michigan University Board of Trustees.

Senator Goschka's statement is as follows:

I also rise in very strong support with Senator Hardiman for Brian Cloyd to be appointed as a member of the Board of Control at Northern Michigan University. Clearly, Mr. Cloyd demonstrated a remarkable understanding of higher education. He's very involved and a man of great integrity. I was very impressed with his answers, his depth. You could sense his genuine desire and willingness to get going on the business of higher education for that university as well as in the state of Michigan.

I would hope that members would agree with this appointment of Brian Cloyd to the Northern Michigan University Board of Control.

Northern Michigan University Board of Control

Mr. Jon G. LaSalle of 1942 Neidhart Avenue, Marquette, Michigan 49855, county of Marquette, succeeding Scott Holman, 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. 41

Yeas—34

Allen
Barcia

Cherry
Clark-Coleman

Hardiman
Jacobs

Prusi
Sanborn

Basham	Clarke	Jelinek	Schauer
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	Emerson	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Toy
Brown	Goschka	Patterson	Van Woerkom
Cassis	Hammerstrom		

Nays—0

Excused—3

Garcia	Scott	Thomas
--------	-------	--------

Not Voting—1

Johnson

In The Chair: President

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

It really does give me great pleasure to rise today in support of my friend, Jon G. "Jack" LaSalle. Jack and I go back 25 years in the labor movement as well as in the local political scene in Marquette County. I can't think of anyone the Governor could have found to appoint to this board who would more adequately represent the interest of the Upper Peninsula on the Northern Michigan University Board of Trustees.

Jack has earned a degree in speech and communications from Northern Michigan University as well as having an apprenticeship from the International Association of Bridge, Structural and Ornamental Ironworkers and did graduate studies at the University of Minnesota. He has also served on different posts in state government, deputy director for Governor Blanchard's Office for Job Training, has been on the Mackinac Bridge Authority, and advisory board member for the Department of Education.

Jack is an active member in the community in local politics as well as several business development organizations in Marquette County. I believe Jack will be a tremendous asset to the university Board of Trustees, and I would ask my colleagues to support his nomination wholeheartedly.

Senator Goschka's statement is as follows:

I also join Senator Prusi in agreeing with the appointment of Jon LaSalle as the Board of Control member for Northern Michigan University to be a very fine appointment by our Governor.

Jon LaSalle clearly demonstrated on his own part willingness and a desire to go out on his own and to add to his own educational background. He was very impressive. He is not only a very genuine, heartfelt individual who will be very, very truthful, but more importantly, he has a very wide background of education.

He comes from a labor background and understood the importance of education early. He equipped himself, and he went through the hard work of gaining his education. He also had some very good things to say about the Cherry Commission report, which we are all very delighted to see.

I would strongly urge that we support Jon LaSalle for the Board of Control at Northern Michigan University.

Senator Hardiman's statement is as follows:

It is my pleasure to rise for the purpose of an introduction. Today in the east part of the north Gallery there is a wonderful young lady sitting there. She is an intern in my office. She is a senior at Calvin College. She will be graduating in May with a degree in communications. I know her parents—wonderful family. She is a great asset to our office. She is here to observe the Senate this morning.

I would love to have my Senate colleagues help me to welcome her to the Michigan Senate today.

Western Michigan University Board of Control

Mr. Dennis W. Archer of 8162 East Jefferson, Unit 11B, Detroit, Michigan 48214, county of Wayne, succeeding Birgit Klohs, 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. 42**Yeas—34**

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

Nays—0**Excused—3**

Garcia	Scott	Thomas
--------	-------	--------

Not Voting—1

Johnson

In The Chair: President

Senators Clark-Coleman, Clarke, Goschka 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 in support of the nomination of Dennis Archer to the Western Michigan University Board of Trustees. Mr. Archer may be most well-known for serving as my mayor and the mayor of the city of Detroit from 1994 to 2001, as well as a Michigan Supreme Court justice from 1986 to 1990, where his dedication to human services, education, and community was exemplary.

Since stepping down from those distinguished posts, the Honorable Dennis Archer has gone on to hold positions as the president of the American Bar Association, president of the National League of Cities, and chairman of Dickinson Wright law firm.

Dennis Archer has served my city and this state with dignity, integrity, and honor. He remains one of Michigan's most respected citizens.

