

**No. 30**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Tuesday, March 23, 2004.

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 Assistant Secretary of the Senate, who announced that a quorum was not present.

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

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—present  
Hardiman—excused  
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

Reverend William Blount of Fellowship Baptist Church of East China Township offered the following invocation:

Dear Lord, we are thankful for this and each day that You give us. We are thankful because we know that if it weren't for You, we would not be. And, God, it is evident because of Your Word that You have not placed us on this earth to aimlessly go about life, but to live our lives with purpose and to live on purpose. We are not a mistake—not one life is, for that matter. You put us at this specific time in this specific place for a reason. So we ask that You help us if we don't know that reason to come to You for the answer.

Father, we know that our world is not expressively friendly toward You, our Creator, but that did not stop You from sending Your only Son to die for all of mankind on Calvary's hill. What an awesome thought, Lord, that You would even allow Your one and only Son to die for us. Heavenly Father, I know that there is absolutely no way I would ever allow even one of my son's to die for the sins of another, yet You allowed Your Son to die for the sins of every human being who has ever lived from the beginning of time until time ends. We know that You did not have to, but You did because You loved humanity. What a mark Your one Son made on the history of our entire world. What an example of how one person can really make a positive difference in a world with so many lives, opinions, and beliefs.

Help us to learn from Your Son; that position doesn't necessarily make the difference on the world scene; that change is not necessarily found in power and prestige alone. Help us to take to heart what Jesus said, "You will find life when you lose it." Help us not to see ourselves as more than we are, but to humbly lead with a true spirit of servanthood and love for people. Ever keep before us an understanding that not only did You give us life, but also You allowed us our positions of leadership.

As these, our Senators for the great state of Michigan, meet today, I pray that You will give them direction in whatever decisions they will make. What a tremendous place for change that You have given them. Help them as they legislate our laws to ever keep this and future generations in mind.

Remind us that we are servants desperately dependent on loved ones, on each other, on our staffs, and especially on You, God.

In the name of Jesus, the Servant of servants, we pray. Amen.

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

### Motions and Communications

#### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

10:13 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Patterson, Van Woerkom, Bishop, Cassis, Allen, Kuipers, Birkholz, McManus, Brown, Jelinek, Goschka, Stamas, Cropsey, Garcia, Sikkema, Johnson, Toy and George entered the Senate Chamber.

A quorum of the Senate was present.

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

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

The Secretary announced that the Majority Leader has made the appointment of the following subcommittee:  
**K-12, School Aid, Education** - Senator Cropsey replacing Senator Johnson.

The subcommittee appointment was approved, a majority of the members serving voting therefor.

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Gallery.  
The motion prevailed, a majority of the members serving voting therefor.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 18:  
**House Bill Nos. 4187 4361 4362 4983 4984 5381 5491**

The Secretary announced that the following official bills were printed on Thursday, March 18, and are available at the legislative Web site:

**Senate Bill Nos. 1100 1101 1102**

The Secretary announced that the following official bills were printed on Friday, March 19, and are available at the legislative Web site:

**House Bill Nos. 5663 5664 5665 5666 5667 5668 5669 5670**

The Secretary announced that the following official bills were printed on Monday, March 22, and are available at the legislative Web site:

**Senate Bill Nos. 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116  
 1117 1118 1119**

### Messages from the Governor

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

**Senate Bill No. 195**

**Senate Bill No. 364**

**Senate Bill No. 293**

**Senate Bill No. 265**

**Senate Bill No. 288**

**Senate Bill No. 540**

**Senate Bill No. 283**

**Senate Bill No. 464**

**Senate Bill No. 466**

**Senate Bill No. 395**

**Senate Bill No. 474**

**Senate Bill No. 840**

**Senate Bill No. 785**

The motion prevailed.

The following messages from the Governor were received and read:

March 18, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17305:

#### **Michigan Board of Nursing Home Administrators**

Ms. Kerri A. Knopp of 206 Crestwood Drive, Gaylord, Michigan 49735, county of Otsego, succeeding Maila V. Tiffancy, whose term has expired, representing nursing home administrators, for a term commencing March 18, 2004 and expiring December 31, 2007.

March 18, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Sections 16121 and 17021 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17021:

#### **Michigan Board of Medicine**

Mr. Abd A. Alghanem, M.D., of 1441 Highland Meadows, Flint, Michigan 48532, county of Genesee, succeeding Linda Hotchkiss, whose term has expired, representing physicians, for a term commencing March 18, 2004 and expiring December 31, 2007.

Ms. Lynn M. Larson of 2735 Forest Lodge Drive, Traverse City, Michigan 49684, county of Grand Traverse, succeeding Paul McNamara, whose term has expired, representing the general public, for a term commencing March 18, 2004 and expiring December 31, 2007.

Mr. Frank Raines, III, of 22161 Sheffield Drive, Farmington Hills, Michigan 48335, county of Oakland, succeeding Robert Nelberg, whose term has expired, representing the general public, for a term commencing March 18, 2004 and expiring December 31, 2007.

Mr. George H. Shade, M.D., of 31555 Franklin Fairway, Farmington Hills, Michigan 48334, county of Oakland, succeeding Charles Sanislow, whose term has expired, representing physicians, for a term commencing March 18, 2004 and expiring December 31, 2007.

Ms. Marcy L. Street, M.D., of 1094 Trails End, Okemos, Michigan 48864, county of Ingham, succeeding Hassan Yaish, whose term has expired, representing physicians, for a term commencing March 18, 2004 and expiring December 31, 2007.

Mr. James D. Grant, M.D., of 1574 Sodon Lake Drive, Bloomfield Hills, Michigan 48302, county of Oakland, reappointed to represent physicians, for a term expiring December 31, 2007.

March 18, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office pursuant to Section 28 of Article 5 of the Michigan Constitution of 1963 and Section 3 of 1964 PA 286, MCL 247.803:

**State Transportation Commission**

Ms. Linda M. Atkinson, a Democrat, of N13927 Newberg Road, Channing, Michigan 49815, county of Dickinson, succeeding C. Robert Baillod, whose term has expired, appointed for a term commencing March 18, 2004 and expiring December 21, 2006.

Mr. Vincent J. Brennan, an Independent, of 1038 Bishop, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Lowell Jackson, whose term has expired, appointed for a term commencing March 18, 2004 and expiring December 21, 2006.

March 18, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office pursuant to Section 1 of 1927 PA 89, MCL 285.141:

**Upper Peninsula State Fair Board of Managers**

Mr. Jerald R. Campbell of 25802 South Fairview Road, Pickford, Michigan 49774, county of Chippewa, succeeding Steven D. Palosaari, whose term has expired, representing the general public, for a term commencing March 18, 2004 and expiring September 30, 2008.

Mr. Steven D. Palosaari of 41482 Pike River Road, Chassell, Michigan 49916, county of Houghton, succeeding John H. Kronemeyer who has resigned, representing the general public, for a term commencing March 18, 2004 and expiring September 30, 2005.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

March 22, 2004

Due to a typographical error in the March 18, 2004 letter filed with your office pursuant to Sections 16121 and 17305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17305, the following appointment should read:

**Michigan Board of Nursing Home Administrators**

**Ms. Kerri A. Knopp of 404 Park Street, Grayling, Michigan 49738, county of Crawford,** succeeding Maila V. Tiffany, whose term has expired, representing nursing home administrators, for a term commencing March 18, 2004 and expiring December 31, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the committee on Government Operations.

**Messages from the House**

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

**Senate Bill No. 806**  
**Senate Bill No. 824**

**Senate Bill No. 350****Senate Bill No. 432**

The motion prevailed.

**Senate Bill No. 189, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2001 PA 139 and sections 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, and 18516.

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16263, 16348, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.16348, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2004 PA 3 and sections 16348, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, 18506a, 18516, 18517, and 18518.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 206, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16323a and part 168.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 3, and by adding section 16323a and part 168.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 829, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 841, entitled**

A bill to create certain offices in the Michigan economic development corporation; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

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 Kuipers 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. 999, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2002 PA 79.

**House Bill No. 5184, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 13, 22, and 36 (MCL 400.713, 400.722, and 400.736), sections 13 and 22 as amended by 1994 PA 150 and section 36 as added by 1984 PA 140, and by adding section 34a.

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:

**House Bill No. 4702, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2002 PA 620 and section 27 as amended by 2003 PA 274.

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. 998, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 10A.

Substitute (S-4).

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. 1000, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11 and 14 of chapter II, sections 4a, 16a, and 31 of chapter IX, and sections 1 and 3 of chapter XI (MCL 762.11, 762.14, 769.4a, 769.16a, 769.31, 771.1, and 771.3), section 11 of chapter II as amended by 1993 PA 293, section 14 of chapter II as amended

by 1994 PA 286, section 4a of chapter IX as amended by 2001 PA 208, section 16a of chapter IX as amended by 2001 PA 204, section 31 of chapter IX as amended by 2002 PA 31, section 1 of chapter XI as amended by 2002 PA 666, and section 3 of chapter XI as amended by 2003 PA 101, and by adding section 4b to chapter IX.

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 amendment, the following bill:

**House Bill No. 5104, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 1999 PA 189.

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

1. Amend page 2, line 2, after "**abuse**" by inserting "**in the first and second degree**".

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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. 1032, entitled**

A bill to amend 1994 PA 55, entitled "Confidential research information act," by amending the title and sections 1 and 2 (MCL 390.1551 and 390.1552) and by adding section 4a.

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. 4179, entitled**

A bill to amend 2000 PA 499, entitled "Elder prescription insurance coverage act," by amending section 3 (MCL 550.2003).

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.

## Resolutions

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

**Senate Resolution No. 175**

**Senate Resolution No. 139**

**Senate Resolution No. 214**

The motion prevailed.

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

**Senate Resolution No. 229**

**Senate Resolution No. 230**

The resolution consent calendar was adopted.

Senator Brater offered the following resolution:

**Senate Resolution No. 229.**

A resolution observing September 20-26, 2004, as Pollution Prevention Week.

Whereas, Pollution prevention is promoted as a priority in achieving environmental quality in the state of Michigan in a week of observance, education, and outreach; and

Whereas, The people of Michigan are proud of our state's beauty, natural resources, and environment; and

Whereas, Pollution prevention is a fundamental strategy to protect the environment and maintain the health and safety of workers in the workplace by stopping pollution before it occurs; and

Whereas, Pollution prevention can benefit businesses by increasing industrial efficiency through process and material waste reduction, thereby saving businesses time and money; and

Whereas, With a proactive approach to pollution prevention, Michigan can meet the challenges of having both a sustainable environment and healthy economy for its citizens and businesses; and

Whereas, The Senate supports pollution prevention as a means to promote environmental stewardship which improves our communities and protects our natural resources for future generations; and

Whereas, Pollution Prevention Week is an opportunity for the people of Michigan to join together for a clean and vibrant Michigan by taking action to promote the reduction of waste at its source, or where this is not feasible, identify opportunities to reuse and recycle; now, therefore, be it

Resolved by the Senate, That we observe September 20-26, 2004, as Pollution Prevention Week in Michigan, and we commend all businesses and community members who participate in local and regional celebratory and educational activities; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality as evidence of our support.

Senators Basham, Birkholz, Clark-Coleman, Clarke, Goschka, Jacobs, Olshove, Prusi, Schauer, Switalski and Toy were named co-sponsor of the resolution.

Senator Hammerstrom offered the following resolution:

**Senate Resolution No. 230.**

A resolution to honor Kristy Worthen and her “Shedding Light Tour.”

Whereas, Kristy Worthen, of Arkansas, initiated the “Shedding Light Tour” to educate the public about mental health issues. She has traveled throughout the country advocating for access to the latest medications and better treatment plans for individuals with mental illnesses. At each stop, Kristy has brought a flag she designed at the request of the National Alliance for the Mentally Ill of Arkansas; and

Whereas, Arkansas’ Lieutenant Governor Win Rockefeller was so impressed with Kristy’s advocacy work, including the courage to tell her own story about bipolar disorder, he asked the members of the National Lieutenant Governors Association to participate in the “Shedding Light Tour” by flying the Mental Health Flag one day at each state capitol; and

Whereas, Kristy designed and hand-painted the 5-foot by 9-foot Mental Health Flag to increase awareness of mental health issues and to help combat the stigma associated with mental health illness. The flag features a lighthouse on one side with a beam of light shining out over the water and the inscription, “Shedding Light on Mental Health Issues”; and

Whereas, The stigma surrounding mental health illness still persists widely in this state and across the nation; and

Whereas, Many Michigan residents and their families suffer from the effects of mental health disorders; now, therefore, be it

Resolved by the Senate, That we honor Kristy Worthen and her “Shedding Light Tour”; and be it further

Resolved, That we join with Kristy and recognize the importance of bringing awareness to mental health issues, and resolve to join her in fighting the stigma and dispelling the myths that surround mental illness; and be it further

Resolved, That copies of this resolution be transmitted to Kristy Worthen and Lieutenant Governor John Cherry.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

### Introduction and Referral of Bills

Senator Van Woerkom introduced

**Senate Bill No. 1120, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Mason county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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

Senator Thomas introduced

**Senate Bill No. 1121, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 111k.

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



**House Bill No. 4187, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 312c.

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 Technology and Energy.

**House Bill No. 4361, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416d.

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 Health Policy.

**House Bill No. 4362, entitled**

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

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 Health Policy.

**House Bill No. 4983, entitled**

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a registry; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4984, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5381, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 28.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5491, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1080.

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 Transportation.

### Statements

Senators Hammerstrom, Garcia, Scott, Jacobs, Kuipers, Schauer, Sanborn, Basham and Sikkema asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hammerstrom's statement is as follows:

Colleagues, we adopted on the consent calendar today Senate Resolution No. 230, which you were all listed as co-sponsors. This is a resolution to honor Kristy Worthen and the "Shedding Light Tour." This is a tour that she is conducting across the United States to educate the public about mental health issues and trying to overcome the stigma that is connected with this.

As part of her tour, she will be presenting to the Senate a flag. It's a flag that she has designed herself and asking that we fly that flag for one day. The Lieutenant Governor is hosting her here tomorrow, and I want to thank you very much for doing that, Mr. Lieutenant Governor. I want to announce that there will be a press conference where you will be recognizing her for her efforts at 9 o'clock tomorrow morning in the rotunda. I would like to ask all the members here to come and support you in those efforts. Thank you again for what you have done.

Senator Garcia's statement is as follows:

At the conclusion of my remarks, I would like to recognize an individual, and my comments will reflect that introduction. We have in the east Gallery a constituent of mine who served with the United States Army in Operation Iraqi Freedom. His name is Specialist Brandon Cline, and he is a 2001 graduate of Corunna High School.

After graduating from high school, he joined the Army, went through basic training, attended advance infantry training, and there was assigned with 173rd Airborne Brigade stationed in Vinchenza, Italy. For those of you who know some history, the 173rd Brigade made a name for itself and an outstanding reputation in Vietnam. His unit is known as the "Rapid Deployment Unit for Europe," and as such, is recognized as an elite unit, and the soldiers who are a part of that unit are known as elite soldiers.

On March 26, 2003, as part of Operation Iraqi Freedom, his unit made a combat jump into northern Iraq and took the city of Kirkuk. We have in our midst among us a true American hero—a soldier, someone who has served his country. He is the son of Debbie Retlewski, who also works for Senator Sikkema, and they are in the east Gallery.

After leaving the Army, Brandon plans on attending college and majoring in the arts and would also like to pursue teaching. I have a certificate here that I would like to read in his honor. It is a certificate of gratitude to Specialist Brandon Cline on behalf of the state of Michigan. I would like to convey my gratitude for your dedicated service and sacrifice while defending our great country. May this certificate represent our many thanks for all that you have done during your tour of duty. Your noble deeds ensure that future generations of Americans will continue to enjoy the same freedom and liberty that you so proudly protected.

I'd like this body to welcome a great American hero, a soldier, and a constituent of mine, Specialist Brandon Cline.

Senator Scott's statement is as follows:

I have some information that I would like to share with my colleagues from a task force that I co-chaired this past summer in regards to insurance redlining or not affordable insurance, however we choose to put it.

This was a single male in a 1999 Ford Taurus LX Sedan in Farmington Hills in Oakland County, and his insurance company charged \$812.92. In Detroit in Wayne County, the rate was \$1,539.92; another company, \$1,297 for Farmington Hills in Oakland County; Detroit in Wayne County, \$3,022; another insurance company for Farmington Hills in Oakland County was \$1,028; same company in Detroit, which is in Wayne County, is \$2,521.

Some personal e-mails that we received: "Since I have a perfect driving record, yet every insurance company I call quote me very high insurance rates. The lowest rate was \$2,400 for six months. They are also taking into account my credit scoring, which I fell into financial hardship years ago and was unable to pay my bills which led to bad credit ratings. Why should I be penalized even more by the insurance company when I have kept a perfect driving record and have zero claims? I feel I am being redlined living in the city of Detroit. My co-workers looked amazed when I told them how much I pay for auto and home insurance. They live in the suburbs. What can I do to get affordable insurance?"

Another one: "I recently moved back to Detroit from Okemos. My insurance went from \$749 every six months to \$1,889 every six months. So my insurance went from \$1,498 a year to \$3,778 a year, a difference of \$2,280 for the same service."

Another one: "I am frustrated as to how my home insurance can go from \$1,000 in 2002 to \$3,943 in 2003, with no claims. Also I have excellent credit."

So, here again, I would like for my insurance bills to be taken up. You can see what stress it is upon the citizens who reside in the city of Detroit and in the urban areas.

Senator Jacobs' statement is as follows:

I rise today to commend Governor Granholm and her team for their continued focus on the key issue facing Michigan—growing our economy and creating new jobs.

Over the weekend, the Governor delivered the Democratic response to the President's weekly radio address. After telling the story of Electrolux to the national audience, the Governor called on our leaders in Washington to be active partners in the fight to protect our jobs. The Governor rightly criticized President Bush for doing little while our nation has lost 3 million manufacturing jobs. In Michigan, alone, 1 in 6 manufacturing jobs have been lost since 2001.

Despite these staggering numbers, the administration calls shipping jobs overseas a positive development, and it continues to negotiate trade deals with no protections for labor or environmental standards and has refused to support the extension of unemployment benefits to workers laid off in this terrible economy.

Well, Michigan cannot wait for the President or the Congress to act. Since January, we have lost 47,000 more jobs. So act, we must. Yesterday, the Governor issued two executive directives. These executive directives will go a long way

to ensuring that the state of Michigan does not subsidize the continued exportation of our jobs. The two directives include, in part, a prohibition on the use of state or federal funds to encourage companies to move out of state or overseas, preferences for Michigan-based job providers for state contracts and services, and the collection of outsourcing data from companies that do business with the state. Twenty-four other states offer similar protections to local businesses, and many of the provisions included in the Governor's directives were included in legislation introduced in the House, but not acted on. There is more that we can do.

The debate over the budget has already begun in both chambers. As legislators, we must do all that we can in tight budget times to strengthen the state's job creation climate. We must resist the urge to play partisan games with Focus:HOPE funding or job training services. We must address seemingly unrelated subjects like health care and education spending with an understanding of the critical role they play in getting our economy back on the right track. We must continue to stand with our Governor, Senator Stabenow, Senator Levin, and our congressional delegation as they fight to keep the focus where it should be—on growing our economy and creating new jobs.

As the Governor said in her radio address, "The announcement here that Electrolux was closing its plant was a blow to the people of Greenville. But it was not a knock-out punch. The men and women who work at the plant still look to the future with the hope and belief and optimism that manufacturing can win again in America. As we intensify our efforts at job re-training and new business recruitment for the community, Michigan is starting a great new chapter in the fight for our economic future."

Like you, I look forward to joining in the fight.

Senator Kuipers' statement is as follows:

If I could just respond to some inaccuracies to the previous statement, I think it is interesting for this body to engage in this discussion of job creations, since Michigan has the dubious distinction of being ranked with Alaska for the highest unemployment rate in country. It appears that this economic recovery that the nation is engaged in has avoided Michigan, and that's truly unfortunate. What is also unfortunate is the fact that colleagues on the other side of the aisle continue to blame the President for the woes that are occurring here in Michigan. I represent an area in West Michigan that has seen extensive job loss in the manufacturing sector. I live with the realities of high unemployment.

The Legislature last year passed out a jobs package targeted primarily at the tool and die industry, which I think we'll start to see some benefit from in the near future. The Legislature, under the leadership of the Republicans, has introduced a jobs plan, which I think—we put those bills on the Governor's desk—will be helpful in re-engaging the manufacturing community. We have a number of other bills that are either currently on the Governor's desk or will be very soon that will allow this Governor to step to the plate and demonstrate real leadership on job creation.

One of those is the creation of a manufacturing czar. We are giving the Governor one more chance to do the right thing. If it's okay for a manufacturing czar at the national level, then it's certainly okay for the state of Michigan to have one person as the point person, as the manufacturing czar, to examine the regulatory environment we find ourselves in in this state, as well as the tax code. We need that person whose sole focus it is to create jobs.

The Governor will also have on her desk within the next week or so a bill dealing with living wage. We can't expect to have a manufacturing rebirth in this state if we continue to burden our manufacturers with exorbitant wages. It's pretty easy for jobs to leave this country when we are competing with countries that are paying a \$1.50 to \$2.00 an hour. So we will find out if this Governor is interested in job creation by how she responds to the living wage bill.

Let me end by saying this: I think it's in all of our best interests to have a strong Michigan economy. We are not there yet. My hope is that this body, along with the House, will be able to work with this Governor and put together a package of bills that will create a strong and vibrant manufacturing sector here in the state of Michigan. We don't get to that point by continuing to blame the President for the woes of this state.

Senator Schauer's statement is as follows:

I am pleased that we are actually talking about the most important issue to my constituents, and I assume to yours as well. This should be our top priority and certainly is a top priority of our Governor. I would beg to differ as to whether it is the top priority of our President.

The Governor is currently in Pennsylvania, I believe, today, and I think it is a fortunate thing that she recently had the opportunity to address the nation over the weekend to help the rest of the country. I hope that the President and the rest of the Congress understand the problem and challenges that manufacturing states like Michigan, Pennsylvania, Ohio, and others have in common. The other side of the aisle likes to blame the Governor for the loss of manufacturing jobs in Michigan. Well, maybe you ought to blame our Governor for the loss of manufacturing jobs in Ohio as well because they have lost, to my knowledge, over 165,000 manufacturing jobs. The national recovery, if there is one, hasn't come to Michigan and hasn't come to Midwest industrial states.

The bill that the earlier speaker spoke to creating a state manufacturing czar is unnecessary at a time where we have a \$1.3 billion deficit. We need to eliminate layers of government where we can. We have a manufacturing czar. We brought from Ohio—in fact, he happens to be a Republican—Don Jakeway, who is nationally renowned as an economic developer. We have added others like Sandy Ring to that department of MEDC, who has a national reputation in manufacturing.

Sadly about the Electrolux situation, when Senator Levin and Senator Stabenow called Labor Secretary Evans to save the 2,700 jobs in Greenville, the call was not returned. We need all of us to work together, certainly, but we certainly need help from Washington, and we needed it yesterday.

Senator Sanborn's statement is as follows:

You know, I felt compelled to respond to the political speech of the Senator from the 14th District. You know, as we talk about the jobs that are leaving, I follow Senator Kuipers by pointing out that something like the fourth month in a row unemployment has fallen nationally. And yet, in Michigan for the fourth month in a row, unemployment has gone up. I find it a bit disingenuous to constantly be blaming the President for a Michigan phenomenon such as that. You know, Harry Truman, a good Democrat President, once said, "The buck stops here." This Governor apparently will be remembered for the phrase, "The buck stops there."

Senator Basham's statement is as follows:

Much of what I was going to say was said by Senator Schauer, who previously spoke to the issue of jobs. Certainly, the buck does stop at the top when it comes to sending back to states that are donor states when it comes to transportation funding, and certainly, Michigan is not getting its fair share of transportation funding. If Michigan was getting 95 cents on a dollar, we would certainly be putting a lot more people to work fixing our roads and fixing our infrastructure in this state. Michigan is certainly a state that has—in the past—been heavily a manufacturing state, heading towards being more service-orientated.

So I think Michigan's future is bright. I just think we in the Legislature need to support the Governor and try to get there to make sure that we remove burdens for businesses and labor because ultimately it is about the consumer, and it doesn't do any good to have a great business if the employees are not making a living wage.

Senator Sikkema's statement is as follows:

I rise to make some comments on the issue of Michigan's economy, and I would remind all of us that the jobs that we seek to create in this state are not Democrat jobs, and they are not Republican jobs. They are jobs for Michigan's citizens. They provide the livelihood for Michigan families. It is not helpful to make this a partisan issue.

Last fall when we realized our budget deficit, the Speaker and I last week announced a bipartisan jobs action plan, nine specific points that would help Michigan's economy and help to create an environment for job creation and business growth. Seven of those initiatives were put on the Governor's desk by Christmastime, demonstrating that this Legislature when we are faced with a critical issue, we can act quickly and we did.

The Speaker and I have followed up with jobs action plan 2 that we announced a few short weeks ago. Once again, it's a bipartisan plan. The reason we think it's important to make it bipartisan is that casting blame and blaming someone else doesn't create one single job for Michigan citizens or Michigan families. It is not helpful, and it doesn't lead to the end result that we all want. All of us are going to have an opportunity to stand up for Michigan job creation in the days ahead because we will advance the nine initiatives that the Speaker and I announced for jobs action plan 2, and we will finish the remaining two initiatives from jobs action plan 1 of last fall. All of us on both sides of the aisle, the Legislature and the Governor, will have an opportunity to stand up for Michigan jobs.

We have proposed that we stop taxing new job creation in Michigan, which is what our single business tax does. There's no revenue loss to the state because these are jobs that don't exist today. Frankly, if we talk about the issue of jobs, it doesn't make any sense for us to turn around and create a disincentive for job creation. We also create a disincentive because we tax federal research funds that companies receive. We know that the sectors of the economy that are growing today are the research-oriented sectors and the technology-oriented sectors, and yet, we turn around and tax research funds these companies get from the federal government, and they can't even use the research funds to pay the tax. We are proposing to allow for local units of government to treat broadband infrastructure the same way they treat road and sewer infrastructure in using their bond authority to expand local broadband to local units in Michigan. We have proposed that we eliminate the red tape nightmares that a lot of our small businesses are particularly faced with when it comes to regulations and permits. It's not just one permit, like the air permit, but we need to look at all permits that potentially harm job growth and streamline that process. We need to look at small businesses. If we are willing to make those tax abatements numbering the millions of dollars for single companies, large companies, we ought to look at giving some tax relief to thousands of small businesses in this state, which is what we are doing with our proposal that the first \$10,000 of personal property not be taxed.

There are four other initiatives that we have announced in a bipartisan fashion that are comprised in jobs action plan 2.

It is my hope that as we look to build the future of Michigan, our strategy is not to blame Washington strategy; that we not make this a partisan issue; and that we all come together as Senators from both parties, as a Legislature and the Governor, and understand we have a larger responsibility to Michigan families than engaging in the presidential politics of this year.

**Committee Reports**

The Committee on Finance reported

**Senate Bill No. 1093, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f.

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.

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: Senators Thomas and Brater

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 17, 2004, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

**Senate Resolution No. 224.**

A resolution to express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation.

(For text of resolution, see Senate Journal No. 24, p. 343.)

With the recommendation that the resolution be adopted.

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

The resolution was placed on the order of Resolutions.

The Committee on Economic Development, Small Business and Regulatory Reform reported

**Senate Bill No. 1026, entitled**

A bill to designate the third Friday in September as Michigan manufacturing day in the state of Michigan.

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

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

**House Bill No. 5344, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2003 PA 199.

With the recommendation that the bill pass.

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

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:  
Meeting held on Wednesday, March 17, 2004, 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 Higher Education submitted the following:  
Meeting held on Wednesday, March 17, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Goschka (C), Johnson, Hardiman, Cherry and Prusi

## COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:  
Meeting held on Wednesday, March 17, 2004, at 3:00 p.m., Room 210, Farnum Building  
Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:  
Meeting held on Thursday, March 18, 2004, at 8:30 a.m., Room 405, Capitol Building  
Present: Senators Brown (C), Stamas and Clarke

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:  
Meeting held on Thursday, March 18, 2004, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senator Jelinek (C), Johnson, Brown, Switalski and Scott

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:  
Meeting held on Thursday, March 18, 2004, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Stamas (C), George, Johnson, Garcia, Cherry and Clarke

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, March 25, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, March 24, and Thursday, March 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittees -**

**Family Independence Agency** - Thursdays, March 25 and April 1, 8:30 a.m., Room 210, Farnum Building (373-1801)

**General Government** - Tuesdays, April 27, May 4, May 11 and May 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**State Police and Military Affairs** - Tuesdays, April 20, April 27, May 4 and May 11, 1:00 p.m., Room 405, Capitol Building (373-5932)

**Commerce and Labor** - Wednesday, March 24, 2:00 p.m., Room 110, Farnum Building (373-2413)

**Education** - Thursday, March 25, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Finance** - Wednesday, March 24, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-1758)

**Health Policy** - Wednesday, March 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

**Local, Urban and State Affairs** - Thursday, March 25, 1:00 p.m., Room 110, Farnum Building (373-1707)

**Technology and Energy** - Wednesday, March 24, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:14 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, March 24, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

