

No. 6
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, February 2, 2005.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

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

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

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

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

Lord, as we begin today's deliberations, we ask for Your guidance. Grant us wisdom to do good; strength to do right; vision to do more; patience to learn more; and tolerance to accept more. Let this body make good decisions on behalf of those people we endeavor to represent, and may those decisions also please You, Lord.

May we also keep in our hearts and minds those who are serving their fellow man both here and abroad. May they be safe and realize our thanks and support for their great sacrifices. Bless them and bless our leaders, Governor Granholm and President Bush, as they strive to make good decisions.

We ask for safe lands as well as world peace and harmony among all people. May we truly achieve these goals with Your guidance.

We ask these things in the name of Your own Son, Lord. Amen.

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

Motions and Communications

Senator Goschka entered the Senate Chamber.

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

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

Senator Hammerstrom moved that Senator Johnson be temporarily excused from today's session.
The motion prevailed.

Senator Johnson entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

January 31, 2005

Pursuant to MCL 399.1, I am appointing Michael Ranville, 403 S. Cochran, Charlotte, MI 48813 to the Michigan Historical Commission. If you have any questions please call Bill Sullivan in my office at 373-0797.

Respectfully,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received:

Family Independence Agency

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Renewal	Northern Michigan Adoption Program	CP280201328

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Renewal	Chippewa County FIA	CP170201061
Interim	Dickinson County FIA	CP220201095

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal	Mackinac County FIA		CP490201268
Special Investigation Report	Sequoyah Center	2005C0207003	CS470201401

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

January 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Woodland Center	2005C0207001	CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Great Lakes

January 28, 2005

This letter is being sent in compliance with Public Act 156 of the Public Acts of 1989. Section 10(1) of Act 156 requires that a list of grants be submitted annually to the legislature.

The Office of the Great Lakes (OGL) did not release a request for new proposals in 2004 due to funding constraints. Executive Order 2002-22 supplanted \$400,000 general fund from the OGL budget and substituted funding from the Michigan Great Lakes Protection Fund (MGLPF) for OGL administrative costs which has affected subsequent OGL budgets including fiscal year 2004. Therefore, the revenue allocation from the Regional Great Lakes Protection Fund received in spring 2004 provided necessary funding for OGL activity and the legislatively authorized carp barrier. The MGLPF has not provided any new funding for ongoing projects that were previously recommended by the MGLPF Technical Advisory Board.

If you have any questions, please contact Ms. Emily Finnell of my staff at 517-241-7927, or you may contact me.

Sincerely,
Ken DeBeaussaert
Director
517-335-4056

The communication was referred to the Secretary for record.

The following communication was received:
Department of State Police

January 28, 2005

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2004 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please contact the ATPA at (517) 336-6197.

Sincerely,
Tadarial J. Sturdivant
Director

The communication was referred to the Secretary for record.

The following communication was received:
Public Service Commission

January 31, 2005

The enclosed annual report, *Status of Electric Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 10u of 2000 PA 141, MCL 460.10u. This report will be available on the Commission website at www.michigan.gov/mpsc.

Very truly yours,
J. Peter Lark, Chair
Robert Nelson, Commissioner
Laura Chappelle, Commissioner

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

February 1, 2005

Enclosed is a copy of the following audit report:
Performance audit of the Cadillac Local Development Finance Authority.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following official bill was printed on Tuesday, February 1, and is available at the legislative Web site:

Senate Bill No. 137

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

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

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

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

10:17 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

During the recess, Senator Birkholz introduced the Waverly High School Girls Varsity Basketball Team, Class A State Champions, and Head Coach Frank Trotter, and presented them with a Special Tribute.

Coach Trotter and Team Captain Lauren Aitch responded briefly.

During the recess, Senator Brater entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 7

The resolution consent calendar was adopted.

Senators Gilbert, Birkholz, Allen, Jelinek, Hardiman, Van Woerkom, Brown, Hammerstrom, Stamas, Garcia, Olshove, Cherry, Toy, Goschka, Kuipers, Jacobs and Schauer offered the following resolution:

Senate Resolution No. 7.

A resolution designating February 23, 2005, as Rotary Day in Michigan in honor of Rotary International's centennial celebration.

Whereas, The Rotary Club of Chicago was founded on February 23, 1905, when Chicago attorney Paul Harris invited three business associates to a meeting to form a club to share "mutual cooperation and informal friendship such as all of us had once known in our villages"; and

Whereas, By 1921, Rotary Clubs had been formed on six continents, and the name Rotary International was adopted in 1922; and

Whereas, As Rotary International grew, its focus changed from serving the business and professional needs of its members to serving communities in need, as expressed in its motto "Service Above Self"; and

Whereas, The Rotary Foundation, established in 1928, today garners contributions exceeding \$80 million annually to support a range of humanitarian grants and educational programs; and

Whereas, In 1985, Rotary International made a commitment to immunize all of the world's children against polio, and by the centennial of Rotary in 2005, more than \$500 million will have been committed to the eradication of polio; and

Whereas, Rotary International, approaching its 100th Anniversary, consists of 1.2 million members in some 31,000 Rotary clubs in 166 countries, all committed to addressing such problems as environmental degradation, illiteracy, world hunger, and children at risk; now, therefore, be it

Resolved by the Senate, That we hereby designate February 23, 2005, as Rotary Day in Michigan in honor of the numerous and ongoing contributions of Rotary International to communities throughout the world, this nation, and our state; and be it further

Resolved, That a copy of this resolution be transmitted to the president of Rotary International as a token of our congratulations upon this noteworthy occasion.

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

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

Senators Cherry, Barcia, Basham and Jelinek offered the following resolution:

Senate Resolution No. 5.

A resolution to memorialize the Congress of the United States not to impose taxes on credit unions.

Whereas, For nearly a century, and especially since the enactment of the Federal Credit Union Act in 1934, credit unions have filled an important role in the financial needs of millions of American families; and

Whereas, Credit unions, which grew to increased prominence following the collapse of banks in the Great Depression, operate as democratic, one person-one vote, nonprofit entities, with unpaid boards of directors. All excess income is returned to members. These characteristics distinguish credit unions from banks or other types of financial institutions. Because of these clear distinctions from for-profit institutions, credit unions are tax exempt under federal law; and

Whereas, From time to time, proposals to institute a tax on credit unions are discussed. Such proposals, however, ignore the fact that the conditions that govern the activities of credit unions with regard to membership and profit remain in place. Congress has reaffirmed the tax-exempt status on several occasions over the years, including in 1937 and 1951. On those occasions, Congress found that credit unions are institutions organized for mutual purposes and are operating as nonprofit organizations. These characteristics continue to define credit unions; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States not to impose taxes on credit unions; and be it further

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

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 Banking and Financial Institutions.

The motion prevailed.

Senators Cassis, Clark-Coleman, Goschka, Jacobs, Olshove, Prusi, Scott and Switalski were named co-sponsors of the resolution.

Senators Hardiman and Sikkema offered the following resolution:

Senate Resolution No. 6.

A resolution honoring Healthy Marriages Grand Rapids and celebrating February 2005 as Marriage Month in Michigan.

Whereas, It is a great privilege to commend and congratulate the accomplishments of Healthy Marriages Grand Rapids in proactively working to preserve the sanctity of marriage by educating couples on how to build successful marriages; and

Whereas, Marriage is one of our most fundamental institutions, created in ancient sacred creeds, shaped by centuries of experience, reinforced by human nature, and continuing up to the present age to be the foundation of strong families, communities, states, and nations; and

Whereas, Healthy marriages are both the most intimate interpersonal relationships and the most significant public expressions of commitment and stability, and bring strength and beauty to our social and civic lives. This dual nature of marriage is recognized by the personal vows exchanged and by the laws of the state of Michigan; and

Whereas, Research and human experience testify that couples and their children blessed with healthy marriages tend to enjoy better physical, mental, and emotional health; be more financially secure; and attain higher levels of education, employment, and achievement; and

Whereas, Persons in troubled and damaging marriages suffer personally, and many of the expenditures of the state are closely tied to people harmed by failed or never formed marriages. Any long-term strategy for healing this damage, reducing dependency on state social services, and ensuring economic growth must include a strategy for encouraging healthy marriages; and

Whereas, Healthy Marriages Grand Rapids was started in 1997 through private funding and efforts, and was initially developed to educate couples, before they chose to enter into the commitment of marriage, on communicating effectively, resolving differences, managing finances, building strong friendships, nurturing intimacy, and setting high standards of commitment; and

Whereas, Many people have devoted innumerable hours and effort to making Healthy Marriages Grand Rapids successful as this organization helps married couples succeed. These efforts have attracted federal funds and national attention sufficient that the work in Grand Rapids may serve as a national model for those concerned about marriage; and

Whereas, Couples, families, neighborhoods, and the entire Grand Rapids community reap the benefits of successful marriages, and those promoting sound marriages deserve our sincere gratitude, respect, and praise; and

Whereas, This month of February is celebrated as Marriage Month in Michigan, and the Grand Rapids community is truly appreciative of the assistance offered to couples to preserve the sanctity of healthy marriages; now, therefore, be it

Resolved by the Senate, That we hereby dedicate this document in grateful appreciation to Healthy Marriages Grand Rapids for their contributions to strengthening marriages and families in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Healthy Marriages Grand Rapids as a token of our esteem.

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

Senators Allen, Birkholz, Cassis, Garcia, Goschka and Switalski were named co-sponsors of the resolution.

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

Senate Concurrent Resolution No. 5.

A concurrent resolution to memorialize the Congress of the United States to preserve Social Security and to refrain from privatizing any component of this program.

Whereas, Social Security, being the most successful retirement and social insurance program in our country's history, has guaranteed a livelihood for millions of older and disabled Americans, as well as the survivors of a deceased worker; and

Whereas, The Bush Administration's plan to privatize Social Security will result in the dismantling of a stable, guaranteed benefit for our families and cut benefits; and

Whereas, Individuals who have worked their whole lives and paid into Social Security deserve to get something back; and

Whereas, Privatizing Social Security will shackle a stable benefit to the ups and downs of the stock market; and

Whereas, The Bush Administration's rationale for privatizing the Social Security system is based on contradictory projections and incomplete analysis; and

Whereas, Claims of Social Security being in crisis are unverifiable, inaccurate, and misleading; and

Whereas, The well-publicized move to promote the privatization of portions of the Social Security system through individual managed accounts holds numerous serious flaws that cannot be ignored; and

Whereas, In addition to adding dramatically to the nation's crushing debt load, diverting money from Social Security to individualized accounts brings a measure of significant risk to this system that undermines its purpose as a safety net for millions of Americans; and

Whereas, Minor adjustments without privatization can ensure solvency for future generations without entailing the risks of privatization; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to preserve Social Security and to refrain from privatizing any component of this program; and be it further

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

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

Senate Concurrent Resolution No. 3.

A concurrent resolution prescribing the Joint Rules of the Senate and House of Representatives.

(For text of resolution, see Senate Journal No. 2, p. 47.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Leland, Garcia, Clarke, Barcia, Brater, George and Bishop introduced

Senate Bill No. 138, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4706 and 8733 (MCL 600.4706 and 600.8733), section 4706 as added by 1988 PA 104 and section 8733 as amended by 2003 PA 95, and by adding section 2975.

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

Senators Leland, Garcia, Barcia, Clarke, Brater and George introduced

Senate Bill No. 139, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 9 (MCL 205.429), as amended by 2004 PA 474.

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

Senators Leland, Garcia, Clarke, Barcia, Brater and George introduced

Senate Bill No. 140, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 130 (MCL 207.1130).

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

Senators Leland, Garcia, Clarke, Barcia, Brater, George and Bishop introduced

Senate Bill No. 141, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625n (MCL 257.625n), as amended by 1998 PA 349.

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

Senators Leland, Garcia, Clarke, Barcia, Brater, George and Bishop introduced

Senate Bill No. 142, entitled

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

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

Senators Leland, Garcia, Clarke, Brater, George and Bishop introduced

Senate Bill No. 143, entitled

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

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

Senators Brater, Prusi, Thomas, Basham, Clark-Coleman, Schauer, Switalski, Clarke, Scott, Cherry, Jacobs, Leland, Bernero and Emerson introduced

Senate Bill No. 144, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

Senators Brater, Prusi, Thomas, Basham, Clark-Coleman, Schauer, Switalski, Clarke, Scott, Cherry, Jacobs, Leland, Bernero and Emerson introduced

Senate Bill No. 145, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2004 PA 502 and section 315 as amended by 1999 PA 118.

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

Senators Bernero, Prusi, Jacobs, Barcia, Jelinek, Hammerstrom, Patterson, Brown, Hardiman, Switalski, Olshove, Schauer, George, Brater and Emerson introduced

Senate Bill No. 146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

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

Senator Clarke introduced

Senate Bill No. 147, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 113 and 525 (MCL 436.1113 and 436.1525), section 525 as amended by 2004 PA 266, and by adding sections 309 and 311.

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

Senators Toy, Birkholz, Brown, McManus, Hardiman, Garcia, Allen, Goschka, Olshove, Kuipers and Jacobs introduced

Senate Bill No. 148, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811o.

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

Senators Toy, Birkholz, Brown, Basham, Hardiman, McManus, Garcia, Allen, Goschka, Olshove, Kuipers and Jacobs introduced

Senate Bill No. 149, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803e, 803f, 803j, 803k, 803l, 803n, and 803o (MCL 257.803e, 257.803f, 257.803j, 257.803k, 257.803l, 257.803n, and 257.803o), section 803e as amended by 2003 PA 30, section 803f as amended by 1998 PA 68, sections 803j, 803k, 803n, and 803o as amended by 1999 PA 183, and section 803l as amended by 2000 PA 77.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senator Kuipers introduced

Senate Bill No. 150, entitled

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending the title and sections 2, 3, 4, 6, 7, 8, 10, 12, and 13 (MCL 338.2302, 338.2303, 338.2304, 338.2306, 338.2307, 338.2308, 338.2310, 338.2312, and 338.2313), section 3 as amended by 1998 PA 50, and by adding sections 2a, 8a, 8b, 8c, 8d, 8e, 8f, and 8g; and to repeal acts and parts of acts.

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

Senators Brown, Bishop, George, Sanborn and Cropsey introduced

Senate Bill No. 151, entitled

A bill to prohibit certain conduct relating to computer software, including spyware, and the unauthorized collection and use of information from computers; to prescribe the powers and duties of certain state agencies and officers; and to provide remedies.

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

Statements

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

The motion prevailed.

Senator Switalski's statement is as follows:

I rise to pay special tribute to U.S. Marine Lance Corporal Allan Klein, age 34, of Clinton Township, Michigan, who was killed in action in Iraq one week ago near the Jordanian border.

Allan was nearing the end of a 4-year hitch in the Marines. In fact, he was on his last mission in Iraq when the CH53E helicopter he was riding in crashed, killing him and 30 brothers-in-arms. His last mission was to secure the Iraqi border with Jordan for this past Sunday's elections. It was the single deadliest event in the war and the most Marines to die at once since the bombing of the Marine barracks in Lebanon in 1983.

Allan grew up in Roseville, where he attended Wellington Elementary and Eastland Junior High before graduating from Barblec High School in 1988. As a boy, he read avidly about the naval battles of World War II, a war in which his two grandfathers had fought. One fought for Germany; one fought for America. Allan studied engineering at Michigan Tech, but grew restive. His life changed in the aftermath of September 11th.

Allan was a thoughtful, quiet person. After the attack on the Twin Towers of the World Trade Center, he decided to devote his life to something bigger than himself. I imagine many of us were struck with those feelings. But for Allan, it was more than just feelings. He had the courage to act on his beliefs. He quit his job and enlisted in the United States Marines. His mother Rae tried to talk him out of it. She worried about him and wrote, called, and e-mailed him regularly, but Allan was determined. When he was offered a job in the motor pool, he rejected it and asked to serve in the infantry.

He was already 30 years old, but he endured the rigors of boot camp at Parris Island, South Carolina, and trained in basic infantry in North Carolina. He was assigned to the 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force in Hawaii.

He participated in the assault on Fallujah, where he received shrapnel wounds and had seen members of his unit killed and injured. He felt that he had done his duty and looked forward to the day he would leave Iraq. That day was less than a fortnight away.

One final mission remained. His unit was to secure the Iraqi-Jordanian border as part of the effort to maintain order during the January 30th election. Every soldier fears being the last man to die in a conflict or getting killed on your final mission. Allan had a foreboding about it and wrote to his mother. He was ready to come home and get a job and buy a house and start a family. Rae prayed he would return home safely.

Allan Klein's helicopter crashed during a sandstorm in the Iraqi desert, killing all 31 soldiers on board. Allan was the 1,418th soldier to die in the war. His mother, who is a deputy clerk in Roseville, came home from work last Friday afternoon and got the news about her son from two Marines who came to her door.

Allan Klein is survived by his parents, Rae Oldaugh and Manfred Klein; his stepmother, Patricia Klein; his stepfather, Randall Oldaugh; his brother, Kurt; a stepbrother, Christopher Miletich; and a stepsister, Stephanie Lindsay.

Allan Klein gave his life to serve our country. He died in defense of something bigger than himself. We owe a debt to him and all of his comrades who have suffered and died for us.

We, therefore, offer this tribute to the life of Allan Klein and offer our heartfelt condolences to his family in this difficult time.

Senator Scott's statement is as follows:

Today, I have a blueback on my desk that requires the commissioner of the Office of Financial and Insurance Services to review all rates for automobile insurance and not allow an insurer to use rates for automobile insurance until those rates have been approved by the commissioner. Each insurer would be required to file base rates for auto insurance, and those rates would not be approved by the commissioner unless it was actuarially justified based upon the information provided to the commissioner.

I believe that this process will provide an important checks and balances that is now clearly lacking in our current policies and procedures.

I look for your co-sponsorship and support as I bring before you yet another possible solution to address our problems of skyrocketing auto insurance costs.

Senator Hammerstrom's statement is as follows:

This Friday marks the American Heart Association's 2nd annual National Wear Red Day for women. Go Red for Women is a national effort to help raise awareness of heart disease as the No. 1 killer of women.

Cardiovascular disease kills about one woman every minute in the U.S., but only 13 percent of women know that it's their No. 1 health threat. This disease takes the lives of more sisters, mothers, aunts, grandmothers, girlfriends, and wives than the next six leading causes of death, including all cancers.

Michigan spends almost \$12.9 billion annually in costs associated with cardiovascular disease, including heart disease. Nine out of ten Michigan adults have one or more of the major cardiovascular disease risk factors which include high blood pressure, high cholesterol, smoking, overweight, diabetes, and inadequate physical activity.

I invite each of you and your staff to wear red tomorrow and join me in the effort to raise awareness of this deadly disease. I would also like to encourage everyone to wear red on Friday and join in the nationwide fight against heart disease. Together, we can show our support and commitment to keeping Michigan healthy.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 137, entitled

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

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 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, February 1, 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 Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 1, 2005, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Olshove

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, February 3, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations, Joint Senate/House - Thursday, February 10, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Higher Education - Tuesday, February 8, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Banking and Financial Institutions - Thursday, February 3, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, February 3, 2:00 p.m., Room 210, Farnum Building (373-6920)

Technology and Energy - Wednesday, February 9, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:33 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, February 3, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

