

No. 18
STATE OF MICHIGAN
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REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, March 2, 2005.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Barcia—present
Basham—excused
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

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

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

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Our Father in Heaven, we come to You and we recognize that all things are in Your hands. We pray that You will look upon us in Your favor. We pray that You will bless us in the work that is before us. We pray that You will guide us and direct us in the work that we have here in session, but also as we meet together in committees and workgroups. Give us wisdom as we try to resolve some issues that face the people of this great state.

We pray that You will be with our people. We know that there are many out there who are having difficulty meeting the needs that they face for themselves and their families. We pray that You will provide a way that they can meet those needs. We pray too, Lord, for peace.

All these things we ask in Your most holy name. Amen.

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

Motions and Communications

Senator Jacobs entered the Senate Chamber.

Senator Brater stated that had she been present on March 1 when the vote was taken on the passage of the following bill, she would have voted “yea”:

Senate Bill No. 234

Senator Schauer moved that Senators Basham and Thomas be excused from today’s session.
The motion prevailed.

Senator Hammerstrom moved that Senator Birkholz be temporarily excused from today’s session.
The motion prevailed.

Senator Birkholz 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 Assistant President pro tempore, Senator Sanborn, designated Senator Hardiman as Chairperson.

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

Senate Bill No. 52, entitled

A bill to amend 2000 PA 146, entitled “Obsolete property rehabilitation act,” by amending section 2 (MCL 125.2782).

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

Resolutions

Senators Clarke, Garcia and George offered the following resolution:

Senate Resolution No. 12.

A resolution honoring Neil Woodward as Michigan’s Troubadour.

Whereas, Neil Woodward has dedicated five decades to the study and preservation of Michigan’s folk music and culture. As a folklorist, he has shared Michigan’s musical heritage through his performances and teaching. Whether presenting musical programs in Michigan history to K-12 and university students or dedicating the Michigan Historical Center and Library of Michigan in 1985, his work makes a unique and worthwhile contribution to the quality of life for Michigan citizens; and

Whereas, Through his two decades as the Village Troubadour at Historical Crossroads Village and Huckleberry Railroad, Neil Woodward promotes an appreciation of Michigan's musical heritage to Michiganians and visitors from around the world. He has also been featured as a performer at Greenfield Village since childhood. Acting as a goodwill ambassador, Neil Woodward's performances enable visitors to Michigan to view the culture and history of our great state through the eyes of its songs; and

Whereas, Recordings of traditional and original Michigan folk music by Neil Woodward, *Crossroads Serenade*, *In the Year of the Dog*, *A Cup of Kindness*, *Old Timers*, and *Peace Troubles*, are catalogued by the Library of Congress Office of Folklife, the Library of Michigan, and the State Archives of Michigan, preserving the musical heritage of Michigan loggers, miners, and sailors from the 1800s and the autoworkers of today; and

Whereas, Mr. Woodward's musical virtuosity and songwriting make a significant contribution to Michigan culture today and are therefore acknowledged by Michigan's premiere cultural institutions. ArtServe Michigan awarded Neil Woodward its Creative Artist grant in 1993, recognizing his continuing contribution to the troubadour's tradition. Since its inception, the Michigan Humanities Council's Great Outdoors Culture Tour has selected Neil Woodward to bring Michigan's history alive for visitors to northern Michigan campgrounds and historical sites. These efforts are highlighted in the journals of the National Endowment for the Humanities and National Trust for Historic Preservation; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor Neil Woodward for his contributions to Michigan's musical heritage and recognizing him as Michigan's Troubadour; and be it further

Resolved, That a copy of this resolution be transmitted to Neil Woodward as a token of our esteem.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Clark-Coleman was named co-sponsor of the resolution.

Senate Concurrent Resolution No. 7.

A concurrent resolution offered as a memorial for John T. Bowman, former member of the Senate and the House of Representatives.

(For text of resolution, see Senate Journal No. 15, p. 182.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House as cosponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Hammerstrom and Johnson introduced

Senate Bill No. 263, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 27a and 27b to chapter VIII.

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

Senators Barcia and Emerson introduced

Senate Bill No. 264, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senators Prusi and Emerson introduced

Senate Bill No. 265, entitled

A bill to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2006; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the

award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Senators Switalski and Emerson introduced

Senate Bill No. 266, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2006, to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators Cherry and Emerson introduced

Senate Bill No. 267, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

Senators Switalski and Emerson introduced

Senate Bill No. 268, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senators Scott and Emerson introduced

Senate Bill No. 269, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Senators Barcia and Emerson introduced

Senate Bill No. 270, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senators Scott and Emerson introduced

Senate Bill No. 271, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create

funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Senators Switalski and Emerson introduced

Senate Bill No. 272, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Senators Cherry and Emerson introduced

Senate Bill No. 273, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2006; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators Clarke and Emerson introduced

Senate Bill No. 274, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; 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 Appropriations.

Senators Prusi and Emerson introduced

Senate Bill No. 275, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senators Prusi and Emerson introduced

Senate Bill No. 276, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Senators Clarke and Emerson introduced

Senate Bill No. 277, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department

of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Senators Prusi and Emerson introduced

Senate Bill No. 278, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senators Switalski and Emerson introduced

Senate Bill No. 279, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 4, 6, 11, 11a, 11f, 11g, 11j, 18, 19, 20, 20d, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 37, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, 107b, 147, 158b, and 164c (MCL 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632j, 388.1637, 388.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1707, 388.1707b, 388.1747, 388.1758b, and 388.1764c), sections 4, 6, 11f, 11g, 11j, 19, 20, 20j, 22a, 22b, 24, 26a, 31d, 32c, 32d, 32j, 37, 39a, 41, 41a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, 147, and 158b as amended and sections 22d and 107b as added by 2004 PA 351, sections 11 and 51a as amended by 2004 PA 518, section 11a as added by 2003 PA 158, section 18 as amended by 2004 PA 414, section 20d as amended by 1997 PA 93, section 31a as amended by 2004 PA 593, section 39 as amended by 2002 PA 191, and section 164c as added by 1995 PA 130, and by adding sections 22e, 26b, and 103; 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 Appropriations.

Senators Clarke and Emerson introduced

Senate Bill No. 280, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

Senators Barcia and Emerson introduced

Senate Bill No. 281, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2006; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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

Senator Gilbert introduced

Senate Bill No. 282, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9105 and 9106 (MCL 324.9105 and 324.9106), as amended by 2000 PA 504, and by adding sections 9106a and 9115a.

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

Senator Gilbert introduced

Senate Bill No. 283, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9105 (MCL 324.9105), as amended by 2000 PA 504.

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

Senator Brater introduced

Senate Bill No. 284, entitled

A bill to prohibit certain employers from monitoring employee communications unless the employer establishes an employee monitoring policy and discloses that policy to employees; and to provide certain civil remedies.

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

Statements

Senator Scott asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Dear Lord, I am here again today asking You to touch the hearts of those on the workgroup committee and all my colleagues who will work together for the betterment of insurance affordability for all people in this state. So, Lord, as they meet today, I ask You to touch their hearts as they deliberate, and Lord, don't let them deliberate too long. We need an answer and we need that answer soon.

Thank You, Father, and I will always give You the praise.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 1, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus and Schauer

Excused: Senator Olshove

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, March 3, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Capital Outlay - Thursday, March 3, 11:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Higher Education - Thursday, March 3, 8:30 a.m.; Wednesday, March 9, 3:30 p.m.; and Tuesday, March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Education - Thursday, March 3, 2:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, March 10, 1:00 p.m., Lecture Hall 1100, Center for Higher Education, Muskegon Community College, 221 S. Quarterline Road, Muskegon (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:23 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, March 3, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate