

No. 36
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, April 27, 2005.

10:00 a.m.

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

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

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

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

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

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:

“For the expanding grandeur of Creation,
 Worlds known and unknown,
 Galaxies beyond galaxies,
 Filling us with awe and challenging our imagination:
 We give thanks this day.

For this fragile planet earth,
 Its times and tides, its sunsets and seasons:
 We give thanks this day.

For the joy of life, its wonders
 And surprises, its hopes and achievements:
 We give thanks this day.

For our human community,
 Our common past and future hope,
 Our oneness transcending all separation,
 Our capacity to work for peace and justice in the midst of hostility and oppression:
 We give thanks this day.

For high hopes and noble causes, for faith without fanaticism,
 For understanding of views not shared:
 We give thanks this day.

For all who have labored and suffered for a fairer world,
 Who have lived so that others might live in dignity and freedom:
 We give thanks this day.

For human liberty and sacred rites,
 For opportunities to change and grow, to affirm and choose:
 We give thanks this day.

We pray that we may live not by our fears but by our hopes,
 Not by our words but by our deeds.”

— O. Eugene Picket

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

Motions and Communications

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senators Leland and Schauer 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.

10:26 a.m.

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

During the recess, Senator Leland introduced the Michigan Lawmen/Belle Tire Police Softball Club, 2004 National Champions of the National Law Enforcement Tournament, and presented a Special Tribute.

Team Manager Steve Perkola and Don Barnes of Belle Tire Company responded briefly.

During the recess, Senator Schauer introduced the Spring Arbor University Men's Basketball Team, Division I National Christian College Athletic Association National Champions; President Gayle Beebe and Head Coach Ryan Cotingham; and presented a Special Tribute.

President Beebe and Coach Cotingham responded briefly.

During the recess, Senators Johnson, Sikkema and Garcia entered the Senate Chamber.

The following communication was received:

Department of Human Services

April 21, 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>
Special Investigation Report	Adrian Training School	SIR#2004C0212033	CS460200931
Special Investigation Report	Adrian Training School	SIR#2004C0212042	CS460200931
Special Investigation Report	Adrian Training School	SIR#2005C0212001	CS460200931
Special Investigation Report	Adrian Training School	SIR#2005C0212002	CS460200931

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 communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 26:

House Bill Nos. 4366 4528

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, April 26, for her approval the following bills:

Enrolled Senate Bill No. 171 at 3:09 p.m.

Enrolled Senate Bill No. 174 at 3:11 p.m.

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. 332

Senate Bill No. 257

Senate Bill No. 167

Senate Bill No. 371

House Bill No. 4570

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 332, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3103, 3104, 3109, and 3112 (MCL 324.3103, 324.3104, 324.3109, and 324.3112), sections 3103 and 3112 as amended by 2004 PA 91 and section 3104 as amended by 2004 PA 325.

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. 89**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.
 Senators Johnson and Scott moved that they be named co-sponsors of the bill.
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 257, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 531 (MCL 436.1531), as amended by 2004 PA 191.

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. 90**Yeas—38**

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

Nays—0**Excused—0**

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 167, entitled

A bill to provide for occupational regulatory agencies to allow the use of on-line or other electronic continuing education and continuing competency programs under certain circumstances; to provide for certain powers and duties for certain state regulatory agencies; and to provide for the promulgation of rules.

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. 91**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 371, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The question being on the passage of the bill,

Senator Sanborn offered the following substitute:

Substitute (S-2).

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. 92**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4570, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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. 93**Yeas—38**

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

Nays—0**Excused—0**

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Johnson offered the following concurrent resolution:

Senate Concurrent Resolution No. 18.

A concurrent resolution to change the scope of the Macomb Community College Fraser Building Renovation project to the Emergency Services Training Center expansion project and to increase the project cost.

Whereas, Macomb Community College's Fraser Building Renovation project was authorized by 2001 PA 45. To date, no funds have been expended on the authorized Fraser project. Macomb Community College indicates that the aims of the Fraser project will be best fulfilled by changing the scope and location of the project by expanding the Emergency Services Training Center. Expanding this facility will offer numerous advantages in consolidating basic and advanced police, fire, and first responder training programs into a modern, strategically located complex. Modifying the scope and location of the project will allow these activities to take place near the Macomb County Sheriff's Department and the Selfridge Air National Guard Base; and

Whereas, As originally authorized in 2001 PA 45, the project was established at a total project cost of \$6,545,000 (State Building Authority share \$3,272,300, Macomb Community College share \$3,272,500, and state General Fund/General Purpose share \$200). The College finds that the cost of the project as modified as the Emergency Services Training Center project will be \$8,683,000, an increase of \$2,138,000. The College has agreed to assume all of the additional costs; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to modify the scope of the Fraser Building Renovation project to the expansion of the Emergency Services Training Center. We also hereby increase the total authorized cost for the Emergency Services Training Center project to an amount not to exceed \$8,683,000 (State Building Authority share \$3,272,300, Macomb Community College share \$5,410,500, and state General Fund/General Purpose share \$200) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That the Legislature's authorization of this project is contingent upon notification to the Legislature by the Department of Management and Budget that the College has submitted appropriate planning documents to the Department and that the Department has approved them; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Macomb Community College Board of Trustees.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Clarke, Goschka, Jelinek, Olshove, Switalski and Toy were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 8.

A concurrent resolution to urge the United States Nuclear Regulatory Commission to extend the operating license of the Palisades Nuclear Power Plant.

Whereas, The Palisades Nuclear Power Plant is in the process of renewing its operating license. The Palisades Nuclear Power Plant has been generating electricity safely, reliably, and efficiently at its facilities in Covert, Michigan, for 34 years under an operating license issued by the Nuclear Regulatory Commission in 1971. This license will expire in 2011; and

Whereas, The Palisades Nuclear Power Plant is a key electric load-serving entity for Consumers Energy, the second largest electric utility in Michigan, serving 1.75 million electric customers. The Palisades Nuclear Power Plant generates 789 megawatts of electricity, which represents about 18 percent of Consumers Energy's total electric capacity, and is enough to serve a community of 500,000; and

Whereas, In 1996, the Institute of Nuclear Power Operations characterized Palisades' performance as "exemplary." In 2000, Palisades set a plant record for working four years without a lost-time accident and received the National Safety Council's "Industry Leader" award for industrial safety in 1999; and

Whereas, It is vitally important to the citizens of Michigan that the Palisades Nuclear Power Plant continue to operate and generate electricity. The United States Energy Information Administration (EIA) forecasts that electricity demand will increase almost 50 percent over the next 20 years. Nuclear power, which provides about 20 percent of the electricity our nation consumes, is the second-largest source of electricity and is an important component of the national fuel mix. With the EIA expecting no new nuclear power plants to be constructed in the next 20 years, the Palisades Nuclear Power Plant provides electric generating capacity that is crucial to the future of our state and the nation; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Nuclear Regulatory Commission to extend the operating license of the Palisades Nuclear Power Plant; and be it further

Resolved, That copies of this resolution be transmitted to the United States Nuclear Regulatory Commission.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senators Goschka and Jelinek were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 9.

A concurrent resolution to urge the United States Nuclear Regulatory Commission to extend the operating license of the D.C. Cook Nuclear Power Plant.

Whereas, The D.C. Cook Nuclear Power Plant is in the process of renewing its operating license. The Cook Nuclear Plant has been generating electricity safely, reliably, and efficiently at its facilities in Bridgman, Michigan, since 1975 under two operating licenses issued by the Nuclear Regulatory Commission. These licenses will expire in 2014 and 2017; and

Whereas, The Cook Nuclear Plant is a key electric load-serving entity for American Electric Power (AEP), a major energy provider in the Midwest and the nation. The Cook Nuclear Plant generates 2,130 megawatts of electricity, which is enough electricity to meet the industrial, commercial, and residential needs of a city with 1.25 million people. The Cook Nuclear Plant generates electricity 24 hours a day, seven days a week; and

Whereas, The performance of nuclear units in the United States has steadily improved. Since 1997, AEP has invested over a billion dollars to ensure that the Cook Nuclear Plant continues to generate electricity safely, efficiently, and cost-effectively; and

Whereas, It is extremely important to the citizens of Southwest Michigan, the Midwest, and the nation that the D.C. Cook Nuclear Plant continue to operate and generate electricity. The United States Energy Information Administration (EIA) forecasts that electricity demand will increase almost 50 percent over the next 20 years. Nuclear power, which

provides about 20 percent of the electricity our nation consumes, is the second-largest source of electricity and is an important component of the national fuel mix. With the EIA expecting no new nuclear power plants to be constructed in the next 20 years, the Cook Nuclear Plant provides electric generation that is clearly central to the future of our state and the nation; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Nuclear Regulatory Commission to extend the operating license of the D.C. Cook Nuclear Power Plant; and be it further

Resolved, That copies of this resolution be transmitted to the United States Nuclear Regulatory Commission.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senators Goschka and Jelinek were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 433, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3109a and 3114 (MCL 500.3109a and 500.3114), section 3114 as amended by 2002 PA 38.

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

Senators Cropsey, Allen, Toy and Olshove introduced

Senate Bill No. 434, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 9 (MCL 247.909), as amended by 1993 PA 149.

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

Senators Barcia, Prusi and Goschka introduced

Senate Bill No. 435, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 3, 3a, 5, 5b, 5c, 8, 10, 10a, and 11b (MCL 432.103, 432.103a, 432.105, 432.105b, 432.105c, 432.108, 432.110, 432.110a, and 432.111b), section 3 as amended by 1995 PA 275, sections 3a, 5b, 5c, and 11b as added and sections 5, 10, and 10a as amended by 1999 PA 108, and section 8 as amended by 1981 PA 229.

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 McManus, Basham and Goschka introduced

Senate Bill No. 436, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 1, 4, 6, 7, and 10 (MCL 722.711, 722.714, 722.716, 722.717, and 722.720), sections 1 and 6 as amended by 2000 PA 31, section 4 as amended by 1998 PA 113, section 7 as amended by 2004 PA 209, and section 10 as amended by 2001 PA 109.

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

Senators Van Woerkom, George, Jelinek, Gilbert, Prusi, Olshove, Sanborn, Allen, Goschka and Brater introduced

Senate Bill No. 437, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 15 (MCL 388.1615), as amended by 2004 PA 351.

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

House Bill No. 4366, entitled

A bill to repeal 1897 PA 160, entitled "An act to establish a lien upon horses and other animals for the cost of shoeing the same," (MCL 570.351 to 570.363).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

House Bill No. 4528, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2004 PA 458.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Statements

Senators Scott, George, Cropsey, Bernero, Clarke, Patterson, Sikkema and Schauer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Again, today, I rise to read to my fellow colleagues a few narratives that were shared with me through my insurance website. A woman from Bloomfield Hills writes, "I recently moved to West Bloomfield from the Detroit area. My insurance was cut in half from what I was previously paying even though I had an excellent driving record."

A gentleman from Warren writes, "My wife and I own three cars and a motorcycle. We pay for insurance on all even though we only drive two at any one time. We have no other drivers in our house, no children, and we are both over 50 years old. Yet we must pay full coverage on all of the cars even when one is sitting in the garage."

A resident of Detroit writes, "I have checked several insurance companies to purchase insurance for my newly leased vehicle. I received several quotes that were totally unreasonable: \$9,995 for one car; \$4,500 for six months; \$3,700 for six months. When I spoke with an agent, he wanted to know if I lived north of Seven Mile, or south of Seven Mile. I asked if it made a difference with the quote, and he said yes. North of Seven Mile was cheaper than south of Seven Mile. Also I believe it is unfair to use credit scores as how to rate insurance policies. Their tactics are unfair to individuals who may have low credit scores due to circumstances they had no control over, such as layoffs, unemployment, divorce, or loss of a spouse."

As you can see, we have a lot of work to do, so let's get busy, colleagues.

Senator George's statement is as follows:

Mr. President, I rise to discuss an issue that is affecting our state budget and interfering with our ability to fund our state's needs. It is an issue that is affecting business competitiveness and is costing Michigan jobs. I'm talking about health care costs. The cost of health care, in the form of our Medicaid program, is growing so rapidly that we have trouble meeting other obligations. Just look at our budget. The Governor proposes increasing Medicaid funding by almost half a billion dollars. The tremendous growth of Medicaid has forced us to cut our allocations to higher education, local governments, prisons, the arts, and other priorities.

In the private sector, health care adds over \$1,500 to the price of every car manufactured in our state by General Motors. Rising health care costs are the main subject of negotiations between teachers and school boards and between workers and employers. Rising health care costs affect each and every one of us.

Why do they continue to rise? Simply put—it's increased utilization. Our population is aging, we have new medical technology, and Medicaid is covering more and more people. What can we do? We can't stop aging or the advancement of technology. We don't want to kick people off of Medicaid. What we must do is address the public health problems that are creating these costs. Twenty-five percent of health care costs stem directly from unhealthy behaviors, and our state is one of the leaders in unhealthy behaviors. We continue to lead the country in our high rates of smoking, lack of exercise, and poor diets.

The cause of our public health crisis then is not a new strain of influenza. It is not a biological warfare agent, nor is it contaminated water. It is not uncooked meat nor mercury in our fish nor lead in paint or smog in our air. Our rising health care costs result from our unhealthy lifestyles.

What must we do to make Michigan healthier? How do we get our citizens and ourselves to smoke less and exercise more? First, I would like to point out that our educational efforts have failed. We have spent millions of public dollars on Healthy Michigan programs. We have a Surgeon General; we have a fancy website and colorful brochures, all telling the public how to be healthy, but the public is not listening. The public doesn't care. Our educational efforts have failed.

There is an increasing body of evidence, colleagues, that our twin epidemics of smoking and obesity are driven by economic factors. We know, for example, that the most effective anti-smoking program has been our tobacco tax, not education. In recent work out of the University of Chicago, economics show that obesity stems from economic factors.

Most Michiganders enjoy some sort of employer-provided health insurance benefit or are covered by Medicaid. This health insurance, however, is merely a card that you carry in your pocket to be retrieved when you get sick. It does nothing to keep you healthy. The name "health insurance" is just a misnomer. It does not insure health but is simply a payment system.

Today, I am asking for your help colleagues, to help reform Medicaid and our insurance code in a way so that recipients have incentives for healthy behavior. For example, Medicaid and private insurers should be allowed to reward those who maintain healthy lifestyles with rebates or lower co-pays or lower monthly premiums or expanded benefits. Legislation should be enacted encouraging insurance carriers and businesses to provide wellness incentives. We need to remove barriers which hamper an insurance carrier's ability to consider healthy behavior when designing a policy.

So, colleagues, as we work together on the budget over the next few months and as we consider policy initiatives, I invite you to join me in an effort to truly make our state healthier for our citizens.

Senator Cropsey's statement is as follows:

Yesterday the Governor sent out a press release entitled "Granholtm Continues Fight to Protect Children From Violent, Sexually-Explicit Video Games." Having read the Governor's press release, which I believe was released last night, it's obvious that she hadn't heard the testimony that was given in committee yesterday. She hasn't read the case law, and once again, the Governor hasn't done her homework. She's concept rich and content poor.

In testimony yesterday, we heard from an expert witness testimony from a nationally-recognized constitutional law professor, who has testified before legislative committees around the country, who is briefed with federal courts on lawsuits, and also been cited by the courts as an authority on the research linking video violence and youth behavior. In talking about the passive media, or violent videos and films, not video games, he testified, and I quote from yesterday's testimony, "The correlation between media violence and aggression is stronger than that of the failure to use a condom and HIV, secondhand smoke and lung cancer, lead exposure in children and lower IQs, use of the nicotine patch and smoking cessation, calcium intake and bone mass, homework and academic achievement, and asbestos exposure and cancer of the larynx. The acceptance of all these lesser correlations as indicating causation leads to the conclusion that the correlation in the case of the media ought also be considered sufficient to allow society to proceed on the assumption that there is causation."

Going on, this expert, nationally-recognized expert stated this: "It is true that the research on the effects of violent video games has not developed to the point where it matches that of the effects of film or television. Video games, and in particular the violent, first-person shooter games in a realistic graphic environment, are simply too new a medium to match the extensive research on the older media." As he stated, there are over 1,000 studies on the passive media but only about 35 on violent video games.

During the questioning, he agreed that the courts have ruled that they are looking for a solid scientific research foundation to establish a compelling reason for governmental intrusion into the First Amendment area of restraint. He agreed that the Legislature ought to have a record of studies looked at and that the committee should do so.

The substitute bill that was offered by the other party ignored the expert testimony by trashing the 1,000 passive media studies and offering not one study instead. They offered a substitute. We had no real time to analyze or read it, and the other party demanded an immediate vote on a very complex issue. By offering to put the substitute into the penal code, despite a clear ruling that placing this in the penal code is almost an automatic finding of unconstitutionality; and by totally ignoring the expert testimony for the need to build a written record of scientific basis for action. The demanded action was a guaranteed recipe for failure in the courts. This is politics at its worst, saying one thing but doing exactly the opposite.

And relative to passing legislation, now our Governor is out there once again saying, and I quote, "Today I reissue that call. This is not a partisan issue. This is a no-brainer."

No state or local government in the country has successfully crafted a constitutional law, all having been struck down by the courts. The court rulings are numerous and complicated. If this were indeed a no-brainer, we would have done it a long time ago. Senate Bill No. 249, as originally introduced, was blatantly unconstitutional. The Judiciary Committee will take a deliberative approach to a difficult task and develop a good work product, working on legislation to withstand constitutional scrutiny by the federal courts. If people really care about children, they will support our efforts, rather than continually injecting politics into the issue.

By side note, I want to say I respect the sponsor of Senate Bill No. 249, and I have been working with him. But the other politics surrounding this grieves me. As a father, I'm used to cleaning up other people's messes, and I will do that with this issue. I wonder, though, if the Governor is really fighting for our children or if she's just fighting to get re-elected.

Senator Bernero's statement is as follows:

I am in agreement and I am in support of my colleague from Kalamazoo who spoke so eloquently about our health and our ability to really impact our own health by the decisions we make. I want to remind my colleagues, in case you haven't seen it, I want to alert my colleagues that this just in from Arizona. Perhaps you saw the news: "Arizona bans junk food in schools, Governor Janet Napolitano"—I should be able to pronounce it because she is a paisan. Governor Janet Napolitano signed into law Tuesday a ban on the sale of junk food in Arizona's elementary, middle, and junior high schools. The measure is aimed at candy, soft drinks, and other sugary or fatty snacks. It does have an exception for athletic events. The bill was backed by health groups and the state's school superintendent as a way to combat obesity and promote good nutrition.

We have an opportunity to do that. I tell you, my colleagues, there is a wave spreading across the country. There is a new interest and a new commitment to health. People are interested in doing things differently, and we should be on the cutting edge. We, in Michigan, should not be the last on this train of good health. Senator George is exactly right. We can change. We can affect our own health by the decisions we make, what we put in our mouths, and the decisions and the choices that we give to children is important. The state superintendent of public instruction in Arizona called the bill's passage a major achievement for children's health, and I quote, "It's also a victory for parental rights and choice," he said, because most parents teach their children to eat healthy, and they resent it when schools undermine it by having candy bars and sugared sodas. I agree with the school superintendent from Arizona. Parents do resent it. Many parents are unaware, and as they become aware of the absolute garbage that is served to our children, masquerading as lunch, they are incensed by it.

Unfortunately, too often the local school district does not have the courage, does not have the strength, and does not have the wisdom to take the necessary steps to protect our children. It is up to us, my colleagues. Ladies and gentlemen, in this chamber leadership requires that we take action; that we make sure that our children have healthy options and healthy choices in front of them. Unfortunately, they have been failed; our children have been failed at the local level, and health and welfare is something that we should be concerned about. We spend a lot of time in this chamber talking about and worrying about and thinking about health care and the high cost of health care. We have a tremendous opportunity every day that our children go to school to make a difference and to impact their health on a long-term basis. We have an opportunity to impact the rate of sugar diabetes among children, obesity among children, and all the related health consequences that come with obesity. It is an opportunity cost, my colleagues, every day that we allow this to go by. It is an opportunity cost. We are missing the chance. We are missing the boat to impact the next generation of leaders that come out of school, and they come out with bad habits instead of good habits.

We are spending tax dollars anyway, so why not make sure we are spending it on good things and getting them started. There is a proven link between academic performance, good behavior, and good nutrition. We could be performing better. We could help raise those MEAP scores, again, by putting good things and starting our children on healthy habits. Let's not be the last amongst the states to get on the healthy habits band wagon. Let's be in that first batch of states. Michigan is used to being a leader, we have been a leader, and we should continue that role.

I do want to say that I am grateful that I have heard from the distinguished Majority Floor Leader and the chair of the Health Policy Committee that we are going to take this up, that childhood obesity and health is something that we are going to take up. I am very encouraged by that, and I am looking forward to us taking a leadership role in regards to children's health.

Senator Clarke's statement is as follows:

I am not prepared to make remarks, but I will do so at this time. In response to the comments by the esteemed chairman of the Senate Judiciary Committee, he is correct. The expert who testified before his subcommittee yesterday is a renowned expert in the regulation of video games. He's published the definitive review article on that study. He has drafted the briefs in defense of statutes that attempted to regulate video games. And also he is the person who helped me draft the substitute that was adopted. The substitute that was adopted by the Judiciary Committee was drafted in large part by that expert, and I do thank the committee for adopting that. That's why I am certain that our language is clear and it is strong and it will pass the Constitution.

Regarding the evidence, we don't need 1,000 studies to demonstrate that violent video games are not good for our children. The evidence is mounting every day, and I believe that we will have the proof.

I'm a lawyer; so is the chairman of the Judiciary Committee, but this body is not a courtroom. This is the Legislature. We don't need to assemble documents and briefs and studies and bring in experts to testify. We can make a decision based on what we know is right and then draft the legislation and get it enacted into law. If it's challenged and brought to court, then that's when we bring in the experts to do that. I already know that they are available. They have already testified. We don't need to do that now.

I just want to share with you why I introduced this bill and why the Governor is outraged over the delay about it. Many of the schoolage serial killers around this country were obsessive players of violent video games. The Washington area sniper obsessively played violent video games, and that is documented. Here in the state of Michigan in Grand Rapids a group of teenagers copied the violence that they would observe and participate in in a video game

and carried it out in real life to kill an innocent man in Grand Rapids. During the last few months of last year, there was a little girl, seven years old, watching television in her living room on the eastside of the city of Detroit. She was gunned down with a bullet through her chest, shot by a drive-by shooter who had a big dispute with her family regarding Grand Theft Auto: San Andreas, a violent video game.

I don't need any more people to die to know that video games are dangerous to our children. Let's stop all of the arguments and the talking and lip service. That's why the Governor is angry. What parent wants their child to be rewarded for playing a game where their child blows the head off an innocent police officer? What parent wants their child to be entertained by picking up prostitutes, having sex with them, then raping them, and finally, murdering them? What parent wants to do that? Well, if there is a parent in this state who wants to, under my bill, they can go to the video store and buy the game for their child. Stop it. Enough of this nonsense. I'm sick and tired of it. Are there other issues that are important for us to deal with? There are. But these games are corrupting the minds of our children and causing our kids to act aggressively and sometimes violently. And, yes, it's proven that they murdered people because of playing these games.

I don't need a constitutional law expert to tell me that and neither does the Governor. I'm standing here in the defense of the Governor of Michigan. She is a strong leader. She's been balancing this budget without any of you having the courage to raise taxes. You know what? I've known her for years when she was a law clerk for Judge Keith. She's a caring, loving person. She's on this issue because she cares about the future of her children, and we care about the future of the children of Michigan. Let's report this out and pass the bill in the Senate.

Senator Patterson's statement is as follows:

Governor, through you to colleagues, there are those who have suggested that this body act precipitously and without exercising due care and circumspection. They have so espoused passionately. But in so doing, they wish this body to ignore two centuries of legal precedent, carefully interpreting all of the nuances and significance of the United States Constitution First Amendment.

Our charge when we articulate our oath of office, Article 11, Section 1, does not allow us to simply wander forth and pass legislation on its face unconstitutional. The chair of judiciary acted properly in moving this along in a process, and I thank him.

Senator Sikkema's statement is as follows:

I, for one, as a person who has been in this body for seven years now and had previous service of 12 years in the Michigan House, believe it is always important and helpful that we look at good intentions, and we want to try and do something that we do as much as we can to see that those good intentions actually bear some fruit. If anybody suggests that it is a mistake for the Senate Judiciary Committee to hold a hearing or two or three where the intention of that hearing is to craft a piece of legislation that can pass constitutional muster and actually accomplish what people want to be accomplished, I, for one, think that is a good idea.

Now if the intention is different, if the motivation is a headline or if the motivation is grandstanding and there really isn't any desire to reach a good result, then, of course, hearings and work on legislation doesn't really matter. I understand that, and I understand the temptation to do that as you get closer and closer to a particular date in November of 2006.

But let me just give the members one example so they can ponder it a little bit in the next few days as they look at a variety of pieces of legislation. A rule was recently promulgated by one of the state departments to eliminate the practice of credit scoring. Now, in spite of many knowledgeable people questioning whether or not there was statutory authority to promulgate the rule, the administration went ahead and said, "We are going to do this." There was a lot of fanfare and all of that, and I understand. But I will point out that last week a circuit court judge did exactly what a lot of people thought was going to happen—ruled that there was no statutory authority to promulgate the rule.

Now what's accomplished? If that court decision withstands appeals, and you know that is fair—I understand that—but let's just assume for the sake of intellectual argument that it does withstand appeals and the final resolution is that there is no statutory authority and credit scoring has not been banned, well, what's been accomplished in that? Even if you believe you want to ban credit scoring, I would suggest the only thing that's been accomplished is some headlines, some grandstanding, and a lot of expenditures of taxpayers' money, both on the administrative side and in the judicial system.

I hope, frankly, as one Senator, that the Senate Judiciary Committee does look carefully at the issue of violent video games and whether children have access to them and what's the right way to restrict that access—that actually becomes law and survives a constitutional challenge—because then we can translate our good intentions to actual action and accomplishment.

Senator Schauer's statement is as follows:

I rise to thank and introduce to you an intern who is spending her last day in my office. Lindsey Hutchinson is a graduate of Lakeview High School in Battle Creek. She is finishing her sophomore year at James Madison College at

Michigan State University. This summer she is leaving for Cambridge for a four-week study. We are very grateful for all that she has done for our constituents and the people of Michigan. I would ask you to join me in thanking her for her work in the Michigan Senate.

Committee Reports

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 195, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12411 and 12431 (MCL 333.12411 and 333.12431).

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.

Gerald Van Woerkom

Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Brater and Thomas

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 Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, April 21, 2005, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

The Committee on Commerce and Labor reported

Senate Bill No. 341, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8395 (MCL 600.8395).

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, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

Senate Bill No. 342, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 252a.

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, Schauer and Olshove

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, April 26, 2005, at 3:00 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 26, 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, April 26, 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 Judiciary and Corrections submitted the following:

Meeting held on Tuesday, April 26, 2005, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, April 28, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Thursday, April 28, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Capital Outlay - Thursday, April 28, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Community Colleges - Wednesday, May 11, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Thursdays, May 5, 1:00 p.m., Room 810, Farnum Building; May 12, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; May 19, 2:30 p.m., Rooms 402 and 403, Capitol Building; and June 2, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Tuesdays, May 10, May 17, May 24 and May 31, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Family Independence Agency - Wednesday, May 4, 8:30 a.m., Room 210, Farnum Building (373-1801)

Higher Education - Fridays, April 29, 10:00 a.m., University of Michigan-Dearborn, Henry Ford Estate, Music Room, 4901 Evergreen Road, Dearborn; May 6, 10:00 a.m., Grand Valley State University, Kirkhof Center, 2nd Floor, Pere Marquette Room, 1 Campus Drive, Allendale; May 13, 10:00 a.m., Northwood University, NADA Education Center, 4000 Whiting Drive, Midland; and May 20, 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street at Summit Street, Ypsilanti (373-1760)

History, Arts, and Libraries - Thursday, April 28, 11:00 a.m. or later immediately following session, Room 405, Capitol Building (373-0793)

K-12, School Aid, Education - Thursday, April 28, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesdays, May 4, May 11, May 18, May 25 and June 1, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

State Police and Military Affairs - Wednesday, May 4, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Banking and Financial Institutions - Thursday, April 28, 12:00 noon, Radisson Hotel, Regency Room, 111 N. Grand Avenue, Lansing (373-2417)

Education - Thursday, April 28, 2:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, April 28, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:13 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, April 28, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate