

No. 6
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, January 26, 2006.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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—present
Clarke—present
Cropsey—present
Emerson—present

Garcia—excused
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 Michael Switalski of the 10th District offered the following invocation:

Good Morning, Lord. It certainly is a fine morning, although it came a bit early for some of us who got carried away last night and stayed out too late.

You probably were up late Yourself, Lord. It was Robert Burns' birthday and I suspect You had a great Burns Nite Supper with the poet Robbie himself. If I know him, he was pouring You the nectar of the gods and pouring it freely.

Speaking of last night, I hope You got a chance to hear the State of the State message. You have to admit, Lord, that You have been testing us here in Michigan lately. You've given us our share and more of challenges. Some of us had been feeling down about it all. But after the speech, I felt more positive and confident about the future. Help us all feel that way. That spirit of optimism is way more than half the battle in licking any problem.

Thanks for the special group You've given us here in the Senate. We've been together for more than three years, but some of us are in our last year. Thanks for the leadership and experience of Burton and Bev, and Michael and Shirley, and Bob and Ken. The rest of us are grateful to You, Lord, for giving them to us. They have shown us how to do the work of government and debate and compromise with honor and distinction. Inspire them to continue to make their legacy a positive guide for those of us who remain.

I'm not blaming You for the term limits, Lord. We did that to ourselves. But You did make us mortal. Remind us every day that our time here is limited. Then we will know how precious this time is and use every moment of it wisely.

And, Lord, one other thing. I left my wallet somewhere last night. Keep an eye out for it, and check Robbie Burns pockets. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Schauer moved that Senators Brater and Leland be temporarily excused from today's session.

The motion prevailed.

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senator Hammerstrom moved that Senator Garcia be excused from today's session.

The motion prevailed.

Senators Brater, Van Woerkom, Brown and Leland entered the Senate Chamber.

The following communication was received:

Office of the Great Lakes

January 18, 2006

This letter is being sent in compliance with Act 156 of the Public Acts of 1989. Section 10(1) of Public Act 156 requires that a list of grants be submitted annually to the legislature.

The Office of the Great Lakes (OGL) did not release a request for new proposals in 2005 due to funding constraints. Executive Order 2002-22 supplanted \$400,000 general fund from the OGL budget and substituted funding from the Michigan Great Lakes Protection Fund (MGLPF) for OGL administrative costs. Therefore, the revenue allocation from the Regional Great Lakes Protection Fund received in spring 2005 provides necessary funding for staff in the OGL. In addition, the MGLPF provided \$28,645 to the Department of Environmental Quality (DEQ), Land and Water Management Division for the fourth year of the Michigan wetland inventory project. This project was previously recommended by the MGLPF Technical Advisory Board after extensive review.

A list of guidelines used in listing and assigning priority is attached.

If you have any questions, please contact Ms. Emily Finnell of my staff at 517-241-7927, or you may contact me.

Sincerely,
Ken DeBeaussaert
Director
517-335-4056

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, January 25, for her approval the following bills:

Enrolled Senate Bill No. 956 at 2:05 p.m.

Enrolled Senate Bill No. 957 at 2:07 p.m.

The Secretary announced that the following official bills were printed on Wednesday, January 25, and are available at the legislative website:

Senate Bill Nos.	970	971	972	973	974	975	976	977	978	979	980	981	982	983
	984	985	986	987	988	989	990	991	992	993	994	995	996	997
	998	999	1000	1001	1002	1003								
House Bill Nos.	5570	5571	5572	5573	5574	5575	5576	5577	5578	5579	5580	5581	5582	5583
	5584	5585	5586	5587	5588	5589	5590	5591	5592	5593	5594	5595	5596	5597
	5598	5599	5600	5601	5602	5603	5604	5605	5606	5607	5608	5609	5610	

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. 866

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 866, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 51a (MCL 388.1651a), as amended by 2005 PA 155.

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. 39

Yeas—35

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

Nays—0

Excused—1

Garcia

Not Voting—1

Johnson

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Johnson entered the Senate Chamber.

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 pro tempore, Senator Birkholz, designated Senator Jelinek as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 911, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 1a (MCL 247.171a), as added by 2002 PA 151.

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. 567, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," (MCL 252.301 to 252.325) by adding section 7a.

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. 568, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 3, 4, 6, 7, 11, 15, 17, 18a, and 19 (MCL 252.302, 252.303, 252.304, 252.306, 252.307, 252.311, 252.315, 252.317, 252.318a, and 252.319), sections 2, 3, 4, 6, 7, 15, 17, and 19 as amended and section 11 as added by 1998 PA 533 and section 18a as added by 1998 PA 464, and by adding section 11a; and to repeal acts and parts of acts.

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:

House Bill No. 5104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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. 779, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

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. 932, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827, 257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, section 33 as amended by 2001 PA 130, section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170; and to repeal acts and parts of acts.

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.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Brown 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 Brown's statement is as follows:

I do rise for a memorial tribute and I would like to draw members' attention to the east Gallery, where we have the family of fallen soldier Sergeant Michael P. Hodshire. Madam President, we begin this Special Tribute with a quote, a statement from one of America's other heroes, Joshua Chamberlain, who was reflecting on his experience in America's great Civil War:

"We know not of the future, and cannot plan for it much. But we can hold our spirits and our bodies so pure and high, we may cherish such thoughts and such ideals and dream such dreams of lofty purpose, that we can determine and know what manner of men we will be whenever and wherever the hour strikes that calls to noble action...No man becomes suddenly different from his habit and cherished thought."

A Special Tribute from the state of Michigan in memory of Sergeant Michael P. Hodshire.

"LET IT BE KNOWN, That it is with sympathy and deep respect that we offer tribute to honor the memory and sacrifice of Sergeant Michael P. Hodshire. With genuine respect for his legacy of service, we join with the Hillsdale County Community in extending our condolences to his family and many friends. He will be truly missed and long remembered.

On October 30, 2005, the Hodshire family and all of Hillsdale County felt a tremendous loss when they received news of the County's first military death of Operation Iraqi Freedom. It was with deep sadness they learned of Sergeant Michael Hodshire's ultimate sacrifice made while he was bravely fighting to defend the cause of freedom. Michael's life is a study in the merits of hard work, dedication, and commitment to career, family, and country. Only four short days after graduating from North Adams-Jerome High School Michael enlisted in the U.S. Marine Corps. After serving in Iraq from October 2003 until June 2004, he was redeployed in July 2005. Enthusiastic to serve his country, Michael was assigned as a second squad leader for 3rd Platoon, Easy Company, 2nd Battalion, 2nd Marine Regiment, based at Camp LeJeune, North Carolina.

The son of Edwin and Kelly Hodshire and Terry Eicher, Michael displayed integrity and dignity during his productive lifetime, earning the respect of his family and community. Clearly, Michael's parents, his two children, and his four siblings bear an incredible loss. Though our words can do little to comfort the sadness and the tears, we join with the citizens of this state to extend our sincere condolences and our deep respect for the sacrifice of this good soldier, loving son, father, brother, and patriot. May they find comfort in the knowledge that we share in their bereavement and that the legacy of accomplishment of this distinguished soldier will long continue to inspire others and remind us that '*Greater love has no man than this that he lay down his life for his friends.*' We are deeply grateful for the accomplishments he achieved in his young life and for his willing service to his country.

As the Holy Scripture remind us, we number our days by the allotted time of three scores and 10 years. For some, their days are even shorter and their time with us is all too brief. We look for their smile, their familiar voice, and instead we are met with silence. But in the midst of this blanket of quiet, we are surrounded by the embrace of family and friends and God's abiding presence. The poet Longfellow gives hope and assurance in our time of sorrow and loss:

Never here, forever there,
 Where all parting, pain, and care,
 And death, and time shall disappear,—
 Forever there, but never here!
 The horologe of eternity
 Sayeth this incessantly,—
 'Forever - never!
 Never - forever!'

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated as a memorial for Michael P. Hodshire. May his family know of our deep gratitude for the life of this brave and courageous soldier, for his service to our country and for his sacrifice in the cause of freedom and liberty when that hour struck that called for noble action.”

This tribute, Madam President, is signed by the 58th District State Representative Bruce Caswell, by myself as the 16th District State Senator, and lastly, by The Honorable Jennifer M. Granholm, Governor of the state of Michigan.

Madam President, as the family rises to be acknowledged, I would like to have a moment of silence please.

A moment of silence was observed in memory of Marine Sergeant Michael P. Hodshire.

Senator Scott’s statement is as follows:

Well, I am still excited from the Governor’s speech last night that she included my insurance and utilities in her speech. I am just hoping now with the bills and all of that we have in committee, we will start to debate those issues and give some affordable insurance and a better quality of life for people.

This morning, I attended the Casey Foundation, where they foster children, and one of those students talked about being able to be independent and to have transportation and that. There was one young lady who talked about how she had a car, but the insurance was not affordable. So we do need to help these students because a number of them said they no longer wanted to be on Human Services—the FIA. They wanted to be independent and on their own.

So I think we can help them do that. Madam President, I just hope my colleagues and all of us will think about those things because we either pay now for those young people or we pay later. So, hopefully, we can help them in assisting them with some affordable insurance and some other things for them.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 1007, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 36e. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Switalski introduced

Senate Bill No. 1008, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

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

Senators Cherry, Switalski, Olshove, Patterson, Prusi, Emerson, Schauer, Brater, Scott and Clark-Coleman introduced

Senate Bill No. 1009, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 3, 5, 7, 10, and 11 (MCL 169.203, 169.205, 169.207, 169.210, and 169.211), section 3 as amended by 1989 PA 95, section 5 as amended by 1999 PA 237, section 7 as amended by 2001 PA 250, and section 11 as amended by 1996 PA 590, and by adding sections 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 105, 107, 108, and 109.

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

Senators Jelinek, Patterson, Gilbert, Allen, Hardiman, Barcia and Bishop introduced

Senate Bill No. 1010, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding section 11m.

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

Senators Basham, Clarke, Clark-Coleman, Brater, Thomas, Prusi, Jacobs, Cherry, Scott, Schauer and Leland introduced

Senate Bill No. 1011, entitled

A bill to amend 1986 PA 196, entitled “Public transportation authority act,” by amending section 18 (MCL 124.468). The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Patterson, Allen, Birkholz, Hardiman, Bishop, Jelinek, Cassis, Cropsey, Hammerstrom, Cherry, Thomas and Jacobs introduced

Senate Bill No. 1012, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Cassis, McManus, Allen and Garcia introduced

Senate Bill No. 1013, entitled

A bill to designate the official fruit 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 Allen, Birkholz, Gilbert, Kuipers, Goschka, Garcia, Stamas, Van Woerkom, Sanborn, Patterson, Hardiman, McManus, Jelinek, Bishop, Barcia, Cropsey, Brown and Olshove introduced

Senate Bill No. 1014, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 13807 (MCL 333.13807), as added by 1990 PA 21.

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

Senators Allen, Gilbert, Kuipers, Goschka, Garcia, Stamas, Van Woerkom, Sanborn, Birkholz, Patterson, Hardiman, McManus, Jelinek, Barcia, Cropsey, Brown and Olshove introduced

Senate Bill No. 1015, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2804, 2834, and 2848 (MCL 333.2803, 333.2804, 333.2834, and 333.2848), sections 2803, 2834, and 2848 as amended by 2002 PA 562 and section 2804 as amended by 1990 PA 149, and by adding sections 2836 and 2854.

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

Committee Reports

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 5168, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109, and by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Gilbert, Clark-Coleman and Olshove

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 Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, January 25, 2006, at 1:00 p.m., Room 100, Farnum Building

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

Scheduled Meetings

Appropriations - Thursday, February 9, 1:00 p.m. or later immediately following Senate/House Appropriations Committee Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Agriculture, Senate/House - Thursday, February 2, 9:00 a.m., Room 428, Capitol Building (373-5932)

Community Health Department/Health Policy - Wednesday, February 1, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

K-12, School Aid, Education - Thursday, February 16, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Appropriations, Senate/House - Thursday, February 9, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce and Labor - Tuesday, January 31, 3:00 p.m., Room 100, Farnum Building (373-2413)

Education - Monday, January 30, 3:00 p.m., Muskegon ISD, 630 Harvey Street, Muskegon (373-6920)

Gaming and Casino Oversight - Wednesday, February 1, 1:00 p.m., Room 210, Farnum Building (373-2413)

Health Policy/Community Health Department Appropriations Subcommittee - Wednesday, February 1, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Judiciary - Tuesday, January 31, 1:30 p.m., Room 210, Farnum Building (373-3760)

Legislative Retirement Board of Trustees -**Subcommittee -**

Investment - Wednesday, February 1, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Technology and Energy/House Energy and Technology - Wednesday, February 1, 8:30 a.m., Room 519, South Tower, House Office Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:35 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, January 31, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate