

**No. 39**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Thursday, April 27, 2006.

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  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—excused  
Clarke—present  
Cropsey—present  
Emerson—present

Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—excused  
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  
Whitmer—present

Senator Michael Switalski of the 10th District offered the following invocation:

Good morning, Lord, and what a fine morning it is. Yeah, it's me again. I know, I know, I just talked to You a half hour ago when I gave the closing prayer at the Senate breakfast meeting. That's what I like about You, Lord—You always have an open-door policy.

Well, the winter is past. The rain is over and gone. The flowers appear on the earth. The time of the song of the birds has come and the voice of the turtle is heard again in our land.

Lord, thank You for the Pistons and the Red Wings and the Tigers. Thank you for the St. Angela Cougars, who have a big CYO baseball game this afternoon. Lord, I am not asking for a win; just a few hits would be nice, especially from that rookie third baseman.

Thanks for the construction of the permanent casinos and hotels in Detroit and the 2,000 permanent new jobs they will bring to Detroit. Thanks for the new solar shingle plant in Greenville, United Solar Ovonic, with 500 new jobs for people left behind by Electrolux. Thanks for ethanol and biodiesel and switchgrass and corn and waste-to-energy. I pray we use them wisely.

Lord, please keep my friend Laura Toy and her sister in Your heart, as all of us do. Thank You for Your blessings and for the challenges You put before us, Lord. When we work together in this chamber, there is nothing we cannot accomplish. Lord, this is the first day that Jan is trying to quit smoking. I want You to keep her in Your heart also and help her through that tough, tough struggle.

And, in closing, last time I was here I asked You to help me find my wallet, if You recall. Well, I walked out of session and you led me straight to it. So thank You very much. As my father used to say, there will be a little extra something in Your pay envelope this week. 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 Barcia be temporarily excused from today's session.  
The motion prevailed.

Senator Schauer moved that Senator Clark-Coleman be excused from today's session.  
The motion prevailed.

Senator Cropsy moved that consideration of the following bill be postponed for today:  
**Senate Bill No. 246**  
The motion prevailed.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, April 27:  
**House Bill No. 4746**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, April 26, and are available at the legislative website:

<b>House Bill Nos.</b>	<b>5962</b>	<b>5963</b>	<b>5964</b>	<b>5965</b>	<b>5966</b>	<b>5967</b>	<b>5968</b>	<b>5969</b>	<b>5970</b>	<b>5971</b>	<b>5972</b>	<b>5973</b>	<b>5974</b>	<b>5975</b>
	<b>5976</b>	<b>5977</b>	<b>5978</b>	<b>5979</b>	<b>5980</b>	<b>5981</b>	<b>5982</b>	<b>5983</b>	<b>5984</b>	<b>5985</b>	<b>5986</b>	<b>5987</b>	<b>5988</b>	<b>5989</b>
	<b>5990</b>	<b>5991</b>	<b>5992</b>	<b>5993</b>	<b>5994</b>	<b>5995</b>	<b>5996</b>	<b>5997</b>						
<b>House Joint Resolution</b>											<b>W</b>			

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

#### **Senate Bill No. 973, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 32 (MCL 168.32); and to repeal acts and parts of acts.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not 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. 974, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 474 (MCL 168.474).

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not 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. 975, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 474a (MCL 168.474a), as amended by 1999 PA 219.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not 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. 976, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 476 (MCL 168.476), as amended by 2005 PA 71.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

Senator Cropsey moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 465**

**Senate Bill No. 466**

**Senate Bill No. 467**

**Senate Bill No. 468**

**House Bill No. 4423**

**House Bill No. 5811**

**House Bill No. 4976**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 465, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16177 and 20175 (MCL 333.16177 and 333.20175), section 16177 as amended by 1998 PA 332 and section 20175 as amended by 2000 PA 319, and by adding sections 16213 and 20175a.

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. 270**

**Yeas—35**

Allen  
Basham

Cropsey  
Emerson

Johnson  
Kuipers

Scott  
Sikkema

Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Sanborn	Whitmer
Clarke	Jelinek	Schauer	

**Nays—0**

**Excused—3**

Barcia	Clark-Coleman	Hammerstrom
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Barcia entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 466, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 111b (MCL 400.111b), as amended by 2000 PA 187.

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. 271**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clark-Coleman	Hammerstrom
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**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. 467, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16221, 17020, and 17520 (MCL 333.16221, 333.17020, and 333.17520), section 16221 as amended by 2004 PA 214 and sections 17020 and 17520 as added by 2000 PA 29, and by adding sections 17020a, 17520a, and 20170a.

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. 272**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clark-Coleman	Hammerstrom
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**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. 468, entitled**

A bill to amend 1976 PA 442, entitled “Freedom of information act,” by amending section 13 (MCL 15.243), as amended by 2002 PA 437.

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. 273**

**Yeas—36**

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott

Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Sanborn	Whitmer

**Nays—0**

**Excused—2**

Clark-Coleman                      Hammerstrom

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4423, 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 1c (MCL 445.111c), as added by 2002 PA 612.

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. 274**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clark-Coleman                      Hammerstrom

**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. 5811, 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 3 (MCL 445.113), as amended by 2002 PA 612.

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. 275**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clark-Coleman	Hammerstrom
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**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. 4976, entitled**

A bill to amend 1978 PA 232, entitled “An act to permit banks and savings and loan associations to suspend business in the event of an existing or impending emergency; to prescribe the powers and duties of bank and savings and loan

association officers and certain state officials; and to declare the legal effect of the suspensions of business authorized by this act," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 487.941, 487.942, 487.943, 487.944, 487.945, and 487.946).

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. 276**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clark-Coleman	Hammerstrom
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**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

**Messages from the House**

**Senate Bill No. 777, entitled**

A bill to amend 1965 PA 329, entitled "Michigan seed law," (MCL 286.701 to 286.716) by amending the title, as amended by 1988 PA 455, and by adding section 14; and to repeal acts and parts of acts.

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 277**

**Yeas—24**

Allen	George	Leland	Schauer
Barcia	Gilbert	McManus	Sikkema
Bishop	Goschka	Olshove	Stamas



Brown  
Cropsey  
Garcia

Jelinek  
Johnson  
Kuipers

Patterson  
Prusi  
Sanborn

Switalski  
Toy  
Van Woerkom

**Nays—12**

Basham  
Birkholz  
Brater

Cassis  
Cherry  
Clarke

Emerson  
Hardiman  
Jacobs

Scott  
Thomas  
Whitmer

**Excused—2**

Clark-Coleman

Hammerstrom

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

**Protests**

Senators Cassis and Hardiman, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 777.

Senator Cassis' statement, in which Senator Hardiman concurred, is as follows:

I would like to voice my "no" vote explanation on Senate Bill No. 777. I supported the original version of Senate Bill No. 777 when it passed the Senate that set a rule in place that municipalities couldn't create an ordinance against genetically-altered seeds. At the time, as my understanding, this bill was endorsed by both the Farm Bureau and—well, the townships stayed neutral. The House version that came back to us moments ago for concurrence required that boards or councils first get approval from the state Agriculture Commission, should they want to proceed. Well, what are the consequences? What are the results? First and foremost, as I heard specifically, because I checked with my local township officials, this was interference with local control—a major tenet that we adhere to.

Secondly, the House, perhaps unwittingly, pitted my good friends at the Farm Bureau against my equally good friends in the townships. How unfortunate.

For these reasons, I voted against the House substitute for Senate Bill No. 777.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Cropsey moved that the Committee on Transportation be discharged from further consideration of the following resolution:

**Senate Resolution No. 119.**

A resolution to memorialize the Congress of the United States to fund fully the state activities mandated by the federal Real ID Act of 2005 and to establish effective federal regulations that protect the homeland while preserving liberty.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

Senator Cropsey moved that the resolution be referred to the Committee on Government Operations. The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Cropsey 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 George 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:

**Senate Bill No. 1051, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2004 PA 384.

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 amendments, the following bill:

**Senate Bill No. 1182, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other

funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 2004 PA 9.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 8, line 13, after "than" by striking out "75%" and inserting "50%".
2. Amend page 8, following line 24, by inserting:

**"(7) A CITY OR VILLAGE THAT HAS NOT ADOPTED AN ASSET MANAGEMENT PLAN SHALL OBTAIN THE CONCURRENCE OF THE DEPARTMENT TO TRANSFER MORE THAN 50% OF ITS MAJOR STREET FUNDING TO ITS LOCAL STREET SYSTEM."** and renumbering the remaining subsections.

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

### Resolutions

Senator Cropsey moved that consideration of the following resolution be postponed for today:

**Senate Resolution No. 71**

The motion prevailed.

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

**Senate Resolution No. 124**

**Senate Resolution No. 125**

**Senate Resolution No. 126**

The resolution consent calendar was adopted.

Senator Clarke offered the following resolution:

**Senate Resolution No. 124.**

A resolution commemorating May 2006 as VSA arts of Michigan Month.

Whereas, It is with the greatest pleasure that the members of the Michigan Senate join in commemorating May 2006 as VSA arts of Michigan Month in Michigan. May is the time of year when hundreds of children, youth, and adults with disabilities, educators, artists, advocates, parents, and VSA arts of Michigan volunteers gather to celebrate their learning and participation in the arts at the conclusion of yearlong programs and activities with a series of festivals and special events that take place throughout the state; and

Whereas, VSA arts of Michigan promotes creative power in people with disabilities and seeks to create a society where people with disabilities participate in, learn through, excel in, and enjoy the arts. VSA arts of Michigan is part of an international network of VSA arts affiliates encompassing more than 60 countries around the world that engage millions of people in the arts each year. VSA arts was founded in 1974 and is an affiliate of the John F. Kennedy Center for the Performing Arts in Washington, DC; and

Whereas, Since 1978, VSA arts of Michigan has trained hundreds of artists with and without disabilities, educators, social services workers, arts and cultural organizations, museum docents, and others to include the arts in the education, work skills training, and leisure-time activities of people with disabilities, thus enriching their lives and contributing to a new dimension of understanding. The arts provide different modalities for the communication of feelings, ideas, and perceptions—mediums that are open to all who have the capability of expressing themselves. Children, youth, and adults who have physical, cognitive, or mental impairments enjoy and benefit from opportunities to learn more and connect with their communities through worthwhile endeavors like those offered in VSA arts of Michigan programs. They discover and further develop their potential through the arts; and

Whereas, VSA arts of Michigan supports the work of more than 100 district volunteers who plan and conduct arts educational activities and services that benefit people with disabilities in their respective communities. CHARLEVOIX-EMMET has increased participation in the arts by students with disabilities from 250 to over 550 during the last four years; COPPER COUNTRY has conducted a weekly art class in Hancock, Michigan, for young

adults with developmental disabilities for the past 15 years; DEARBORN has provided music and dance classes for youth and young adults through the city recreation department for the past eight years; GENESEE COUNTY has provided arts education opportunities through artists-in-residence programs and festivals to approximately 80 pre-school to adult special education classrooms per year for the past 15 years; GRAND RAPIDS is celebrating its 20th anniversary of making the arts accessible to all children, youth, and adults with disabilities throughout Kent County through 12 annual programs and arts opportunities; GRAND TRAVERSE is celebrating its tenth year of providing arts activities to over 5,000 students and their families in schools and at major community celebrations, such as the National Cherry Festival and Festival of Trees, coordinates the Kids on the Block program for all fourth graders in the area, and brings children with diverse abilities to the Dennon Museum Center to engage in the arts each fall; MT. PLEASANT plans to begin its district activities by establishing the Summer Promise Arts Camp in 2006; NEWAYGO has made it possible for hundreds of older adults to participate in and enjoy the arts and share the arts with young children from the community; ST. JOSEPH COUNTY is hosting its third annual VSA arts Festival this month, bringing together more than 500 participants; the SOUTHEAST committee will be conducting its 16th VSA arts Festival this month at Livonia Mall, where children, youth, and adults with disabilities will showcase their talents through dance, drama, music, and visual arts; and WASHTENAW just recently celebrated its third art exhibition at the ISD administration building, showing work created by special education students from elementary and secondary schools throughout the county; now, therefore, be it

Resolved by the Senate, That we hereby commemorate May 2006 VSA arts of Michigan Month in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to VSA arts of Michigan as evidence of our highest esteem. Senators Brater, Cherry, Goschka, Jacobs, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senators Bishop, Sanborn and Cropsey offered the following resolution:

**Senate Resolution No. 125.**

A resolution observing National Drug Court Month during May 2006 and in celebration of the 52-2 Sobriety Court's inaugural commencement ceremony on May 4, 2006.

Whereas, Drug and sobriety courts successfully combine judicial accountability and evidence-based treatment to effectively intervene against substance abuse and related crime; and

Whereas, Results of more than one hundred program evaluations and at least three experimental studies have yielded definitive evidence that drug and sobriety courts increase treatment retention and reduce both substance abuse and crimes committed by drug- and alcohol-addicted offenders; and

Whereas, Independent-contracted evaluators have concluded that the recidivism rate for 52-2 Sobriety Court participants in the court's first year of operation stands at 4 percent, compared to the national recidivism rate for sobriety court graduates of 16 percent and the nationwide recidivism rate for repeat drunk-driving offenders of 33 percent; and

Whereas, Based on a nonsobriety-court sentenced comparison group average of seventeen days in jail for repeat drunk-driving offenders, a conservative estimate of incarceration costs saved is \$25,500 in just the first year of the 52-2 Sobriety Court program; and

Whereas, 52-2 Sobriety Court participants enter the program as repeat drunk-driving offenders trapped in a cycle of alcohol addiction and emerge fifteen to eighteen months later as sober and contributing members of society; and

Whereas, The judges, prosecutors, defense attorneys, substance abuse treatment professionals, law enforcement, community supervision personnel, researchers and educators, leaders on the local, state, and national levels, and others dedicated to the drug and sobriety court movement have demonstrated that drug and sobriety court programs have a profound impact on public safety and quality of life in the United States, the state of Michigan, and local communities; and

Whereas, The 52-2 Sobriety Court is one of more than 1,760 operational drug and sobriety courts in the United States; and

Whereas, The 52-2 Sobriety Court holds its inaugural commencement ceremony on May 4, 2006, celebrating the discharge with improvement from probation of its first seven Sobriety Court graduates; and

Whereas, The month of May is designated by the President of the United States as National Drug Court Month, commemorating the promise of recovery and the restoration of hope to drug and sobriety court graduates and their families; now, therefore, be it

Resolved by the Senate, That we hereby join in the celebration of National Drug Court Month during May 2006 and in the celebration of the 52-2 Sobriety Court's inaugural commencement ceremony on May 4, 2006; and be it further

Resolved, That the Michigan Senate congratulate the first seven graduates of the 52-2 Sobriety Court program and recognize each graduate's commitment to living a sober life; and be it further

Resolved, That the Senate applaud the success of the 52-2 Sobriety Court Team and other drug and sobriety court teams working in Michigan and across the United States and recognize the significant contributions that drug and

sobriety courts have made and will continue to make to the reduction of drug- and alcohol-fueled criminal behavior; and be it further

Resolved, That a copy of this resolution be transmitted to the 52-2 Sobriety Court as evidence of our esteem and support for their efforts.

Senators Allen, Birkholz, Brater, Cassis, Cherry, Clarke, Goschka, Jacobs, Kuipers, Schauer, Switalski and Toy were named co-sponsors of the resolution.

Senator Gilbert offered the following resolution:

**Senate Resolution No. 126.**

A resolution to honor Michigan-1 Disaster Medical Assistance Team (DMAT) for their service in aiding hurricane victims.

Whereas, It is with great pride that we honor Michigan members of Michigan-1 DMAT, who in many instances were the initial medical first responders in the disaster areas created by Hurricanes Katrina and Rita. We offer our most sincere thanks and commendations to each of the men and women who have courageously represented the state of Michigan with their willingness to help those in need and provide exemplary medical service to fellow citizens in the most challenging of storm-ravaged environments; and

Whereas, The physicians, nurses, physician assistants, pharmacists, emergency medical technicians, paramedics, logistics and communications personnel, and administrators assisted in saving the lives of injured and helpless hurricane victims who often were separated from their families and loved ones. They committed their time, energy, and professional ability to serve other's needs—putting the welfare of others above concern for their own safety and well-being. Their sacrifice gave hope to so many who might otherwise have not found such a shining example of a better and brighter tomorrow to come; and

Whereas, Those to whom the team ministered were empowered by their efforts and given full opportunities for recovery and healing. We are also grateful to the families of Michigan-1 DMAT members, who also carried on commendably in their absence, so that they were able to effectively serve hurricane victims and the great state of Michigan. The team's service is an historic testimony to the goodwill of Michigan's citizenry and will serve as a model for future generations of citizens of Michigan and the United States; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby offer this expression of honorable commemoration for Michigan-1 DMAT members; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan-1 DMAT members as a reflection of their dedication and service to the victims of Hurricanes Katrina and Rita.

Senator Cropsy was named co-sponsor of the resolution.

### **Introduction and Referral of Bills**

Senator Patterson introduced

**Senate Bill No. 1233, entitled**

A bill to amend 2004 PA 378, entitled "Public body law enforcement agency act," by amending section 4 (MCL 28.584).

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

Senator Cropsy introduced

**Senate Bill No. 1234, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 2002 PA 720.

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

**House Bill No. 4746, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

The House of Representatives has passed the bill.

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

### Statements

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

The motion prevailed.

Senator Sanborn's statement is as follows:

I rise to speak again about the Selepak case, the murders of Scott and Melissa Berels in my district, and the Department of Corrections.

Let me begin by thanking all of you for supporting my bill, Senate Bill No. 1196, which I introduced as a result of this tragedy. This bill was a small step in addressing the problems within the Department of Corrections that led to these murders. Last week, in the Senate Judiciary Committee, we received the edited findings of the director of Corrections. Director Caruso spoke about the problems in the department that not only led to the release of Patrick Selepak, but also 40—I repeat to you, 40—other prisoners throughout the state of Michigan. She also reported to the committee that a number of people were being placed on administrative leave because of the various problems that were found during this investigation. The next day, the newspaper reported that as many as eight people were on leave because of this case. These people ranged from line workers in Macomb County to the deputy director in Lansing.

While I appreciate the director sharing her findings with the Senate Judiciary Committee, Mr. Lieutenant Governor and this chamber, it is not enough. The committee was told that policy was ignored in this case. And I guess that leads me to the question, what other policies are not being followed? Was the policy in the Selepak case the only policy that was being ignored or are there other problems as well?

As you can imagine since this issue came to light, I have been contacted by numerous people from across this state about problems that are allegedly occurring within the Department of Corrections. I have heard stories of officers and administrators flagrantly disregarding policy and the law; stories of inappropriate behavior between staff; stories of cover-ups at the highest levels in Lansing. I do not know which of these stories are true and which are not. What I do know is that I will not let go of the Selepak issue. I will not let it rest until all of the information regarding this case is made public.

In addition, I intend to work with the chair of the Senate Judiciary Committee to fully investigate these other allegations as well. I think it is important that this body perform its due diligence and ensure that the Department of Corrections is doing its job, that it is following the laws that we are responsible for creating and that we expect them to follow, and that the department is properly protecting the citizens of the state of Michigan. If it is not, then we need to find out why so that it can be fixed and so that the necessary changes can be made.

Senator Scott's statement is as follows:

I, too, would like to thank all the pages for all of their hard work. I think Colin was out of the room at the time. So we thank you too, Colin. Bless you.

Also, as you know, I still have my website up for insurances, but somehow I forgot to get to the office today to pick up one. I just want to remind you that it is so important that we continue to think about doing something about the high cost of insurance. A lot of people are losing their jobs now and truly cannot afford it. They have to go out and look for jobs. With the high cost of gasoline and all of that, let us understand that we are here in government to help people, not to make it hard on them. If we require that they have insurance, that the law says they must have insurance, then we must make it affordable for them.

The President pro tempore, Senator Birkholz, assumed the Chair.

By unanimous consent the Senate returned to the order of

### Introduction and Referral of Bills

Senators Stamas, Gilbert, Allen, Kuipers, Garcia, Birkholz, Johnson, Bishop, Barcia, Van Woerkom, Sanborn and Cropsey introduced

#### **Senate Joint Resolution K, entitled**

A joint resolution ratifying the proposed amendment to the constitution of the United States relating to apportionment of the House of Representatives of the United States being based on the number of citizens in each state.

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

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:  
Meeting held on Wednesday, April 26, 2006, at 8:00 a.m., Rooms 402 and 403, Capitol Building  
Present: Senators Hardiman (C), George and Scott

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:  
Meeting held on Wednesday, April 26, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:  
Meeting held on Wednesday, April 26, 2006, at 3:00 p.m., Room 405, Capitol Building  
Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture** - Thursdays, May 4, May 11 and May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

**Commerce, Labor and Economic Development** - Wednesdays, May 10 and May 17, 3:00 p.m., Room 405, Capitol Building (373-2420)

**General Government** - Tuesdays, May 2, May 9 and May 16, 1:00 p.m., Room 405, Capitol Building (373-2420)

**History, Arts, and Libraries** - Tuesdays, May 9 and May 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

**Human Services Department** - Wednesdays, May 3, May 10 and May 17, 8:00 a.m., Rooms 402 and 403, Capitol Building (373-1801)

**Judiciary and Corrections** - Tuesday, May 2, 3:00 p.m., Room 402, Capitol Building (373-3760)

**State Police and Military Affairs** - Thursdays, May 4, May 11 and May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

**Transportation Department** - Tuesdays, May 2, May 9, May 16 and May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Families and Human Services** - Tuesday, May 2, 3:00 p.m., Room 210, Farnum Building (373-1801)

**Government Operations** - Monday, May 1, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-0797)

**Health Policy** - Wednesday, May 3, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

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

**Transportation** - Tuesday, May 2, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:02 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, May 2, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate