

**No. 104**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Wednesday, December 1, 2004.

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

Reverend Joyce Wallace of Scott Memorial United Methodist Church of Detroit offered the following invocation:

Most gracious and loving Creator, thou who art the purveyor of righteousness, the source of wisdom, and the example of peace: Hear us as we seek Your presence this morning. Forgive us our shortcomings and shortsightedness, our sins of commission and omission and enable us to do the same for others. We give You thanks for opportunities to serve and for the members and staff of this Senate and the House of Representatives who dedicate their time, energy, and expertise to provide our state with sensitive, well-informed legislative leadership.

We ask, O powerful One, that You guide each of these members and all others who will take an active part in this day's proceedings. Gift them with open ears that the various viewpoints might be heard accurately. Open eyes that some merits might be seen in each side of the matters before them. Open minds that each alternative might be carefully weighed, creative solutions sought, and the most beneficial resolutions determined, particularly as they relate to public education and the state economy. Most importantly, we ask that they deliberate with open hearts so that decisions are made with compassion and a true sense of what is right and just for the most people of this state.

And then, O merciful One, when the work for the day is completed, may there be a sense of positive collective accomplishment, personal peace, and hope for a more promising tomorrow. Then bless each person within the sound of my voice according to their personal needs and the plans You have for their lives and work. And for this we will be careful to give You all praise, honor, glory, and thanks.

In the name of the One we hold most sacred we pray. And the people who are of one accord say, "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 Senator Olshove be excused from today's session.  
The motion prevailed.

Senator Hammerstrom moved that Senators Brown, Garcia and George be temporarily excused from today's session.  
The motion prevailed.

Senator Brown entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Cassis 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 10:09 a.m.

10:21 a.m.

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

During the recess, Senators Cassis and Cropsey introduced the family of fallen Marine Lance Corporal Justin Ellsworth and presented them with a Special Tribute.

Mr. Ellsworth, father of the deceased, responded briefly.

### **Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:22 a.m.

10:41 a.m.

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

During the recess, Senators George and Garcia entered the Senate Chamber.

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

**Senate Bill No. 40, 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.

On which motion Senator Hammerstrom moved that the previous question be ordered.

The motion prevailed.

The question being on the motion to discharge,

The motion did not prevail, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 819**

**Yeas—15**

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

**Nays—22**

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

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

**Protest**

Senator Cropsey, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Government Operations from further consideration of Senate Bill No. 40.

Senator Cropsey’s statement is as follows:

I voted “no” to discharge the committee for a couple of reasons. First of all, this type of legislation should go through the normal committee process. When we start dealing with the election of people, when we start dealing with the votes of people, any decisions that we make can have repercussions that we need to be very careful in looking at. I am in

support of making the voting process easier. I believe I will be in support of making the voting process a no-reason absentee vote. I think that it is probably a good idea. I would like to see that happen at this time, but frankly, I've not heard all the arguments on every issue that could come before this Legislature.

I served on the State Board of Canvassers. I don't think there is another member of this body who has served in that body of the State Board of Canvassers where we kept checking to make sure the elections were fair, that the recounts were correctly done, and to oversee the elections division to make sure that everything was done in an honest, unbiased fashion.

One of the things I think we need to look at when we look at our whole election process is not only making the franchise easier for people to vote, but also making sure that there is integrity in the system. That needs to be looked at in this whole thing. Let me give you an example. Everybody knows this last election was a hotly contested election all across the United States. There were huge drives on by both parties, by all parties, to make sure that everybody who might vote their way were registered to vote. Unfortunately, some people went out and collected what they said were voter registration signatures, but it turned out that they were fraudulent, PIRGIM being a key one in this process. I ask, those people who have collected fraudulent signatures to try and influence the election with fraudulent votes, where has the prosecution been on those people? We need to make sure that our election process has sterling integrity. This is one of the issues that we need to look at as we look at the whole election process.

One of the key things that need to be done is to make sure that people who fraudulently use the process are prosecuted to the fullest extent of the law and that these termites in the framework of our constitutional republic are brought to justice. These people, frankly, should be prosecuted. They should be prosecuted for a felony, and right now I don't know if it is even a felony or just a misdemeanor, but they should be prosecuted for a felony. These termites should be put where they ought to be put, and that is in a prison cell for a lengthy period of time because they are in the process of undermining our free society. That's one of the key things I would like to see happen in this whole situation as we look at our election process—not only making it easier for people who have the legitimate right to vote, but also making it much tougher for people who would pervert the process. For that reason, I voted “no” on this issue.

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

The motion prevailed.

Senator Brater's statement is as follows:

Why now? Equal access to democracy can't wait. The discharge of this bill from committee is a logical and practical move for many reasons. First, in a legislature that has struggled to find common ground, the no-reason absentee ballot issue is undeniably bipartisan, introduced by the Republican Floor Leader. The bill has 18 co-sponsors that include nine Democrats and nine Republicans.

In addition, no-reason absentee voting has received support over the years from both sides of the aisle with several bills introduced by both parties. For example, my colleague Senator Leland introduced such legislation when he served in the House and subsequently introduced similar legislation during every Senate session since. There are many other long-time supporters like him, and there are many recent converts who now recognize the value of such legislation. With the bipartisan support that this legislation has, let us come together to make voting accessible and available to all Michigan residents. Again, equal access to democracy can't wait.

Senator Leland's statement is as follows:

As my colleague from Ann Arbor just pointed out, this issue clearly has bipartisan support, and there is a simple reality we all must accept. If we do not act today, another election will come and go without all of our citizens having the opportunity to participate.

If we do not act today, the House will not have time to address this issue before the end of the legislative session. So, once again, we will have to start back at the beginning of the process. Even if the issue is put on the fast track in the next legislative session, we will be hard-pressed to complete legislative work and get the bill on the Governor's desk before municipal and school elections begin in the spring.

Waiting until next session also means putting a last-minute burden on all of our election clerks across the state. Sometime shortly before 2005 elections are to be held, we will change the rules. The men and women who oversee our elections deserve appropriate time to train staff, design new procedures, and educate their local voters. Making this change at the last minute will only threaten to dispute the election process.

So let's not wait. We all agree. Let's do something to help the voters of Michigan before the end of this legislative session.

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

**House Bill No. 6230**

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 30:  
**House Bill Nos. 5078 5408 5668 5746 5747 5748 5749 5750 5751 5752 5753 5754 5756 5757 5758**

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 1:  
**House Bill Nos. 5233 5755 5759 5760 5761 6338**

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:  
**House Bill No. 4868**  
**House Bill No. 6172**  
**House Bill No. 5657**  
**House Bill No. 5550**  
**House Bill No. 5832**  
**House Bill No. 5971**  
**House Bill No. 4450**  
**House Bill No. 5544**  
The motion prevailed.

The following bill was read a third time:  
**House Bill No. 4868, entitled**

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

The question being on the passage of the bill,

Senator Toy offered the following amendment:

1. Amend page 5, line 5, after "damages" by striking out the balance of the line through "greater." on line 6 and inserting "or \$250.00, whichever is greater."

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

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

**Roll Call No. 820**

**Yeas—24**

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

**Nays—13**

Barcia	Clark-Coleman	Jacobs	Schauer
Bernero	Clarke	Leland	Scott
Brater	Emerson	Prusi	Thomas
Cherry			

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,  
 Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.  
 The motion prevailed.

The following bill was read a third time:

**House Bill No. 6172, 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 2002 PA 119.

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. 821****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to

provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5657, entitled**

A bill to amend 1992 PA 116, entitled “Records media act,” by amending the title and section 1 (MCL 24.401) and by adding section 4.

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. 822**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**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 designate and regulate certain records media; and to prescribe the powers and duties of certain governmental entities and officials.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5550, entitled**

A bill to amend 1992 PA 116, entitled "Records media act," by amending section 2 (MCL 24.402), as amended by 2001 PA 72, and by adding section 5.

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. 823**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**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 designate and regulate certain records media; and to prescribe the powers and duties of certain governmental entities and officials,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5832, entitled**

A bill to amend 1881 PA 187, entitled "An act in relation to the form of deeds and mortgages of real estate and to the form of the acknowledgments of the same," by amending section 4 (MCL 565.154).

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. 824**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer



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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5971, entitled**

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending section 7 (MCL 691.1407), as amended by 2000 PA 318.

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. 825**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4450, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803b (MCL 257.803b), as amended by 2003 PA 152.

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. 826**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**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 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:

**House Bill No. 5544, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2003 PA 152.

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. 827**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**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 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.

By unanimous consent the Senate returned to consideration of the following bill:

**House Bill No. 4868, entitled**

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

(This bill was read a third time earlier today, amendment adopted and consideration postponed. See p. 2273.)

The question being on the passage of the bill,

Senator Garcia moved that further consideration of the bill be postponed for today.

The motion prevailed.

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 Birkholz 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 bill:

**House Bill No. 5656, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 237c.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 6101, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in Branch county and Berrien county; to prescribe conditions for the conveyances; and to provide for disposition of the revenue from the conveyances.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

**House Bill No. 5415, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 4 (MCL 207.554), as amended by 1999 PA 140.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 4, line 2, after “**district**” by inserting “**as determined by the tax records in the office of the assessor or the treasurer of the local tax collecting unit in which the property is located**”.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5645, entitled**

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 91 (MCL 53.91).  
Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 8, after "~~responsible.~~" by striking out the balance of the line through "~~deeds.~~" on line 2 of page 2 and inserting "**a deputy or deputies, 1 of whom shall serve as the chief deputy. The register shall employ personnel necessary to perform the functions and duties of the office of register of deeds. The number of employees shall be approved by the county board of commissioners.**".

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1193, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2003 PA 236 and section 17b as amended by 2000 PA 297.  
Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following bill:

**Senate Bill No. 1485, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the bill be referred to the Committee on Commerce and Labor.

The motion prevailed.

By unanimous consent the Senate returned to the order of

#### **Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**Senate Bill No. 1193**

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

The following bill was read a third time:

**Senate Bill No. 1193, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

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. 828****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

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

**House Bill No. 4206**

**Senate Bill No. 797**

The motion prevailed.

**Senate Bill No. 753, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5474a; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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.

**Senate Bill No. 757, entitled**

A bill to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for

the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 5475a.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-2) and ordered that the bill be given immediate effect.

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

**Senate Bill No. 1386, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2917a.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1387, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2953a.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1453, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

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 amended the title to read as follows:

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), section 6 as amended by 2004 PA 16 and section 8a as amended by 2002 PA 587.

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Schauer and Jacobs introduced

**Senate Bill No. 1486, entitled**

A bill to grant employment rights to certain volunteers; to prohibit certain conduct by employers; and to provide remedies.

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

Senators Schauer, Jacobs and Cherry introduced

**Senate Bill No. 1487, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625a, 625c, 625d, 625e, and 625f (MCL 257.625a, 257.625c, 257.625d, 257.625e, and 257.625f), sections 625a, 625c, and 625f as amended by 2003 PA 61, section 625d as amended by 1994 PA 211, and section 625e as amended by 1991 PA 104, and by adding section 306a.

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

Senator Schauer introduced

**Senate Bill No. 1488, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7303a, 7311, 16221, 16226, 17708, 17751, and 17766 (MCL 333.7303a, 333.7311, 333.16221, 333.16226, 333.17708, 333.17751, and 333.17766), section 7303a as added by 1993 PA 305, section 7311 as amended by 1993 PA 80, sections 16221 and 16226 as amended by 2004 PA 214, sections 17708 and 17751 as amended by 1997 PA 153, and section 17766 as amended by 2004 PA 329, and by adding section 17713.

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

**House Bill No. 5078, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

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 Health Policy.

**House Bill No. 5233, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 165.

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 Health Policy.

**House Bill No. 5408, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 183A.

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 Health Policy.

**House Bill No. 5668, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2, 8, 9, and 11 (MCL 205.422, 205.428, 205.429, and 205.431), sections 2, 8, and 9 as amended by 1997 PA 187.

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 Commerce and Labor.

**House Bill No. 5746, entitled**

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts.

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 Banking and Financial Institutions.



**House Bill No. 5747, entitled**

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 19 (MCL 390.1439).

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 Banking and Financial Institutions.

**House Bill No. 5748, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as amended by 2002 PA 124 and section 411j as amended by 2002 PA 136.

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 Banking and Financial Institutions.

**House Bill No. 5749, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142.

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 Banking and Financial Institutions.

**House Bill No. 5750, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 PA 106.

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 Banking and Financial Institutions.

**House Bill No. 5751, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

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 Banking and Financial Institutions.

**House Bill No. 5752, entitled**

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 8 (MCL 450.228), as amended by 1998 PA 48.

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 Banking and Financial Institutions.

**House Bill No. 5753, entitled**

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 2002 PA 302.

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 Banking and Financial Institutions.

**House Bill No. 5754, entitled**

A bill to amend 1994 PA 160, entitled "Credit services protection act," by amending section 2 (MCL 445.1822).

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 Banking and Financial Institutions.

**House Bill No. 5755, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a, 2, and 29 (MCL 445.1651a, 445.1652, and 445.1679), section 1a as amended by 2002 PA 391, section 2 as amended by 2002 PA 4, and section 29 as amended by 1996 PA 210.

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 Banking and Financial Institutions.

**House Bill No. 5756, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 20 (MCL 445.920).

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 Banking and Financial Institutions.

**House Bill No. 5757, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

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 Banking and Financial Institutions.

**House Bill No. 5758, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

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 Banking and Financial Institutions.

**House Bill No. 5759, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 23 (MCL 125.2023), as amended by 2002 PA 556.

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 Banking and Financial Institutions.

**House Bill No. 5760, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2000 PA 307.

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 Banking and Financial Institutions.

**House Bill No. 5761, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14j of chapter XVII (MCL 777.14j), as added by 2002 PA 29.

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 Banking and Financial Institutions.

**House Bill No. 6338, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and

police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,” by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

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 Commerce and Labor.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 72**

The motion prevailed.

Senator Schauer moved that Senator Thomas be temporarily excused from the balance of today’s session.

The motion prevailed.

Senator Schauer moved that Senator Leland be excused from the balance of today’s session.

The motion prevailed.

Senator Thomas entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 72, entitled**

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

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. 829**

**Yeas—26**

Allen	Cassis	Hardiman	Sanborn
Barcia	Cherry	Jelinek	Schauer
Basham	Cropsey	Kuipers	Sikkema
Bernero	Garcia	McManus	Stamas
Birkholz	George	Patterson	Toy
Bishop	Gilbert	Prusi	Van Woerkom
Brown	Goschka		

**Nays—8**

Brater	Hammerstrom	Johnson	Switalski
Clark-Coleman	Jacobs	Scott	Thomas

**Excused—2**

Leland	Olshove
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**Not Voting—2**

Clarke

Emerson

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 72 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

I rise in opposition to this bill. Although it sounds sort of like a good idea, when you look at it, I really think we are putting the cart before the horse again. I really firmly believe, and I’ve spoken on the floor about this before, that we really need to be using our time and our resources to prevent unwanted pregnancies, particularly at the college level. I see us kind of getting our priorities shifted in the wrong way with the passage of this bill.

I would ask my colleagues next year to join together with all the different interest groups to see what we can really do to prevent unwanted pregnancies in Michigan.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators George, Scott, Schauer, Brater, Cropsey, Jacobs and Bernero 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 wanted to use my statement for the purposes of an introduction today. You will recall that yesterday and again this morning, we heard tributes given for two of the state’s soldiers who had fallen in the line of duty in Iraq. Today we are joined by a special guest from my district who has recently returned from service in Iraq, and I want to tell you a little bit about her.

Her name is Ms. Kristi Gruizenga, and she is a U.S. State Department specialist. She is a personal friend of mine and a friend of my family. She is a graduate of Kalamazoo Christian High School and Western Michigan University. She previously worked as a legislative staffer here. In fact, a true testament to her bravery and courage is that she worked in Speaker Perricone’s office. Two years ago, she began work for the State Department and took an initial assignment in the Ukraine. When the call came for volunteers among State Department employees who were willing to help with the reconstruction in Iraq, never shy and always eager for a challenge, Kristi stepped forward.

Kristi served in Iraq for nearly nine months. As part of the diplomatic corp, her duties involved working with newly-appointed Iraqi government officials, women Iraqi government officials—teaching them about the responsibilities and opportunities in a democracy, helping them interact with the public, and preparing them for the day when they would hold their own elections.

As part of the diplomatic corp, Kristi was assigned quarters in the Green Zone, a protected area in Baghdad where civilians and embassy officials live and work. In an attempt to keep the occupants of the Green Zone safe, the entrances are tightly controlled. The Iraqis who daily go in and out of the Green Zone to work with the Americans there—as vendors, interpreters, contractors, or government officials—place themselves and their families at risk, and several have been assassinated.

In a news report in June, Kristi was quoted as saying about her charges, “These Iraqi women are so brave, so smart and well-educated, so motivated. They know they’re making themselves targets for terrorists, but it doesn’t faze them. This shows that the Iraqi people are taking ownership of their country.”

Now in mid-October, Kristi was scheduled to complete her nine-month stint and return to her previous assignment in the Ukraine. Two days before her planned departure, she and several of her friends were shopping within the Green Zone. That afternoon, suicide bombers had somehow entered the Green Zone. Two bombs were detonated, one at a

bazaar, killing four of Kristi's colleagues who were shopping for gifts for her going away party. Another bomb struck at a café where Kristi was waiting with another of her friends. She and her friend survived, but both were injured.

Kristi said afterwards, "I was knocked to the ground and have injuries. I cannot walk on my legs. They are hurt by cuts and shrapnel wounds. My eardrum has been punctured, and it will likely take surgery to get my hearing back. I will heal, however. I made it out alive due to the grace of God. Please pray for the healing of my wounds and especially pray for the friends and families of those we lost today. Please pray for peace in this land for the Iraqi people that I have learned to love."

Ladies and gentlemen, colleagues and guests, Kristi Gruizenga is a true hero for the work she has done and the sacrifices she has made on our nation's behalf and on behalf of the Iraqi people. Please join me in welcoming Kristi, one of Michigan's heroes, back to Lansing.

Senator Scott's statement is as follows:

To continue from where I left off yesterday, I would like to again reiterate my strong support and appreciation to Detroit's police chief for her direction and her understanding of the significant hardship the residents of Detroit are faced with in having to pay ridiculously high auto insurance rates. The new policy being implemented in the city, whereby citizens will be required to report auto theft in person, will soon help to decrease the number of fraudulent reports and should help to bring down insurance costs. I welcome any and all strategies and policies that will help to bring some relief to the taxpayers of Michigan.

In keeping with this same theme, I would like to bring to the attention of my colleagues that a recent story in *CNN Money* magazine reports that the state of California has six of the top ten cities with the highest car theft rates in the country. Contrary to what many may believe, in comparison to other urban areas around the country, Detroit's auto thefts have been on the decline, which is good news for the city of Detroit and the state of Michigan.

I remain confident and optimistic that through a combined effort of members in the industry, state and local officials, as well as this highly esteemed administration, a solution will be found. And that, Mr. President, will make me extremely pleased and happy.

Senator Scott moved that the statement she made on November 30 be re-printed in its entirety in today's Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I rise with a heavier heart today because of the death of a seven-year-old girl on the eastside of Detroit and a colleague for the city of Detroit, City Councilwoman Kay Everett. I wear my hat today to honor her, and I give condolences to both those families.

Many of you may have read yesterday's editorial in the *Detroit Free Press* on the subject—none other than—costly urban insurance rates. Every day we read about skyrocketing insurance costs, as they continue to be the focus of many newspaper and magazine reports. I am hopeful that this will help to reaffirm that this is not just an issue of importance to me, but one that is certainly at the forefront of many, many concerned citizens in the state of Michigan.

When I left for break, I asked each and every one of you to go talk to your constituents and see if they were having some problems with their insurance rates. I didn't hear from any of you. I don't know whether you did or not. I hope you did. I know that the cost is rising all over, but it's truly, truly predominate in the city of Detroit and the surrounding zip codes. Just yesterday I spoke to one of my former staff persons who said that he went looking for a car, was either going to purchase a 2004 or 2005, and found out that his insurance rates were going to be \$7,000 for a 2004 and over \$7,000 for a 2005. That is truly ludicrous. So he used to live in Okemos, and he told me that he is thinking about moving back to Okemos because there his insurance would only be \$2,000. That is the disparity.

Yesterday's editorial discussed a new policy change being implemented by the Detroit Police Department that will require a person to report an auto theft in person to a police officer, rather than the old process of taking auto theft reports over the phone. Requiring an individual to come into a police station to report a theft in person will help to decrease the number of deceptive reports, which on an annual basis, half are estimated to be fake or fraudulent claims.

I applaud the Detroit police chief for her leadership and vision in helping to combat rising auto insurance costs, which, as the article alluded to, it said it can amount to \$4,000, but you just heard what I quoted you, a year or more for some drivers in the city of Detroit. I am encouraged each time that I read or hear about the efforts of others, as I know that it will take the commitment and work of many to really resolve this problem and help to bring reasonable insurance rates to the citizens of Detroit and this state. So I will continue to fight here in Lansing and will continue to ask my colleagues for their support.

Over the break, I attended the National Order of Women Legislators, and insurance was one of our committees. I talked about the insurance rates here. They could not believe it. They were stunned that my constituents are paying those kind of rates. So I would hope that my colleagues will deal with this, just as I hope that we will deal with these guns. I've had bills since I came to the Legislature, but I can't get anyone to take them up, just like I can't get the insurance bills to be taken up. So I'm asking for your support again.

Senator Schauer's statement is as follows:

Today I moved to discharge Senate Bill No. 40 from committee, a bill to allow no-reason absentee voting. Sadly, on a strict party-line vote, this bill was prevented from being acted upon. My motion was not to put members on record because there is already a record roll call on this very issue through various amendments, but rather with the clock ticking for this session year, it was an attempt to move the bill and get the bill through this chamber, through the House, and to the Governor's desk so she could sign it into law.

Senate Bill No. 40, and there are a number of bills on this issue, but Senate Bill No. 40 was introduced on January 22, 2003, nearly two years ago, yet it has never had a hearing. Senator Cropsey spoke during discussion on the discharge motion and talked about how this should go through the committee process. Well, the committee has had nearly two years to take up this issue and has not even held a single hearing. Senator Cropsey also talked about fraud and sort of this bogeyman of voter fraud. The *Lansing State Journal* on November 8 contained a statement from the sponsor of this bill that talked about the state's qualified voter file, which is a database of voter information and future technology. The quote is that "this takes away a lot of those arguments" about voter fraud. The bill sponsor went on further to say "anything that we can do to make it easier for people to vote, I think we should do."

The prime sponsor, of course, is Senator Hammerstrom, who is part of the Republican leadership team, so apparently, this issue of no-reason absentee voting isn't a priority for the majority party.

Senate Bill No. 40 has nine Democratic co-sponsors and nine Republican co-sponsors. That says to me that the votes are there to pass this bill, yet sadly, it will die apparently a slow death in committee. Our Secretary of State who oversees all elections in our state supports this bill. Many editorial boards around the state of newspapers have endorsed this issue in this legislation. They include the *Battle Creek Enquirer*, *The Detroit News*, the *Grand Rapids Press*, the *Jackson Citizen Patriot*, the *Kalamazoo Gazette*, the *Lansing State Journal*, *Petosky News Review*, *Port Huron Times Herald*, *Traverse City Record Eagle*, and I probably missed a few that you may know about in your community.

We just had an election where voters waited for hours to vote, and this bill would reduce that problem. Next year there will be an election in the largest city of our state. Mr. President and colleagues, what are we waiting for? The majority party's action today killed this bill. Based upon our session schedule, since we apparently aren't acting this week, it will be impossible for the House to pass it this year, preventing this important issue from becoming law.

Well, the curtain has been pulled back on this issue, the way I see it. It's, Mr. President and colleagues, disappointing and at the same time revealing that an issue that had an appearance of bipartisan support—an issue to empower voters and open up the voting process—has been killed by this chamber today. I guess when it comes to maintaining a cumbersome absentee voting process, the status quo is acceptable to a majority in this chamber. I and my fellow Democratic colleagues in this chamber happen to disagree.

Senator Brater's statement is as follows:

Mr. President and colleagues, I also rise to address the issue of absentee voting in Michigan. We should make sure every citizen has every opportunity to exercise the right to vote in Michigan. Several bills, including my own Senate Bill No. 1405, allowing no-reason absentee voting, are currently languishing in Senate committees. We heard earlier in debate today that we need to be careful not to encourage election fraud. That is true, but there is very little history of election fraud in Michigan. On the other hand, there is much evidence that hard-working citizens in Michigan often miss the chance to vote because of the overly difficult requirements for obtaining an absentee ballot.

Long lines on Election Day deter people from voting. This past Election Day, as I was entering the polling place, I encountered a woman who was about to leave without voting. She had two small children in the stroller and another one at her side. She said that she didn't have time to wait for an hour to vote. There is no excuse listed on the absentee ballot application to meet this situation of having small children and not being able to wait long times in line on Election Day.

In every campaign I have also encountered citizens who tell me that they do not expect to be able to vote on Election Day because of long working hours. They may not literally be absent from their community on Election Day, thus qualifying them for an absentee ballot. Since they do not literally meet the requirements and do not wish to be untruthful on the ballot application, they don't apply for an absentee ballot and they fail to vote or they miss their opportunity to vote, I should say. This meticulously law-abiding citizen who does not wish to state a false reason on the absentee ballot is much more commonplace than the fraud that was alleged by my colleague from the 33rd District earlier in debate today.

There are numerous law-abiding citizens who refrain from getting an absentee ballot because they do not conform with any of the narrow qualifying guidelines. Earlier in the debate today, we were told that we could not discharge Senate Bill No. 40 from committee because we do not know all the arguments. The bill has been in committee for this entire session. There was ample time to study the issue. It is time to act to give Michigan citizens the same access to absentee ballots that citizens have in 26 states.

Senator Cropsey's statement is as follows:

I appreciate the opportunity to address this issue a second time. Fraud is not just a bogeyman. In our elections process, the first and foremost thing you must have is integrity in the system. We should be proud of the integrity that we have in the current system. Does that mean that there are improvements that can't be made? No. There are improvements that should be made.

I believe that it was the Democratic county clerk here in this county who was concerned about fraud in the election system in this last election. Now I find it interesting that after the election, the other party comes forward and says, "We want to do this and we want to do it now," knowing full well that it can't make it through the process or hardly make it through the process, both this house and the next house seeing it is this house's bill. Where were they months ago when they were saying we want this, we want this, we want this, we want this, demanding to have a hearing on this? Your timing shows tremendous hypocrisy, and if you are serious about this, then let's be serious about it and let's address the issue of fraud. Let's address the issue of poll watchers; let's address the issue of who should be allowed at the polls to be the poll watcher and who shouldn't be. I find it interesting also—it didn't happen in this state that I know of—but in another state you had a Democratic governor who took things into court in the state of Pennsylvania and really disenfranchised several of the service men and women who couldn't get their absentee ballots back in on time.

These are the types of things we really do need to look at, instead of coming in at the last minute, and in this case, after the election and saying we have to do it now. Well, we have time before the next election to do it and do it right, not slapdash in the dark of a lame-duck session and saying we are doing something for the people, when we know full well we do have time before the next election to do something if something is warranted. That's where my anger comes in on this—the timing of this is so political, and it's very obvious that the other side of the aisle is being very political on this and trying to gain a few sound bites from the press, and frankly, I don't buy it. If you are serious, let's be serious and do it through the normal committee process.

Senator Jacobs' statement is as follows:

With all due respect to my good friend and neighbor, the Senator from the 33rd District, in discussing the timing of this discharge, I think we have to not forget that the minority party is not in charge of the committee process. The majority party is, and we are at their beck and call, so to speak, at the mercy of the majority party in terms of having legislative hearings. What we did today on the floor was something that needed to be done, and it's not political. If we did this before the election, I could understand why people would think this would be political because we would be trying to get more people to be taking part in the process. All of us today, and I am sure that the folks in the majority party as well, have talked to people who were so frustrated by the long lines and the inability to vote easily.

So I would really ask the majority party to be serious about their desire to have reform, that we want to work with you, but you are in charge of the process. We need your cooperation if we are going to make real reform possible, election reform possible, in Michigan.

Senator Bernero's statement is as follows:

With all due respect to my colleague from the 33rd District, he invoked the name of my good friend and distinguished county clerk of Ingham County, Mike Bryanton, and I want to make sure everybody knows, for the record, there couldn't be a stronger supporter and advocate for no-reason absentee than Mike Bryanton. Mike Bryanton has been advocating for this for years and has written articles in the paper, has talked to citizens, and has worked through the clerks' association. He is a firm, strong believer; he was quoted recently in the paper as saying it's a no-brainer that we need no-reason absentee, that this Legislature should act and implement no-reason absentee. I don't want anyone to be confused and think that our clerk here in Ingham County is opposed to this concept; he is very much an advocate.

As far as the timing being political, what's not political here? Come on, really, what's not political? We're in the realm of the political, but we are trying to get things done for our constituents and every election year, in terms of the timing, every election year. Senator Brater is exactly correct, and I got the same thing. I had a guy come to my office, a trucker, and very solemnly he didn't know what to do. He wanted my opinion as to whether he could legally vote absentee. He said, "I teach my kids to be honest, meticulously honest. I'm trying to teach my kids and raise them right. How can I say that I expect to be out of town? I don't expect to be, but I may be. In trucking, sometimes I can't get back; I get caught in traffic, so do I go ahead and fill this out? Is it legal or is it not legal? I expect to be here, but traffic may delay me because I drive a truck. It's one of these technical things, a semantic thing. I expect to be there. Wouldn't it be easier to say that I choose to vote absentee? I may be out of town; I may be; it's more convenient for me."

I waited in line an hour and a half to vote this time. I understand that in some parts of the state that some people waited in line three and a half hours. Some people don't have that luxury.

Any time is the right time to do the right thing. This, very simply, is the right thing to do. We've been talking about this since I got here. We were talking about this in the House. I served in the House with many of you, and we brought

up the issue then. We offered amendments and we offered bills, so don't tell me we're doing this as political; it's election. We've been doing it and we're going to be back again and again because we think it is the right thing to do. My mom always said any time is the right time to do the right thing. So we can do it right now. You don't have to wait; you can do it before the election; you can do it after the election. The point is, it is a needed reform if you are serious about encouraging voting.

I'm one of those who wants everyone to vote. My nephews didn't vote the way I voted. They called me up. They weren't voting the same way I was in this last election. I didn't tell them don't vote. I want people to vote. I want to encourage people of all ages to vote and facilitate that. You don't just have to vote my way. We should be about, in this democracy—the greatest democracy in the world—promoting the franchise of voting.

So, no, in response to one thing the good Senator said. It's not about encouraging people who are going to vote my way, not at all. I think we need to open up the process. I never asked that truck driver if he was voting Democrat or Republican. In my view, he has an absolute right to vote and that person waiting in line to vote, whether they are going to vote Democrat or Republican, has an absolute right to vote unfettered. The guy in front of me, we had plenty of time to talk, wasn't voting my way in the election, but I absolutely wanted him to vote. I would never do anything to discourage him from voting. I think that is what we need to be about, Democrat and Republican, coming together and paving the way and facilitating people exercising their franchise and exercising their right to vote. If we don't stand for that, then what do we stand for in this country and this state?

### Committee Reports

The Committee on Transportation reported

**House Bill No. 5920, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 8 (MCL 207.218), as amended by 1996 PA 584.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: Senators Leland and Basham

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, November 30, 2004, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

**Senate Resolution No. 304.**

A resolution to urge the Department of Community Health to extend its moratorium on transferring forensic mental health patients to local facilities and on issuing ground passes until public safety measures are fully established and to work with the state's courts to address this issue.

(For text of resolution, see Senate Journal No. 102, p. 2236.)

With the recommendation that the resolution be adopted.

Alan L. Cropsey  
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.



The Committee on Judiciary reported

**House Bill No. 6226, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 303d (MCL 600.303d), as added by 1993 PA 190.

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, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 6310, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2000 PA 46.

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, November 30, 2004, 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, November 30, 2004, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers and Schauer

Excused: Senators McManus and Olshove

#### Scheduled Meetings

##### Appropriations -

###### Subcommittees -

**Capital Outlay** - Thursday, December 2, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Family Independence Agency, Joint** - Thursday, December 2, 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1801)

**Banking and Financial Institutions** - Thursday, December 2, 12:00 noon, Room 100, Farnum Building (373-2417)

**Commerce and Labor** - Thursday, December 2, 9:00 a.m., Room 210, Farnum Building (373-2413)

**Economic Development, Small Business and Regulatory Reform** - Thursday, December 2, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-7670)

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

**Local, Urban and State Affairs** - Thursday, December 2, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 12:24 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, December 2, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate