

No. 44
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, May 17, 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—excused
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Senator Kenneth R. Sikkema of the 28th District offered the following invocation:

Lord, as this new day and this new week begins, we are filled with hope and promise. We know that those feelings will be challenged throughout the day and throughout the week. We ask for strength and perseverance to maintain a sense of optimism. We also ask for wisdom as we go about our business representing the people of this state. We thank You for giving us this opportunity, but it is also a responsibility. Help us to exercise that responsibility to the best of our abilities.

Finally, Lord, we ask for an extra measure of grace for any of the members and their families who are struggling with personal issues such as health. Be with them through the decisions that they need to make.

This and more we ask in Your name. Amen.

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

Motions and Communications

Senators Goschka and Schauer entered the Senate Chamber.

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

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

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

The following communications were received and read:

Office of the Auditor General

May 12, 2005

Enclosed is a copy of the following audit report:

Performance audit of Interdepartmental Billings and Selected Service Delivery Evaluation Efforts, Department of Information Technology.

May 12, 2005

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of State for the period October 1, 2002 through September 30, 2004.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, May 12:
House Bill No. 4638

The Secretary announced the enrollment printing and presentation to the Governor on Monday, May 16, for her approval the following bill:
Enrolled Senate Bill No. 69 at 11:45 a.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, May 12, and are available at the legislative website:

Senate Bill Nos.	489	490	491	492	493	494	495	496	498
House Bill Nos.	4769	4770	4771	4772	4773	4774	4775	4776	4777
House Joint Resolution			J						

The Secretary announced that the following official bills were printed on Friday, May 13, and are available at the legislative website:

Senate Bill Nos.	497	499									
House Bill Nos.	4778	4779	4780	4781	4782	4783	4784	4785	4786	4787	4788

By unanimous consent the Senate proceeded 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. 306

The motion prevailed.

Senator Cassis entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 306, entitled

A bill to authorize the department of management and budget to convey certain parcels of state owned property in Eaton county; to prescribe conditions for the conveyances; to provide for certain powers and duties of the department of management and budget in implementing those conveyances; to provide for disposition of revenue derived from the conveyances; 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. 148

Yeas—36

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

Nays—0

Excused—2

Barcia	Brater
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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
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 bills:

Senate Bill No. 205, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1523.

House Bill No. 4603, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109).

The bills were 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. 310, entitled

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

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

Senate Bill No. 161, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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 a substitute therefor, the following bill:

Senate Bill No. 366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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.

Senator Barcia entered the Senate Chamber.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 500, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Birkholz introduced

Senate Bill No. 501, entitled

A bill to repeal enacting section 5 of 1999 PA 123; 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 Finance.

Senator Birkholz introduced

Senate Bill No. 502, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

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

Senators Hammerstrom and Schauer introduced

Senate Bill No. 503, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 440 (MCL 206.440), as amended by 1996 PA 484.

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

Senators Olshove, Cherry, Brater, Bernero, Goschka, Jacobs, Barcia, Scott, Switalski, Schauer and Toy introduced **Senate Bill No. 504, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2004 PA 315.

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

Senators Olshove, Cherry, Brater, Bernero, Goschka, Jacobs, Barcia, Scott, Switalski, Schauer and Toy introduced **Senate Bill No. 505, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 13 (MCL 400.713), as amended by 2004 PA 281.

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

Senators Olshove, Brater, Patterson, Jacobs and Gilbert introduced

Senate Bill No. 506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2004 PA 142, and by adding section 3109c.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4638, entitled

A bill to amend 1980 PA 523, entitled "Michigan code of military justice of 1980," by amending sections 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 25, 26, 27, 29, 80, 84, 85, 92, 94, 99, 103, 105, 107, 108, 112, 113, 132, and 134 (MCL 32.1002, 32.1003, 32.1004, 32.1007, 32.1008, 32.1009, 32.1013, 32.1014, 32.1015, 32.1016, 32.1025, 32.1026, 32.1027, 32.1029, 32.1080, 32.1084, 32.1085, 32.1092, 32.1094, 32.1099, 32.1103, 32.1105, 32.1107, 32.1108, 32.1112, 32.1113, 32.1132, and 32.1134), section 16 as amended by 1990 PA 300, and by adding sections 50a, 88, 109, and 121.

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 Senior Citizens and Veterans Affairs.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I read with great interest an article in today's *Detroit News* that spoke about a serious crackdown on car thieves in the Metro Detroit area. This ambitious regional plan was initiated by the Wayne County sheriff; deputies and prosecutors from Wayne, Oakland, Macomb, and Washtenaw counties; the Detroit Police Department; and the Michigan State Police.

The article reported that in Macomb County auto theft rates were up 31 percent between 2002 and 2003; in Oakland County, 23 percent; and in Wayne County, 10 percent. These statistics were somewhat surprising to me. Given that the insurance industry is quick to point out that auto theft is one of the major factors contributing to the extremely high costs of auto insurance in Detroit, I cannot help but wonder how this sharp increase in auto thefts in Macomb and Oakland counties—which was significantly higher than Wayne County—affected auto insurance rates for the residents of these two counties.

As you know, just recently in the early part of the year, it was the sheriffs who said that Highland Park's theft was down 80 percent, but no changes in our insurance rates.

Regardless, I am encouraged by the collaboration of local law enforcement officials who are working aggressively to address this serious problem that purportedly is the major reason rates are so high in Detroit. Officials involved in this crackdown have estimated that auto theft rates could be cut by as much as 30 percent this year. Hopefully, this will trigger insurance companies to do their part and bring down premiums. With Detroit having the highest average auto premiums in the nation, this is great and welcomed news for many of us who are so desperately seeking rate relief.

I applaud the work of those involved in this effort and look forward to seeing some reduction in the spiraling insurance rates.

Senator Hardiman's statement is as follows:

I rise to make a memorial statement for a wonderful lady who passed away recently from my district, Helen Natalie Jackson Wilkins Claytor, born April 12, 1907, and passed away May 10, 2005. Helen Jackson Claytor ended her long life of love and service at home on May 10, 2005, just as she had lived it—peacefully, with dignity and strength. Most noted professionally for her work in racial justice, she was a pivotal figure in the desegregation of the national Young Women's Christian Association and served as its first African American president.

Born to Amy Wood Jackson and Madison S. Jackson on April 12, 1907, in Minneapolis, Minnesota, Helen began a truly inspirational life. She was the third of four daughters. Her parents placed a high value on education. Madison Jackson was trained in law and became the first African American admitted to the South Dakota bar. He was restricted by race from practicing law and supported his family as a Pullman car porter. He assured educational opportunity for his daughters, as well as provided them a model of social activism.

Helen went on to attain high scholastic honors as her high school valedictorian and then as a Phi Beta Kappa graduate of the University of Minnesota in 1928. While at the university, she became a member of one of the nation's earliest chapters of the African American service sorority, Alpha Kappa Alpha.

Helen began a professional life at the Trenton, New Jersey, YWCA and soon married Earl Wilkins, a journalist with whom she shared a loving partnership in Kansas City, Missouri, until his death in 1941. With the help of her devoted mother, Helen went on working as a social worker at the then-segregated Kansas City YWCA to support her young son Roger Wood Wilkins.

The family soon moved to New York City, where Helen joined the newly established race relations office of the national YWCA. As secretary for interracial education, she co-authored a groundbreaking study of interracial practices in community YWCAs. She also traveled throughout the country, especially the South, in campaigns to desegregate local Ys. On one of those trips she stayed with the family of Dr. John B. Claytor in Roanoke, Virginia.

On a subsequent trip, when the YWCA of Grand Rapids, Michigan, gathered community leaders to meet her, she noticed a man with a strong resemblance to the Claytors, who turned out to be John's younger brother, Dr. Robert W. Claytor. Thus began a loving relationship that became the core strength for a large family, as well as for a wider Grand Rapids community.

With her mother and son, Helen moved to Grand Rapids in 1944 after her marriage to Robert Claytor in the fall of 1943. The marriage was blessed with the birth of two daughters, Judith Amy and Sharon Ann.

In her volunteer capacity, Helen continued her barrier-breaking work in race relations. She became national president of the YWCA in 1967 and served until 1973.

In civil and human rights, she served in the Grand Rapids chapter of the Michigan Commission on Civil Rights and was instrumental in setting up the Michigan Fair Employment Practices Commission. She served in many other community activities. On the state level, she served on the Michigan Youth Commission, and federally, on the National Women's Advisory Committee to the Office of Economic Opportunity.

Throughout her long life of dedication, it was her family role that Helen most often cited as her proudest achievement. Her bond with her husband Robert, parted only by his death in 1989, was a model of mutual grace and respect with equal commitment to community service.

She is the mother of Roger Wilkins, Judith Amy Claytor, and Sharon Claytor Peters of Lansing.

Senator George's statement is as follows:

I rise to recognize four volunteers who have served the Capitol now for 10 years as docents, giving tours to citizens and schoolchildren who visit the Capitol. They are in the north Gallery and they are Carl Kentner, Jim Faulkner, Esther Dalrymple, and Mary Susan Sothard. I would like them to rise, and I want to tell you a little bit about each one of them.

Carl began his career with the Michigan Farm Bureau, where he was employed for 23 years. Later he served as director of Membership Services for the Michigan Pharmacists Association and later served as president and CEO of the Michigan Automotive Parts Association. In 1995, spurred by his interest in the Capitol and in Michigan government, he began serving as a docent here. He has lead over 600 tours of the building, introducing almost 30,000 people to the Capitol.

Joining Carl is Jim Faulkner. Jim is a retired advertising executive. He graduated from Michigan State and worked with the Walter Thompson Company, an advertising agency where he handled the Ford account. Later he worked as an advertising executive with Michigan National Bank. In 1966, he changed careers and began a new career on the faculty of Everett High School in Lansing, where he taught for many years. He taught English, journalism, and history. Then in the spring of 1995, he joined the Capitol staff as a volunteer docent. Over the next 10 years, he led over 940 tours through the Capitol, teaching students about the building's history, education, and function to over 42,000 individuals.

Also with Jim is Esther Dalrymple, another volunteer docent who served here over 10 years. Esther attended school at Bates College in Lewiston, Maine. Later she attended the University of Chicago and then Michigan State University where she earned a master's degree. Esther taught elementary school in the Lansing School District for nearly 22 years until her retirement. Upon her retirement, she joined the Capitol as a volunteer docent. Esther has said, "I really enjoy the challenge of guiding groups of students through the building, sharing its history and stories and teaching about

Michigan government. I try to instill in each child the importance of learning. I work to create enthusiasm in them so they will ultimately become intelligent and involved citizens of our state and country.”

The fourth honoree is Mary Susan Sothard. Mary is from the Hastings area. She was raised on Gun Lake and very early she developed a strong interest in the history of Gun Lake and the surrounding area, which flowered into an interest in Michigan history. She became a docent in the spring of 1995, and over the next 10 years, she led over 750 tours, introducing more than 34,000 people to the Capitol and educating them about its architecture, art, history, purpose, and significance. Mary has said that it is her privilege to share this great building with young and old alike. She said, “I really enjoy meeting people from so many different places and I enjoy giving tours more than I ever imagined. I do my best to give tours that will interest and inspire, but in the end, it always seems as if I’m the one who is learning.”

So, colleagues, please join me in congratulating these volunteer docents who have been our face to the public and who have presented the Capitol and the workings of the Senate to the public now for over 10 years each.

Committee Reports

The Committee on Education reported

House Bill No. 4008, entitled

A bill to amend 1972 PA 251, entitled “An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements,” by amending sections 1, 2, 3, 4, and 5 (MCL 390.501, 390.502, 390.503, 390.504, and 390.505).

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 4142, entitled

A bill to amend 1970 PA 38, entitled “An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education,” by amending section 2 (MCL 388.1082).

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, May 12, 2005, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, May 12, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:
 Meeting held on Thursday, May 12, 2005, at 1:30 p.m., Rooms 402 and 403, Capitol Building
 Present: Senators Jelinek (C), Cropsey, Brown, Switalski and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:
 Meeting held on Thursday, May 12, 2005, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
 Present: Senators Stamas (C), George, Garcia, Cherry and Clarke
 Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:
 Public hearing held on Friday, May 13, 2005, at 10:00 a.m., Caledonia Sportsmen's Club, 10721 Coldwater Road, Caledonia
 Present: Senator Cropsey (C)
 Excused: Senators Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:
 Public hearing held on Friday, May 13, 2005, at 10:00 a.m., Northwood University, NADA Education Center, 4000 Whiting Drive, Midland
 Present: Senators Goschka (C) and Cherry
 Excused: Senators Johnson, Hardiman and Prusi

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:
 Joint meeting held on Monday, May 16, 2005, at 1:10 p.m., Kalamazoo Public Library, 305 S. Rose Street, Kalamazoo
 Present: Senators Cassis (C) and Garcia
 Excused: Senators McManus, Thomas and Brater

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, May 19, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Commerce, Labor and Economic Development - Wednesday, May 18, 3:00 p.m.; Tuesday, May 24, 1:00 p.m.; and Wednesday, May 25, 3:00 p.m., Room 100, Farnum Building (373-2420)

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

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

Higher Education - Friday, May 20, 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street at Summit Street, Ypsilanti (373-1760)

K-12, School Aid, Education - Thursday, May 19, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

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

Finance - Wednesday, May 18, 1:00 p.m., Room 110, Farnum Building (373-1758)

Finance and House Tax Policy - Thursday, May 19, 3:00 p.m., Saginaw Valley State University, Curtiss Hall, Conference Room G, 2nd Floor, 7400 Bay Road, Saginaw (373-1758)

Local, Urban and State Affairs - Thursday, May 19, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senior Citizens and Veterans Affairs - Wednesday, May 18, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, May 18, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:40 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 18, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