With an undergraduate degree from Western Michigan University and his juris doctorate from Detroit College of Law, Dennis Archer's experience and educational background will provide an invaluable asset to the Western Michigan University Board of Trustees.

I ask my colleagues to join me in support for my friend the Honorable Dennis W. Archer's nomination.

Senator Clarke’s statement is as follows:

Now even I will acknowledge that my position here on the nomination of Dennis Wayne Archer as a member of the Board of Control at Western Michigan University is rather unusual because I have in the past very strongly and openly opposed the policies of Mr. Archer as mayor of Detroit. I can say that in all of my dealings with him, even though he and I disagreed on many, many issues, he was always open, always forthcoming, and, in my opinion, a man of high, high integrity.

When you look at his accomplishments from a teacher of special education at Bunch Elementary School to become the first African American to ever head the American Bar Association, there is no one better in this state who speaks about the value of a degree from Western Michigan University than Dennis Wayne Archer.

So that’s why—maybe a little ironically—but very proudly here today I recommend the appointment of Dennis Wayne Archer as a member of the Board of Control at Western Michigan University.

Senator Goschka’s statement is as follows:

I also rise in very strong support of Dennis W. Archer to be named as a member of the Board of Control for Western Michigan University. I think the Governor has made a very good and wise appointment of this man.

Obviously, we know of Dennis Archer, former mayor of Detroit and a former associate justice of the Michigan Supreme Court—clearly a leader in our state. I think it’s a great honor that he is willing to give his services not only to Western Michigan University, but to higher education as a whole.

I was looking at his accolades as he was giving testimony, and it was just sheet after sheet after sheet—page after page after page—of just remarkable legacies that this man has created for himself. I strongly support Dennis W. Archer as the Governor’s appointee to the Board of Control at Western Michigan University.

Again, he made some strong comments of his support of many of the points made in the Cherry Commission report, and I could see his excitement to work on some of those and other issues to pursue higher education in this state.

Senator Hardiman’s statement is as follows:

I also rise to support the appointment of Dennis Archer to the Western Michigan University Board of Control. Many things have been said about Justice Archer’s history, his background, and his commitment in public service to this state. I would simply like to share a couple of things. We share a couple of things in common. One, I also graduated from Western Michigan University and also served as mayor of a Michigan city in the ’90s and watched Mr. Archer as he led the great city of Detroit. I interacted with him through various associations, but I was also very impressed with his insightful comments at the higher education meeting yesterday—very thoughtful. He is going to be a real asset to Western Michigan University and all of our higher education institutions.

So I ask my colleagues to confirm this appointment.

Western Michigan University Board of Control

Mr. Larry F. Tolbert of 1528 Northampton Road, Kalamazoo, Michigan 49006, county of Kalamazoo, succeeding Vernice Anthony, 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 not voting therefor, as follows:

Roll Call No. 43

Yeas—34

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

Nays—0

Excused—3

Garcia

Scott

Thomas

Not Voting—1

Johnson

In The Chair: President

Senator Goschka asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Goschka's statement is as follows:

I also rise in very strong support of Larry Tolbert to be added to the Board of Control for Western Michigan University. I could tell that this gentleman has remarkable integrity and is a great networker. You get the sense that he is a consensus builder, will work hard on behalf of the students of Western, and again, demonstrated a clear love and appreciation for higher education. Larry Tolbert is truly a Bronco through and through who came through.

I think that to support him would be a right action on the part of the Michigan State Senate. I think the Governor has made a very good appointment in Larry Tolbert to be added to the Board of Control at Western Michigan University.

Messages from the House

Senate Bill No. 234, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 676a and 907 (MCL 257.676a and 257.907), section 676a as amended by 1999 PA 46 and section 907 as amended by 2004 PA 493.

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.

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

Senate Bill No. 171

Senate Bill No. 174

The motion prevailed.

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. 136

House Bill No. 4233

House Bill No. 4210

Senate Bill No. 74

Senate Bill No. 134

Senate Bill No. 193

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 136, entitled

A bill to prohibit the issuance or manufacture of false academic credentials; and to provide remedies.

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. 44

Yeas—34

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

Nays—0

Excused—3

Garcia	Scott	Thomas
--------	-------	--------

Not Voting—1

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4233, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending section 16 (MCL 431.316).

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. 45

Yeas—34

Allen	Cherry	Hardiman	Prusi
Barcia	Clark-Coleman	Jacobs	Sanborn
Basham	Clarke	Jelinek	Schauer
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	Emerson	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Toy

Brown
Cassis

Goschka
Hammerstrom

Patterson

Van Woerkom

Nays—0

Excused—3

Garcia

Scott

Thomas

Not Voting—1

Johnson

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to license and regulate the conducting of horse race meetings in this state with pari-mutuel wagering on the results of horse races and persons involved in horse racing and pari-mutuel gaming activities at such race meetings; to create the office of racing commissioner; to prescribe the powers and duties of the racing commissioner; to prescribe certain powers and duties of the department of agriculture and the director of the department of agriculture; to provide for the promulgation of rules; to provide for the imposition of taxes and fees and the disposition of revenues; to impose certain taxes; to create funds; to legalize and permit the pari-mutuel method of wagering on the results of live and simulcast races at licensed race meetings in this state; to appropriate the funds derived from pari-mutuel wagering on the results of horse races at licensed race meetings in this state; to prescribe remedies and penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 617, 617a, 618, and 619 (MCL 257.617, 257.617a, 257.618, and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

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. 46

Yeas—34

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Emerson
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Kuipers
Leland
McManus
Olshove
Patterson

Prusi
Sanborn
Schauer
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—0

Excused—3

Garcia

Scott

Thomas

Not Voting—1

Johnson

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 74, entitled

A bill to amend 2002 PA 712, entitled “Michigan Amber alert act,” (MCL 28.751 to 28.753) by amending the title and by adding section 4.

The question being on the passage of the bill,

Senator Goschka 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. 47

Yeas—34

Allen

Barcia

Basham

Bernero

Birkholz

Bishop

Brater

Brown

Cassis

Cherry

Clark-Coleman

Clarke

Cropsey

Emerson

George

Gilbert

Goschka

Hammerstrom

Hardiman

Jacobs

Jelinek

Kuipers

Leland

McManus

Olshove

Patterson

Prusi

Sanborn

Schauer

Sikkema

Stamas

Switalski

Toy

Van Woerkom

Nays—0

Excused—3

Garcia

Scott

Thomas

Not Voting—1

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 134, 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 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. 48

Yeas—34

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Emerson
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Kuipers
Leland
McManus
Olshove
Patterson

Prusi
Sanborn
Schauer
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—0

Excused—3

Garcia

Scott

Thomas

Not Voting—1

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

Senator Thomas entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 193, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

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. 49

Yeas—20

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

Nays—14

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

Excused—2

Garcia	Scott
--------	-------

Not Voting—2

Bernero	Johnson
---------	---------

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Schauer, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 193 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Schauer's statement is as follows:

I rise somewhat reluctantly to speak against this bill. I know the bill sponsor and committee chair will be speaking after me, and the sponsor has provided some correspondence.

This issue was before us last fall, and it moved very quickly. It's back. It was not signed by the Governor. I have great respect for the motives of the sponsor. It does on its face seem like a very common-sense solution, although I think there is a question about why we are solving this problem. Perhaps it statutorily requires us to do so when it really is a local issue. But it was presented as an issue in which there was no opposition in the community, and that was a

red flag to me. I immediately talked to Representative Lipsey, who represents the Kalamazoo city and the immediately surrounding area, and learned of some concern at that time. The other red flag that went up for me is what we are doing here is we are taking three judicial districts for district court in Kalamazoo County and essentially turning them into at-large, countywide elections.

We've learned in our research while there are several counties that have judicial districts, there are two that are set up like this. But the concern that was, I guess the question that occurred to me is, are there electoral or representational questions or concerns? I was chastised by the sponsor for being the Senator to the east, sort of meddling into an issue outside of my county, but as the ranking Democrat on this committee, I am purely looking at it from a public policy standpoint.

So I did express some concern and since then I have received correspondence, one of which I've distributed on members' desks with my stamp. It's from and the concerns raised by this Kalamazoo County resident really go to the heart of the questions and concerns that I raised. Her name is Phyllis Marsh. She is the co-founder of the Kalamazoo Neighborhoods Coalition, which is a membership group representing 21 neighborhoods within the city of Kalamazoo. You can read it yourself. She is concerned about having judges who understand unique factors and circumstances within the urban Kalamazoo community. She talks about how criminal activity differs greatly between inner city neighborhoods and residential neighborhoods, and we have found that judges who have a city perspective have a greater impact on the quality of life in our neighborhoods.

I received two other items of correspondence, one from a Mattie Jordan Woods, who I'm sure the sponsor knows. She is a neighborhood activist and economic developer—sort of brought economic vitality to the north side. She shares the same concerns as did a Kalamazoo resident named Valerie Elliot, and I am sure there are more.

I, because of these concerns, continue to have reservations. I think there are serious policy questions about the legislation before us, and it shouldn't be approved at this time. I would urge a "no" vote.

Senators George 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 George's statement is as follows:

I want to review again the reasons for the bill and then address some of the correspondence that has been distributed. First, you will recall that this story began with a local agreement in 1999, between the cities of Portage and the city of Kalamazoo and the county of Kalamazoo to consolidate administration of the district courts. This was a local initiative done specifically to save costs and to look for efficiencies in the system. The administrative consolidation has been implanted. It's been working well, and now all seven judges within the Kalamazoo district courts serve the entire county. However, they are still elected from three different election districts. This has then led to a disconnection between the voters and the judges.

Now I want to point out that the consolidation that occurred is exactly the type of local government effort that our Governor has been calling for. In December when Governor Granholm signed legislation which converted nine Michigan part-time court judges to full-time status, she said, "Experience has shown that consolidation of court jurisdiction makes courts more efficient, saves taxpayers money, and hastens the delivery of justice for Michigan families. As a result of cooperative efforts with the Michigan Supreme Court and the Michigan Legislature, we continue to move the ball forward on court reform in Michigan." These were the Governor's words in December.

Then, you will recall, she touched on local government cooperation in her State of the State address. She said, "We will force state departments and agencies to share services. We will abolish 70 commissions and boards. I will call on school districts across our state to share services to free up funds for teaching our children, and I will ask the Legislature to give me the authority to consolidate districts that refuse to take these kinds of prudent steps to move money out of the bureaucracy and into the classroom." I would easily argue that she was describing the situation in Kalamazoo.

Well, we have tried to take money out of court administration so we could put it towards other services. Recently, the Governor was visiting Kalamazoo, and in a comment to the newspaper regarding the progressiveness of the community, she said, "You guys get it. You guys get it." She was referring to examples of intergovernmental cooperation. As I mentioned, this consolidation has led to an election problem.

One of the local attorneys, who supplied a letter to the committee hearing, pointed out that the link between voters and judges has been broken. Because of that, the seven judges unanimously approached me and asked me to sponsor this legislation to dissolve the election districts. We passed this bill last session, 29-7; the House passed it 92-3, but then it was pocket-vetoed by the Governor.

Now a spokesperson for the Governor said that I had failed to engage the Governor's office and that there was not evidence of support from the district; that, furthermore, she wanted to see the Supreme Court Administrative Office take a position on the issue, which they had not last fall.

So at last week's hearing on the bill, again the chief judge from Kalamazoo came and testified, speaking again for all seven judges: the four from the city of Kalamazoo, one from the city of Portage, and two from the out-county areas. I also supplied the committee with letters of support; one was from a longtime Kalamazoo County court administrator, and I distributed it under my stamp. In his letter, he says, and he is referring to our last fall's election, "Voters in November's election were confused about the district judge races. While two judgeships were contested in the city of Kalamazoo, no judge ran in the city of Portage, and one judge ran unopposed in the out-county area.

Consequently, all the campaign activity was related to the city of Kalamazoo, and that was not at all clear to the many voters who wondered why the judicial races weren't on their ballots. Such confusion would disappear with the elimination of the election divisions. This, again, is from a county court administrator who has served for 20 years in the court system and who resides within the city of Kalamazoo.

Now today for the first time, I see a letter distributed by the Senator from the 19th District, a neighboring district, written by one of my constituents who has never contacted me. She is right in her letter; she is concerned that residents of Kalamazoo need to be in front of judges who have a city perspective, who have knowledge of city ordinances who will take into account the impact on the quality of life of the neighborhoods. She's exactly right and that's not what is happening now. If you are a resident in Kalamazoo, you have 3 out of 7 chances of being assigned to a judge who you can't elect; who the voters in the city of Kalamazoo can't vote for. So she is right. The problem exists now, and my bill will correct that. I am very disappointed that someone who purports herself as a leader of a neighborhood coalition would support perpetuation of a system that systematically and routinely disenfranchises voters in the city of Kalamazoo.

Now also at last week's hearings, the State Supreme Court did take a position on this bill and they supported it. So I have addressed the two issues that were raised by the Governor's spokesperson last fall. I brought evidence from the community showing widespread support, and the Supreme Court has now taken a position. Also the *Kalamazoo Gazette* recently editorialized on the subject. They said this is a common-sense measure to abolish the three separate districts in which the judges are elected. The *Gazette* said, "We hope that Governor Granholm and local Democrats who oppose the move won't drop the ball again." They say it's hard to imagine what is so controversial about this bill. They say in Kalamazoo County the district judges have consolidated court operations to help reduce the costs of administration and make caseload assignment more flexible. The result is the voters may have their cases heard by any of the district judges, not just the ones who are elected in their districts, and too many voters think that's unfair. They conclude that they urge the Legislature to pass the bill. They say, "This time, Governor, please sign it."

I believe my district has jumped through the hoops that the Governor has placed before her. There is broad community support for this change. The State Court Administrator has taken a position. The people in my district are asking for this change in the name of election fairness. There is no reason for this body or the Governor to deny them this reasonable request.

Senator Cropsy's statement is as follows:

I'm rather baffled by the opposition to this legislation. We voted on this late term; it went through this body, I believe, with unanimous support, and it went through the House of Representatives, almost with unanimous support. It was vetoed by the Governor. I hate to tell folks this, but the Governor could make a mistake. I know the Lieutenant Governor is shocked by that thought, but we want to give the Governor the opportunity to do the right thing.

Let's take a look at it. Right now we have over 100 district court districts. Wayne County has 23 district courts, Washtenaw County has three, Macomb County has six, Oakland County has 10, Genesee County has one, and Kent County has five, and so on. But Kalamazoo County is only one of two district courts out of the 112 in the entire state that doesn't allow its cities to vote for all of its judges. In every other area, except one other besides Kalamazoo County, the people have a right to vote.

Currently, voters of Kalamazoo County are disfranchised. Senate Bill No. 193 would restore their right to vote. To oppose Senate Bill No. 193 is to oppose the right of voters to elect their own judges. Did you understand that? To oppose this bill is to oppose letting the people of Kalamazoo County elect their own judges. Now, certainly, the people of Kalamazoo County understand that. That's why they went to their very capable State Senator, and said, "We want to have a right to vote for all the judges who are in this county."

What has happened is that the local judiciary supports the bill. The fact is that chief judge of district court, who is in the city of Kalamazoo, would be one of the judges. If you would believe this letter that the Senator, who is outside the city of Kalamazoo and outside of Kalamazoo County has sent around, the chief judge, who is elected from the city of Kalamazoo and would have to run countywide, he came up here and he strongly supported having one election district, which would mean having the whole county vote. If you take a look at it politically, he would be the one most impacted most by it, but he said this is the right thing to do.

We need to do this. Even the *Kalamazoo Gazette* has editorialized and supported the bill. The Supreme Court supports the bill. The committee received a letter of support from a local attorney and a published letter to the editor in the *Kalamazoo Gazette*. He addressed the legislators who asked to veto the bill this last election and the writer states, and I quote "Talk about disfranchising votes. Let every vote count." There has been as much, and more, public support

expressed for this bill as we normally see for any other bill in the Legislature. There were only two “noes” at the time it passed last time. There were only two legislators who opposed the bill and that was in the other body.

When you take a look at the letter the good Senator from Kalamazoo read, I just want to say he did skip one word. It says voters in last November’s election were hopelessly confused about the district judges races. Not only were they confused, but they were hopelessly confused. What he’s sayings is that let’s make sure that we enfranchise all the voters and stop this disenfranchisement.

I just want to summarize. Once again, a “no” vote on Senate Bill No. 193 is a slap in the face of all the voters in Kalamazoo County, telling them that they cannot be trusted to elect their own judges. A “no” vote is telling the voters in Kalamazoo County that the powers that be in Lansing know better than they do on who they can vote for or not vote for. I think that is paternalistic, that’s degrading, and it’s unsupportable.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Brater as Chairperson.

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

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.

Senate Bill No. 179, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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

Resolutions

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

Senate Resolution No. 17.

A resolution to express support for the Republic of China on Taiwan’s participation in the World Health Organization.

Whereas, The preservation of good health is essential to all citizens of the world, and access to quality health programs is a necessity for this to occur; and

Whereas, The Republic of China on Taiwan was a founding member of the World Health Organization (WHO) and has continued to express a willingness to assist, financially and technically, international health programs supported by the WHO; and

Whereas, The Republic of China has a population larger than 75 percent of WHO members and is a vibrant democracy. It is an economic state that has continued to play an important role in the international arena, as seen through the collaboration of the United States Centers for Disease Control and Prevention and its Taiwanese counterpart; now, therefore, be it

Resolved by the Senate, That we express support for the Republic of China on Taiwan's meaningful and appropriate participation in the World Health Organization and the World Health Association; and be it further

Resolved, That copies of this resolution be transmitted to Thomas Cheng, Director General of the Taipei Economic and Cultural Offices in Chicago, and the World Health Organization.

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 Health Policy.

The motion prevailed.

Senator Jacobs was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senators Johnson, Hardiman, Patterson, Toy, Cropsey, Stamas and Van Woerkom introduced

Senate Bill No. 309, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 11 (MCL 445.71) and by adding section 12.

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

Senators Jacobs, Bernero, Barcia, Hammerstrom, Birkholz and Goschka introduced

Senate Bill No. 310, entitled

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

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

Senators Olshove, Cherry, Bernero, Schauer, Jacobs, Kuipers, Hammerstrom and Prusi introduced

Senate Bill No. 311, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456.

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

Senators Olshove, Cherry, Bernero, Schauer, Jacobs, Kuipers, Hammerstrom and Prusi introduced

Senate Bill No. 312, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 2004 PA 52, and by adding section 520a.

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

Senators Birkholz, Johnson, McManus, Kuipers and Brater introduced

Senate Bill No. 313, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

Senators Hammerstrom, Birkholz, Cherry, Johnson, McManus, Kuipers and Brater introduced
Senate Bill No. 314, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

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

Senators Stamas, Goschka and Bishop introduced

Senate Bill No. 315, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2002 PA 4.

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

Senators Van Woerkom, Kuipers, Barcia, Thomas, Goschka, Bishop and Stamas introduced

Senate Bill No. 316, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Statements

Senators George, Cassis, Bishop 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 George's statement is as follows:

I rise to note the passing of a Michigan institution, something that has been part of our lives for the past few years, someone whom we all know and love, who we've worked with over the last few years in the Legislature, and someone dear to us all—that is the Family Independence Agency.

I read with sadness that the Family Independence Agency is no more. They now have been replaced by the Michigan Department of Human Services. I cannot help but recall some good times with the Family Independence Agency, particularly my love for their billboards. You will recall that a couple of years ago, the FIA had a series of billboards around the state, and we spent several hundred thousand dollars on them. They had catchy phrases like "Helping with Family Matters Because Families Matter. Family Independence Agency," "A Child's Safety is Everyone's Business. Family Independence Agency," and "It Takes Both Parents to Support a Child. Family Independence Agency." When I asked the department why we were spending money on this, it was because they wanted to brand the name. It was important that Michigan citizens knew the name of the department and what they did. So we spent the taxpayers' money branding that to the citizens of this state. We did such a great job that it is now imprinted on the minds of our citizens.

I wonder what can we do now to help get out the message that the department has a new name. It's now the Michigan Department of Human Services. I'm wondering if maybe another billboard campaign wouldn't be timely. So I have some phrases that I would suggest to the department that they might use. They are kind of in line with what the old FIA department used before. We could have a billboard that could say "Taking Care of Humans. Michigan Department of Human Services" or "Humans Are Our Business. Michigan Department of Human Services." How about this one, "If You Are Human, We Care About You. Michigan Department of Human Services" or my favorite, "Humans are People Too. Michigan Department of Human Services."

Senator Cassis' statement is as follows:

Last night, I'm proud to announce that the Golden Grizzlies of Oakland University beat Alabama A&M 79-69. Officially now, the Golden Grizzlies are in the NCAA tournament. You know, we all know what it's like in life to be underdogs, but, boy, what a powerful statement these Grizzlies have made. They are going on now to take on the No. 1 seed in the nation, the North Carolina Tar Heels, this Friday. We know they can do it. Go GG! Go Golden Grizzlies!

Senator Bishop's statement is as follows:

Just to add to the previous statement. I know that everybody in this room usually recognizes one town in this state as the mecca of basketball in the state of Michigan. While Ann Arbor is always thought to be that mecca of basketball, it turns out that it actually is Rochester Hills, Michigan, in the 12th Senate District. The men's basketball team at

Rochester College won their second back-to-back USCAA men's basketball national championship last month. I wanted to rise and let Coach Garth Pleasant and his team know how proud his community is of him and how proud his state is of him.

And I also wanted to mention that just down the road a little bit that Oakland University in my district, just seven years after Oakland University entered the Division I status, they are now in the tournament, and they pulled off the unthinkable last night winning against Alabama. And they're up against the No. 1 seed North Carolina Tar Heels, kind of an institution in men's basketball. So we wish them the best of luck—Coach Campy and his team—and they are six wins, ladies and gentlemen, away from a national championship.

Senator Cropsey's statement is as follows:

I'd like everybody to take recognition of the fact that on the front of the State Capitol today there's a granite monument that's on the bed of a truck that's gathered a tremendous amount of controversy, and I think it would behoove each one of us to go out there and take a look at it.

I know before session I went by there, and I took a look at the monument. This is the monument that a Supreme Court justice in the state of Alabama, the chief justice, was thrown off the Supreme Court because he dared to stand up to the federal judiciary and say, "In Alabama in our Supreme Court, we want to recognize the Ten Commandments."

Take a look at the monument. On the top of the monument, there's a tablet with the Ten Commandments; around the four sides of the monument are inscriptions that show our heritage as a nation and our reliance upon God. And I took a look at the monument. They had the preamble to the constitution of the state of Alabama, which is very similar to our own state constitution. In our own state constitution, our preamble says this: "We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution."

I am not going to question the patriotism of any federal judge. I'm not going to question the patriotism of the federal judges who told the state of Alabama that they must remove that monument from their Supreme Court building. But I don't need to question their patriotism. I think what they ought to do is, they ought to question their own patriotism, especially in the light of President George Washington.

In the last address that President George Washington gave when he stated that he was not going to run for a third term, President Washington stated toward the end of the address; he made this statement. He said, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity," meaning happiness. "Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?"

I really wish that our judges and our federal courts would once again take a look at George Washington's farewell address where he spoke from the heart and said, "Don't ever let this happen," but yet our federal judges are tearing this vital part of our national fabric out of our national life.

Committee Reports

The Committee on Transportation reported

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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Goschka, Leland and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 15, 2005, at 1:00 p.m., Room 110, Farnum Building

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

Excused: Senator Kuipers

The Committee on Commerce and Labor reported

House Bill No. 4414, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22).

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

House Bill No. 4415, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 26 (MCL 421.26), as amended by 1984 PA 172.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 15, 2005, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Olshove

The Committee on Judiciary reported

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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4054, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1312 (MCL 600.1312), as amended by 2004 PA 12.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 15, 2005, at 1:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Tuesday, March 15, 2005, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Tuesday, March 15, 2005, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Goschka (C), Johnson, Hardiman, Cherry and Prusi

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 15, 2005, at 3:00 p.m., Room 405, Capitol Building

Present: Senators George (C), McManus and Clarke

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, March 17, 9:00 a.m., Room 110, Farnum Building (373-1635)

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)

Capital Outlay - Tuesday, March 22, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

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)

History, Arts, and Libraries - Tuesdays, 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)

Judiciary and Corrections - Tuesday, March 22, 3:00 p.m., Room 810, Farnum Building (373-3760)

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

Banking and Financial Institutions - Thursday, March 17, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, March 17, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services and House Family and Children Services - Thursday, March 17, 1:00 p.m., Room 519, Anderson House Office Building (373-1801)

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)

Technology and Energy - Wednesdays, March 23 and April 13, 3:00 p.m., Room 210, Farnum Building (373-7350)

Transportation, Joint Senate/House - Thursday, March 17, 6:00 p.m., Grand Region MDOT Transportation Service Center, 1420 Front Street, Grand Rapids (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:34 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 17, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate