

No. 28  
STATE OF MICHIGAN  
**Journal of the Senate**

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REGULAR SESSION OF 2005

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Senate Chamber, Lansing, Thursday, March 24, 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—excused

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 Hansen Clarke of the 1st District offered the following invocation:

Dear Lord, please bless us with the ability to receive Your Spirit so that we may do Your will and always Your will every day. Amen.

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

### Motions and Communications

Senator Brown entered the Senate Chamber.

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

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

Senator Hammerstrom moved that Senator Cropsy be excused from today's session. He is attending the funeral of a soldier who served in Iraq.  
The motion prevailed.

Senators Goschka and Thomas entered the Senate Chamber.

Senators George 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 want to start by pointing out that in a week some legislation that this chamber worked very hard on last session will take effect. That is the Kevin's Law package of bills that we passed. I want to publicly thank my colleague Senator Bernero for his suggestion that we work together on this four or so years ago. I want to thank my other colleagues Senators Patterson, Jacobs, and Hammerstrom for their hard work on this package.

Just to refresh the chamber's mind, the package will bring three significant changes to Michigan's mental health laws. It will make it easier to commit individuals who are severely mentally ill. It lengthens the commitment period, and it provides for outpatient care to those who are committed.

This package was prompted by a tragedy that occurred in my district. It was the death of a young man, Kevin Heisinger. We are joined today by his family. I will be introducing them in a moment. I just wanted to say a couple of words about Kevin Heisinger, whose death prompted our action. He was a young man who was visiting Michigan. He was interviewing at the University of Michigan School of Social Work. He was interested in pursuing a career where he would use his life to help the disadvantaged, the homeless, and the mentally ill. This package of bills is a fitting tribute to him because it will help us to accomplish that. I know that we would all like to say that when we leave the Legislature, we would like to say that our legacy has been that we've helped other people. Kevin Heisinger has done that. Through his death, he has prompted our action which will bring better treatment to the mentally ill, and hopefully, will prevent tragedies like occurred with his death.

I would like to introduce his family. They are in the east Gallery. His father is here. The family is from Missouri, by the way, and they traveled to Michigan. They were very active in helping us to bring these bills forward. They testified regarding the issue. They include his father, Charlie Heisinger; his mother, Kimberly McKenna; his stepmother, Francine Heisinger; and a friend of the family, Betty Jackson who came from Missouri; then another family friend, Doug Shapiro.

I would ask my colleagues to welcome them to the Senate and thank them for their work on behalf of Kevin's Law.

Senator Bernero's statement is as follows:

My colleagues, you did a major thing when you adopted the Kevin's Law package. It was the end of a long struggle on our part to change the mental health code in Michigan and make it easier to get help to people who desperately needed it, really, people with the most severe forms of mental illness, where they are robbed of their ability to make decisions to take their medicine. Of course, what we had was a tragedy when we saw exactly what could happen. We've seen it in different parts of Michigan. It happened to be Kevin's death in Kalamazoo that really galvanized action. I'm grateful to Senator George, Senator Hammerstrom, Senator Jacobs, Senator Patterson, and to all of you for taking

action, for saying that we need to do better in Michigan. I think that this is a great step in the right direction. I'm grateful to the Heisinger family for sticking with it, for sticking with us through all of this, four years of advocacy we started in the House. I just have to say how gratifying it is. This is a testament of what we can do when we work together. I'm so gratified to have formed a partnership and friendship with Senator George that started in the House when we talked about our mutual interest in improving mental health. I think we can do great things together.

I don't think we are done. I'm not going to give a long speech, really. But I don't think we're done with the mental health system. I think this is a great advance, but I just want to alert my colleagues that there is more to be done. There are issues that are taking effect in Senator Barcia's district. We have issues about the forensic center and discharges that are happening from NGRI and IST. It happens to be in his district, and it could be in your district where somebody would end up. We have more work to do. This is a great advance. I thank you for your attention to it and your support.

I just want to mention that in addition to the family's advocacy, I know Dr. Frederick Frees, I think, is with us. He's a board member representing the Treatment Advocacy Center from Washington, D.C. They were instrumental from the beginning. Ann Bonovich, represents NAMI in Michigan from Kalamazoo, the National Alliance for the Mentally Ill. They have been stalwart supporters. Mark Reinstein from the Mental Health Association, they have been strong and consistent supporters who have worked through this. Kathleen Gross from the Michigan Psychiatric Society, they have been there every step of the way.

You know, Mr. President and my colleagues, you know the painstaking work when you get into something as detailed as the mental health code and all of the different legal issues that are entailed. There was a lot of good hard work on a bipartisan basis that went into it. I just thank all of you for your efforts.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 235**

**House Bill No. 4308**

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 23:

**House Bill Nos. 4065 4186**

The Secretary announced that the following official bills were printed on Wednesday, March 23, and are available at the legislative Web site:

**Senate Bill Nos. 332 333 334 335**

**House Bill Nos. 4526 4527 4528 4529 4530 4531 4532 4533 4534 4535 4536 4537 4538 4539  
4540 4541**

### Messages from the Governor

The following messages from the Governor were received and read:

March 23, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111:

#### **Controlled Substances Advisory Commission**

Ms. Margherita P. Clark, R.N., M.S.N., of 3637 South Francis Road, St. Johns, Michigan 48879, county of Clinton, succeeding Cynthia A. Phillips, whose term has expired, representing the Michigan Board of Nursing, for a term commencing March 23, 2005 and expiring August 30, 2005.

Ms. Rhonda J. Hennessy, D.D.S., of 39488 Village Run Drive, Northville, Michigan 48167, county of Wayne, succeeding Ashraf Maher, whose term has expired, representing the Michigan Board of Dentistry, for a term commencing March 23, 2005 and expiring August 30, 2005.

Ms. Suhair Farida, R.Ph., of 7053 Timberview Trail, West Bloomfield, Michigan 48322, county of Oakland, succeeding Steven W. Durst, whose term has expired, representing the Michigan Board of Pharmacy, for a term commencing March 23, 2005 and expiring August 30, 2005.

Mr. Charles L. Blanchard of 5718 Wood Valley Drive, Haslett, Michigan 48840, county of Ingham, succeeding Edward L. Ervin, whose term has expired, representing pharmaceutical manufacturers, for a term commencing March 23, 2005 and expiring August 30, 2005.

Mr. James D. Grant, M.D., of 1574 Sodon Lake Drive, Bloomfield Hills, Michigan 48302, county of Oakland, reappointed to represent the Michigan Board of Medicine, for a term expiring August 30, 2005.

March 23, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 4 of 1973 PA 196, MCL 15.344:

**Board of Ethics**

Mr. Milo "Mike" Pumford, a Republican, of 8521 South Lakeside Drive, Newaygo, Michigan 49337, county of Newaygo, succeeding Leonard C. Wolfe, whose term has expired, for a term commencing March 23, 2005 and expiring February 7, 2009.

Mr. John D. Pirich, a Democrat, of 6431 Oakencliffe Lane, East Lansing, Michigan 48823, county of Ingham, reappointed for a term expiring February 7, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

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 Prusi 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 with a substitute therefor, the following bill:

**House Bill No. 4308, entitled**

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

Substitute (S-1).

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

1. Amend page 73, following line 11, by inserting:

"Sec. 502. It is the intent of the legislature that neither the management services contract nor the lease for the Michigan youth correctional facility in Baldwin shall be cancelled prior to October 1, 2005."

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.

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:

**House Bill No. 4308**

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

The following bill was read a third time:

**House Bill No. 4308, entitled**

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

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. 58****Yeas—36**

Allen  
Barcia  
Basham

Cherry  
Clark-Coleman  
Clarke

Hardiman  
Jacobs  
Jelinek

Sanborn  
Schauer  
Scott

Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom

**Nays—1**

Patterson

**Excused—1**

Cropsey

**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.

By unanimous consent the Senate returned 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 Prusi 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. 4413, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 (MCL 770.16), as added by 2000 PA 402.

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:

**Senate Bill No. 235, entitled**

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

Substitute (S-1).

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 following bill was read a third time:

**House Bill No. 4413, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16 (MCL 770.16), as added by 2000 PA 402.

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. 60**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Cropsey

**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:

**Senate Bill No. 199, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 1021 (MCL 436.2021), as amended by 2002 PA 725.

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. 61**

**Yeas—36**

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

**Nays—1**

Toy

**Excused—1**

Cropsey

**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. 282, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 9115a and 9115b.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 2, line 7, after “**STATE**” by inserting “**OR 500 FEET FROM A STORM DRAIN INLET**”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Brater offered the following amendment:

1. Amend page 2, line 13, after “**STATE**” by inserting “**OR 500 FEET FROM A STORM DRAIN INLET**”.

The amendment was not adopted, 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 amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 62**

**Yeas—16**

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

**Nays—21**

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

**Excused—1**

Cropsey

**Not Voting—0**

In The Chair: President

**Protest**

Senator Patterson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Brater to Senate Bill No. 282.

Senator Patterson’s statement is as follows:

I understand the spirit and intent of the previous speaker and her amendment. Unfortunately, I think this is one of the situations where the law would allow for local ordinances to tailor-make, for specific instances, the appropriate protections for our natural resources. Five hundred feet, under certain circumstances, might be very excessive and under other circumstances, it might be arbitrary and capriciously low. If we leave this to the locals, which was originally intended, we can come up with a tailor-made situation for each instance.

The question being on the passage of the bill,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

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

**Senate Bill No. 282, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 9115a and 9115b.

(This bill was read a third time earlier today, amendments not adopted and consideration postponed. See p. 362.)

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. 63**

**Yeas—22**

Allen	Garcia	Jelinek	Sanborn
Barcia	George	Johnson	Sikkema

Birkholz  
Bishop  
Brown  
Cassis

Gilbert  
Goschka  
Hammerstrom  
Hardiman

Kuipers  
McManus  
Patterson

Stamas  
Toy  
Van Woerkom

**Nays—15**

Basham  
Bernero  
Brater  
Cherry

Clark-Coleman  
Clarke  
Emerson  
Jacobs

Leland  
Olshove  
Prusi  
Schauer

Scott  
Switalski  
Thomas

**Excused—1**

Cropsey

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Concurrent Resolution No. 8**

**Senate Concurrent Resolution No. 9**

**Senate Concurrent Resolution No. 10**

**Senate Concurrent Resolution No. 11**

The motion prevailed.

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

**Senate Resolution No. 19**

**Senate Resolution No. 20**

The resolution consent calendar was adopted.

Senator Patterson offered the following resolution:

**Senate Resolution No. 19.**

A resolution commemorating March 2005 as Red Cross Month in Michigan.

Whereas, The American Red Cross, founded in 1881 and guided by the principles of compassion, courage, character, and civic duty, has continually served the needs of Michigan residents as well as individuals in need worldwide; and

Whereas, The American Red Cross is uniquely chartered by the United States Congress to act in times of need by providing assistance to persons afflicted by local, state, national, or international disasters, as well as to assist American military personnel and their families; and

Whereas, The American Red Cross distributes about 80 percent of the blood and blood products used by Michigan residents during medical procedures and biomedical operations; and

Whereas, Increased demands and declining donors are creating critical needs for citizens to donate blood, to the point where nonessential surgeries may have to be restricted by Michigan hospitals; and

Whereas, In today's new world of terrorism and threats to homeland security, the American Red Cross is urging all Americans to protect themselves through its "Together We Prepare" program, which includes five actions each citizen should take: Make a Plan, Build a Kit, Get Trained, Volunteer, and Give Blood; and

Whereas, Security preparation efforts include training school teachers, coaches, businesses, and individuals to respond to first aid and safety concerns; now, therefore, be it

Resolved by the Senate, That we hereby proclaim March 2005 as American Red Cross Month in Michigan. Accordingly, we support this organization’s noble and humanitarian mission by asking each Michigan citizen to participate in blood drives throughout this year; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Chapter of the American Red Cross.

Senators Barcia, Basham, Bishop, Brown, Cassis, Cherry, Garcia, Goschka, Hardiman, Jacobs, Jelinek, Kuipers, Olshove, Schauer, Switalski, Toy and Van Woerkom were named co-sponsors of the resolution.

Senator Scott offered the following resolution:

**Senate Resolution No. 20.**

A resolution recognizing April 16-21, 2005, as Nonviolence Week in the state of Michigan.

Whereas, A world without abuse and violence is a dream we all share; and

Whereas, Any form of mistreatment of another is abuse, and all people have the moral and legal right to live free of abuse and violence; and

Whereas, We are inspired by individuals such as Mahatma Gandhi and Martin Luther King, Jr., who led some of history’s major nonviolent movements, and we vividly recall the stirring remarks of Martin Luther King who said: “The choice is not between violence and nonviolence but between nonviolence and nonexistence”; and

Whereas, Creating a culture of peace, nonviolence, and prosperity begins from within each of us; and

Whereas, We are proud to play host to the 7th Annual Global Nonviolence Conference to be held this year in Detroit, Michigan, April 16-21, 2005; and

Whereas, The primary goal of the conference is to institutionalize nonviolence by mobilizing, educating, and training leaders in nonviolence conflict reconciliation and assisting them with implementing nonviolence strategies in their respective communities; and

Whereas, This has proven effective in addressing problems such as aggressive behavior, violence, and other human/race relations problems in homes, schools, police departments, churches, workplaces, and the community at large; and

Whereas, We, together with communities from around the globe, recognize the need for a unified front as an effective tool and a key piece of the puzzle in promoting abuse and violence prevention education; now, therefore, be it

Resolved by the Senate, That we hereby recognize April 16-21, 2005, as Nonviolence Week and express our support for the proactive leadership of the Michigan Institute for Nonviolence Education in the fight against violence in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Institute for Nonviolence Education as honorary co-chair of the 7th Annual Global Nonviolence Conference.

**Senate Concurrent Resolution No. 15.**

A concurrent resolution to reappoint Thomas H. McTavish, C.P.A., as Auditor General.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 64**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Cropsey

**Not Voting—0**

In The Chair: President

Senators Barcia, Basham, Birkholz, Bishop, Brater, Brown, Cassis, Cherry, Clark-Coleman, Clarke, Garcia, George, Goschka, Hammerstrom, Hardiman, Jacobs, Jelinek, Johnson, Kuipers, Leland, McManus, Olshove, Patterson, Prusi, Schauer, Scott, Switalski, Thomas and Van Woerkom were named co-sponsors of the concurrent resolution.

**Senate Concurrent Resolution No. 13.**

A concurrent resolution to increase the total project cost of the General Campus Renovations project at St. Clair Community College.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 65****Yeas—37**

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

**Nays—0****Excused—1**

Cropsey

**Not Voting—0**

In The Chair: President

Senators Birkholz and Switalski were named co-sponsors of the concurrent resolution.

**House Concurrent Resolution No. 7.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Thursday, March 24, 2005, they stand adjourned until Tuesday, April 12, 2005.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.202, the concurrent resolution be laid over one day, Senator Hammerstrom moved that the rule be suspended. The motion prevailed, a majority of the members serving voting therefor. The concurrent resolution was adopted.

### Introduction and Referral of Bills

Senator Van Woerkom introduced

**Senate Bill No. 345, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 672a. The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Birkholz, Bernero, Barcia, McManus, Clarke and Brater introduced

**Senate Bill No. 346, entitled**

A bill to designate an official bird of this state.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Toy, Cassis, Jelinek, Barcia, Kuipers, Garcia and Birkholz introduced

**Senate Bill No. 347, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 21a.

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

Senators Cassis, Toy, Barcia, Kuipers and Garcia introduced

**Senate Bill No. 348, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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

Senators Patterson, Jelinek, Garcia, Allen, Brown, Hardiman, Birkholz, Goschka, Gilbert and Kuipers introduced

**Senate Bill No. 349, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811m.

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

Senators Garcia, Gilbert and Kuipers introduced

**Senate Bill No. 350, entitled**

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending sections 2 and 10a of article V (MCL 479.2 and 479.10a), section 2 of article V as amended by 1996 PA 76 and section 10a of article V as amended by 1993 PA 352, and by adding article I-A; and to repeal acts and parts of acts.

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

Senators Hammerstrom, Leland, Kuipers, Garcia, Jacobs, Bernero, Scott, Cherry, Birkholz, Barcia, Schauer, Switalski, Stamas, Clark-Coleman and Clarke introduced

**Senate Bill No. 351, 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 16322 and part 165.

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

Senators Hardiman, Patterson, Garcia, Birkholz, Allen, Cropsey, Hammerstrom, Sikkema, Kuipers, Stamas and Jelinek introduced

**Senate Bill No. 352, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, 17752, and 17763 (MCL 333.17708, 333.17751, 333.17752, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536, and by adding section 17753.

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

Senators Gilbert, Van Woerkom, Brown, Allen, McManus and Garcia introduced

**Senate Bill No. 353, entitled**

A bill to operate certain programs in the Michigan strategic fund; and to impose certain duties and responsibilities on certain state employees and public employees.

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

Senators Toy, Garcia, Birkholz, Hardiman, Gilbert, Bishop, Sanborn, Allen, Cropsey, Goschka, Hammerstrom, Sikkema, Kuipers, Johnson and Jelinek introduced

**Senate Bill No. 354, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 14.

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 Hardiman, Patterson, Garcia, Birkholz, Allen, Gilbert, Bishop, Sanborn, Toy, Cropsey, Goschka, Hammerstrom, Sikkema, Kuipers and Jelinek introduced

**Senate Bill No. 355, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 23 (MCL 325.1023).

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 Patterson, Barcia, Kuipers, Birkholz, Cassis, Gilbert, Johnson, McManus, Van Woerkom, Brown, Bishop, Sanborn and Allen introduced

**Senate Bill No. 356, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397, and by adding section 5309a.

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 Stamas, Van Woerkom, Allen, McManus, Gilbert, Birkholz, Barcia, Jelinek, Hardiman, Brown, Bishop, Sanborn, Garcia, Goschka, Hammerstrom, Sikkema, Kuipers and Johnson introduced

**Senate Bill No. 357, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c.

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 Hardiman, Garcia, Patterson, Birkholz, Allen, Gilbert, Van Woerkom, Brown, Bishop, Sanborn, Toy, George, Cropsey, Goschka, Hammerstrom, Sikkema, Kuipers and Jelinek introduced

**Senate Bill No. 358, entitled**

A bill to create and provide for the operation of the life science investment authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

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

Senators Garcia and Hardiman introduced

**Senate Bill No. 359, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding chapter 7A. The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

**House Bill No. 4065, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

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 Finance.

**House Bill No. 4186, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

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

The motion prevailed.

Senator Basham's statement is as follows:

We have sort of good news and bad news to announce today. A member of my staff, Bradley Williams, will be leaving the office. This will probably be his last session day as a legislative aide for my office. That's the bad news. The good news is that he'll be working with the Democratic policy staff in this body. That is the good news.

Brad is well-known for his quick wit, his attention to detail, and probably best known in this chamber for his bright bow ties. Could we please give him a round of applause?

Senator Thomas' statement is as follows:

Mr. President, yesterday the Legislature began its deliberations on the Governor's single business tax restructuring proposal, a plan that will completely modernize Michigan's tax code. The testimony at the hearing was very interesting by our State Treasurer Jay Rising, and so was the questioning. It was brought up by the majority party, in questioning, that there is a seeming belief that the Big 3, our state's largest employers and taxpayers, are somehow dinosaurs in Michigan's new economy. I was very troubled by that and hope to, over the next couple of weeks, speak to the economic impact that the Big 3 and large manufacturers have on the state.

I would hope that my colleagues would give some thought as we consider these future tax discussions over the coming weeks and months—that there is nothing wrong for standing up for Michigan-based employers, Michigan-based manufacturers, because they have built and will continue to drive Michigan's economy into the 21st century.

Senator Scott's statement is as follows:

Well, as we break now for the Easter season, I wish each and everyone a wonderful break. During this holy season, I hope that we will all reflect on always the least of these and why we are here and what Easter truly means. I hope that while we are out, hopefully, the workgroup has done enough work and will continue to do their work, and when we come back, we can look at how we restructure insurance so that it will be affordable for everyone.

I wish everyone a Happy Easter.

Senator Bishop's statement is as follows:

Members, recently OFIS appeared before the Banking and Financial Institutions Committee to report on the state of home and auto insurance rates in Michigan. The information was enlightening and thought-provoking and I thought worthy of transmitting to all of the members here today. But before I discuss those hard facts, I just want to reiterate

that I deeply respect the passion of those members of this body who speak on this issue. In fact, I think that it impassions defense of one's core beliefs is to be expected, if not admired. Oftentimes, however, we resort to the wrong things. I think that shameless, meritless arguments and accusations are not going to get us any form of rate relief. If that is what we are really after, that is what we are going to get. It is counterproductive and destructive. There comes a time when you have to back up your rhetoric with facts.

To illustrate this point, you need only consider some of the statements that have been made on this floor—accusations of disenfranchising citizens. On another occasion, we were advised of the enormous inequity that currently exists in auto and homeowners insurance costs in this state. We were even informed that due to our inaction on insurance rates in Detroit that we were complicit in a new form of slavery. We've also heard on a daily basis wild accusations of redlining and discrimination running rampant in the city of Detroit; allegations that if they had been true would merit an immediate response from our state OFIS director, yet heretofore, nothing has happened. There has been no such review of these allegations. Why not? Why not you ask, this is OFIS No. 1 most important responsibility, to monitor the insurance market and make sure no such activity exists. It's a responsibility that I know this commissioner takes very seriously. I know because I've talked to her about it. She's so serious about it that she ordered a data call. She is interested in investigating the competitiveness of the market.

Now the results are in. After more than 14 months of collecting data and number-crunching, the commissioner announced that despite all the allegations to the contrary, for the most part, Michigan insurance markets, even in the city of Detroit, are competitive and even robust.

So what is driving up the rates in our urban areas and, for example, even in Detroit? Let's be honest. Rates reflect risk, and there are a number of indisputable, relevant facts to therefore consider. For example, in the city of Detroit, claims in the city of Detroit average 20 percent higher than the rest of the state. The average loss claim in Detroit is \$1,700 higher than the rest of the state. Loss ratios in the city of Detroit are 16.4 percent higher than the rest of this state. Liability loss ratios in Detroit are an astronomical 126 percent, and the physical damage loss ratio in Detroit is 102 percent. These are the driving forces behind Detroit's insurance rates. No amount of rhetoric, no amount of politicking will change these facts.

If you truly want rate relief, you've got to pull all this aside and get to the true facts and be honest. As we do that, we can't rely on simplistic, symbolic, quick fixes which ultimately stand in the way of progress. For example, if you truly believe in rate relief and if you truly believe that we need to bring premiums down in this state, you cannot take away premium discounts such as just happened in the rulemaking process with credit scores. That one little tweak to the system was offered as a solution to the problem, but in fact, will have an end affect of raising premiums to the majority of the ratepayers in this state. Similarly, if you truly believe in rate relief and reducing premiums, you do not suggest doubling the tax on insurance companies because we all know that that will come down and we'll all pay that in the end.

Asking the important questions is very important. I think that it is important that we talk about this because we do have a group together that is taking concerted effort to look at this, and I think that in time you will find that when this group reports, we will have the issues outlined and some recommendations.

Mr. President and members of this distinguished chamber, I wish you a safe and happy holiday. Godspeed in your journeys across this country, and I look forward to coming back to engage in a passionate and very worthwhile and meaningful debate on this subject.

### Committee Reports

The Committee on Appropriations reported  
**Senate Bill No. 235, entitled**

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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.

Shirley Johnson  
Chairperson

## To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 4308, entitled**

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

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.

Shirley Johnson  
Chairperson

## To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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 Appropriations submitted the following:

Meeting held on Wednesday, March 23, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

## COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, March 23, 2005, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Gilbert, Clark-Coleman and Olshove

Excused: Senator Stamas

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 23, 2005, at 1:05 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, Thomas and Brater

Excused: Senator McManus

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Wednesday, March 23, 2005, at 2:45 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

## COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, March 23, 2005, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Leland and Bernero

Excused: Senator Olshove

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Agriculture** - Thursdays, April 14, 2:30 p.m. and April 21, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

**Commerce, Labor and Economic Development** - Wednesdays, April 13, April 20 and April 27, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**Family Independence Agency** - Tuesday, April 12, 3:00 p.m., Room 810, Farnum Building and Thursday, April 14, 2:00 p.m., Room 100, Farnum Building (373-1801)

**General Government** - Tuesdays, April 12, April 19 and April 26, 1:00 p.m., Room 810, Farnum Building (373-2420)

**History, Arts, and Libraries** - Monday, April 11, 5:00 p.m., Kalamazoo (location to be announced) and Tuesday, April 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

**State Police and Military Affairs** - Thursdays, April 14, 1:00 p.m. and April 21, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

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

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

**Transportation, Joint Senate/House** - Monday, March 28, 5:30 p.m., Brighton City Hall, 200 N. First Street, Brighton (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:24 a.m.

Pursuant to House Concurrent Resolution No. 7, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, April 12, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate