

No. 32
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Senate Chamber, Lansing, Thursday, March 25, 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 Secretary of the Senate, who announced that a quorum was 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—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 Beverly S. Hammerstrom of the 17th District offered the following invocation:

Heavenly Father, once again we come before You as we begin our work for the day and ask that You watch over this chamber—those who serve in it and those we serve. Grant us the wisdom and compassion to do what is best for the citizens in this great state.

Father, this morning let us be mindful that spring is here, and we thank You for the seasons of the year and the beauty that comes with each. As we approach this season of rebirth, let each of us also seek to be reborn in Your grace. As the grass grows greener, the trees sprout leaves, and the flowers begin to bloom, let us continue to marvel in the wonderful gifts of nature You have created for us to enjoy. Let us find pleasure and comfort in our surroundings, and finally, dear God, let each of us take some time from our busy schedules to smell the roses. Amen.

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

Motions and Communications

Senator Hammerstrom moved that the enrollment be vacated on the following bill:

Senate Bill No. 252

The motion prevailed.

Senators Johnson, Clarke, Goschka, Brown and Barcia entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Sikkema admittance to the Senate floor.

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

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

The motion prevailed.

Senator Sikkema's statement is as follows:

As most of you, and I think everybody knows, my legislative director, Brendan Ringlever, is leaving the Senate. My strategy over the last couple of days has sort of been a state of denial, but as of tomorrow, which I think is officially his last day in the Senate, that strategy is no longer going to be effective. I guess I have to deal with the fundamental reality that he is, at least figuratively, going on to greener pastures.

It's, I think, difficult when someone has been with you and has served with you as long as he has. He has been with me for seven years. He started with me when I was House Republican Leader, came to the Senate with me, worked with me in my first term in the Senate, and obviously, as everybody knows, over the last 15 months has been my legislative director. When a person has been with you that long and you've developed the kind of friendship that we have developed, it is hard to see that person leave the nest. I intentionally picked those words because that is kind of how it feels. I hope that I am a better person today because of the friendship that we've developed and the service that he has given me. I think as a more kind of professional or public perspective, I will also say that the state of Michigan and the Michigan Senate is a better place today because of his service and his contributions. Once again, it's difficult to see a person who has been that important to you and instrumental in your work—or in this case, my work—leave, but it kind of brings home the reality of term limits to all of us. And, yes, term limits affect the Michigan Senate too.

We are joined by all of my staff and many of the central staff who have worked with Brendan. We are also joined on the floor by his mother Sandy and Aunt Joanne. We are pleased to have them with us as well. I have a special tribute that Minority Leader, Senator Emerson, and I and the Speaker of the House have signed. I hope at least on some days he displays this in his new office. I guess one of the things I can say is that in spite of the fact that Brendan is leaving the Michigan Senate, leaving the Legislature, he will be close by, and he will still be subject to all of our abuse. But, Brendan, thank you for your friendship. Thank you for your loyalty. And I think on behalf of the Senate, thank you for making this institution a better place today.

Senator Hardiman's statement is as follows:

I rise today for an announcement and an introduction. I do this with mixed feelings, as well as the Majority Leader. Today I have with me my district representative, Mary Ellen Sullivan, and we are joined by my staff who are here with me today on the floor. Mary Ellen will be leaving. She has served me wonderfully for about one year in my district. The relationship goes even beyond that. She has been a wonderful friend and supporter long before that. I have appreciated her knowledge of the community. She is well-known and highly respected. I have appreciated her insight, her wisdom, and her absolute commitment. She will be leaving to go to work for Congressman Vern Ehlers on a close to full-time basis, so she will kind of stay in the family. I will miss her greatly as my district representative, and I have a tribute as well that I would like to give to her. I won't read the whole thing, but I've expressed my heart. She is a wonderful person, a real asset. She will not be leaving me as a friend, but certainly only as district representative. I would like to ask the Senate to also help me thank her for her faithfulness and her service and wish her well.

Senator Emerson's statement is as follows:

I rise to wish Brendan Ringlever good-bye and best wishes from the minority. I've had a terrific working relationship with him. Brendan has been a real professional, in spite of the person he works for. He has done a really wonderful, wonderful job. I just want him to know as he moves over to the other side—to the dark side—that you must remember that paybacks are hell. We are going to remember everything you did for us.

Joking aside, Brendan really has been a true professional, and I've enjoyed working with him the last year and a half. I've gotten to know him very well. He does a terrific job, and I'm sure he is going to do a wonderful job in his next career. We wish you well, Brendan.

Senator Hammerstrom's statement is as follows:

I, too, would rise to congratulate Brendan on his new endeavor, and it is indeed a bittersweet congratulations because as the Minority Leader so eloquently put it, the other side's gain will definitely will be our loss. I understand what Senator Sikkema meant when he talks about someone leaving the nest. Our two offices work very closely together, and it's kind of like a family. I guess I kind of think of their office as the in-laws. I think of Brendan as being one of the in-laws. I am going to miss him very much. He has worked very well with our office. He has done an admiral job for this Senate. We wish him nothing but the best, but again, it will be our loss.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 24:
House Bill Nos. 5431 5670

The Secretary announced that the following official bills were printed on Wednesday, March 24, and are available at the legislative Web site:

Senate Bill Nos. 1120 1121

**House Bill Nos. 5671 5672 5673 5674 5675 5676 5677 5678 5679 5680 5681 5682 5683 5684
5685 5686 5687 5688 5689 5690 5691 5692 5693 5694**

By unanimous consent the Senate proceeded to the order of

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

Senate Bill No. 206

The motion prevailed.

Senate Bill No. 635, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21311 (MCL 333.21311), as amended by 1984 PA 311.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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. 702, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23d of chapter X (MCL 710.23d), as amended by 1996 PA 409.

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. 788, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 518 (MCL 600.518), as amended by 2001 PA 256.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

House Bill No. 4720, entitled

A bill to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 263 (MCL 18.1263).

(For text of amendments, see Senate Journal No. 31, p. 443.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 150**Yeas—37**

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

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: President

Third Reading of Bills

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

House Bill No. 5479**House Bill No. 5480****Senate Bill No. 1000****House Bill No. 5119****House Bill No. 5117****Senate Bill No. 1093****Senate Bill No. 1026**

The motion prevailed.

The following bill was read a third time:

House Bill No. 5479, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8142 (MCL 600.8142).

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. 151**Yeas—28**

Allen	Cassis	Hardiman	Prusi
Barcia	Cherry	Jacobs	Sanborn
Bernero	Cropsey	Jelinek	Schauer
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brater	Goschka	McManus	Switalski
Brown	Hammerstrom	Olshove	Van Woerkom

Nays—8

Basham	Clarke	Patterson	Thomas
Clark-Coleman	Leland	Scott	Toy

Excused—1

Garcia

Not Voting—1

Emerson

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Protest

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5479 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Thomas’ first statement is as follows:

I’m very sad and reluctant that I must rise again in opposition to my friends in Mecosta and Osceola counties. I congratulate the citizens of those fine communities for being recognized as growing communities and needing quick, smooth, and deliberative justice. Unfortunately, the Legislature fails to realize the county of Wayne, our state’s most populous county, also needs swift, smooth, and deliberative justice. We are threatening the well-being and the livelihood of more than 2 million of Michigan’s citizens by not acting in their best interest in moving bills, which are now languishing in committee in both chambers, forward. It is inappropriate, as we’ve continued to say, to piecemeal this approach. We recognize that other communities are growing as well; we are growing as well. We think that we are no different than any other community. We want the same rights and privileges of any other citizen in Michigan. Therefore, I would ask members to vote against this legislation until we can actually come forward and give justice for all of the citizens of Michigan.

Senator Thomas’ second statement is as follows:

I’d hope that the good chairman of the Judiciary Committee would read my comments and hear that I’m not voting against the citizens of Mecosta and Osceola counties. I said it the first time and I’ll say it again: They deserve justice too. I’m simply standing up for my county because we feel that we are underrepresented. We are the eighth largest court in the United States of America. We have a docket of over 100,000 cases, particularly problems arising in the probate court system. As we are now, we can’t come to Lansing without seeing a billboard cracking down on deadbeats. All of that is going through probate, and we need judges to help in that probate caseload down in Wayne County. This Legislature simply is not acting on that. Congratulations and good luck to our friends in Mecosta and Osceola. You’re getting what you deserve, but we deserve the same in Wayne County as well.

The following bill was read a third time:

House Bill No. 5480, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

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. 152

Yeas—29

Allen	Cherry	Hardiman	Prusi
Barcia	Cropsey	Jacobs	Sanborn
Bernero	Emerson	Jelinek	Schauer
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brater	Goschka	McManus	Switalski

Brown
Cassis

Hammerstrom

Olshove

Van Woerkom

Nays—8Basham
Clark-ColemanClarke
LelandPatterson
ScottThomas
Toy**Excused—1**

Garcia

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 153**Yeas—37**Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
CherryClark-Coleman
Clarke
Cropsey
Emerson
George
Gilbert
Goschka
Hammerstrom
HardimanJacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
PrusiSanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.
Senators Schauer and Brater moved that they be named co-sponsors of the bill.
The motion prevailed.

The following bill was read a third time:

House Bill No. 5119, entitled

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

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. 154

Yeas—37

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally

disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5117, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 20531.

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. 155

Yeas—37

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 156

Yeas—28

Allen	Cropsey	Jelinek	Sanborn
Barcia	George	Johnson	Schauer
Birkholz	Gilbert	Kuipers	Sikkema
Bishop	Goschka	McManus	Stamas
Brown	Hammerstrom	Olshove	Switalski
Cassis	Hardiman	Patterson	Toy
Cherry	Jacobs	Prusi	Van Woerkom

Nays—9

Basham	Clark-Coleman	Emerson	Scott
Bernero	Clarke	Leland	Thomas
Brater			

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Thomas, Basham, Brater, Clark-Coleman and Emerson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1093.

Senator Thomas’ statement, in which Senators Basham, Brater and Clark-Coleman concurred, is as follows:

I wanted to offer a “no” vote explanation to Senate Bill No. 1093. While it seems innocuous and a way to encourage business growth, I think that it is the wrong time for Michigan. At present, we simply cannot afford to offer a \$10 million or \$20 million tax cut to businesses that very likely would have hired these employees anyway. I, as many members may not know, have run small businesses, franchises, some of the businesses that would likely be targeted by

this type of legislation. Without question, if we needed to hire an employee to make that business work, we would just go hire that employee. The credit that is offered out of this legislation would not have prevented me or promoted me to go make that hire. So it then becomes an issue, can we afford this? Is this the way to go? Is this, in fact, something that is going to create jobs for Michigan? I think that we can find a better way to play with Michigan's tax code to make sure those businesses can compete and that we can create jobs.

Simply, this is not the time to do it. Four years ago when we had a \$2 billion budget surplus, this is probably a bill that I would have co-sponsored and gladly voted for, but now the reality is this. This SBT credit will have a negative impact on higher education finances in the state of Michigan. As schools, as colleges are grappling with the reality of trying to hold tuition in line, we are taking away money from them, which impacts their bottom line and impacts us as we deliberate on very difficult budget issues. I simply feel that this is the wrong time and the wrong way to go for the state. For those reasons, I oppose this legislation.

Senator Emerson's statement is as follows:

I voted against this bill for many of the same reasons that were expressed by my colleague from the 4th District. This bill creates a credit for any new job, including every McDonald's. While the federal government now considers McDonald's jobs as manufacturing jobs, those of us who have ever worked in a manufacturing facility know those are not manufacturing jobs. While the next bill we are going to consider creates a Michigan manufacturing day in the state of Michigan, I think what we ought to be doing is trying to encourage those jobs that create other jobs in this state through their spin-off effect and not give a tax credit for anybody opening any new business, including a franchise or a Wal-Mart. Those seem excessive tax giveaways in a time when our budget is short. We are passing budgets out of the Appropriations Committee that are all in excess of the Governor's recommendations, which were based on the consensus revenue estimates of the state. We are exceeding those to give away money for jobs that are going to be created at Wal-Mart, regardless of a tax credit. It seems excessive, and that's why I voted "no" on Senate Bill No. 1093.

The following bill was read a third time:

Senate Bill No. 1026, entitled

A bill to designate Michigan manufacturing day in the state of Michigan.

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. 157

Yeas—37

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 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.

The question being on the passage of the bill,

Senator Brater offered the following amendments:

1. Amend page 9, line 25, after “**appraisal.**” by inserting “**If the assessment of real property classified as agricultural real property is determined by excluding sales data on sales of agricultural real property for which an affidavit was not filed under section 27a(7)(n) and the property is converted by a change in use, that agricultural real property is subject to the levy and collection of the conversion tax under section 110. As used in this subsection, “converted by a change in use” means that term as defined in section 2 of the agricultural property recapture act, 2000 PA 261, MCL 211.1002.**”.

2. Amend page 11, following line 11, by inserting:

“**Sec. 110. (1) If agricultural property is converted by a change in use, that agricultural property is subject to the levy and collection of the conversion tax calculated under subsection (2).**

(2) The conversion tax under this section is calculated by multiplying the fair market value of the agricultural property converted by a change in use by 1 of the following:

(a) If the property is platted, 3%.

(b) If the property is not platted and is 5 acres or less in size, 5%.

(c) If the property is not platted and is more than 5 acres in size, 7%.

(3) The conversion tax shall be collected by the county treasurer and deposited with the state treasurer as provided in this section. By the fifteenth day of each month, the county treasurer shall, on a form prescribed by the state treasurer, itemize the conversion taxes collected the preceding month and transmit the form and the conversion taxes collected to the state treasurer. The county treasurer may retain the interest earned on the money collected pursuant to this act while held by the county treasurer as reimbursement for the costs incurred by the county in collecting and transmitting the conversion tax. The money retained by the county treasurer under this section shall be deposited in the treasury of the county in which the conversion tax is collected to the credit of the general fund. The assessor of the local tax collecting unit in which the agricultural property is located shall notify the county treasurer if agricultural property is converted by a change in use.

(4) The state treasurer shall credit the proceeds of the conversion tax collected by county treasurers under this section to the fund in which the proceeds from lien payments made under part 361 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.36101 to 324.36117, are deposited.

(5) As used in this section:

(a) “Agricultural property” means property that meets both of the following conditions:

(i) Is classified as agricultural real property under section 34c.

(ii) The property’s assessment is determined by excluding sales data on sales of agricultural real property for which an affidavit was not filed under section 27a(7)(n) as provided in section 27(4).

(b) “Converted by a change in use” means that term as defined in section 2 of the agricultural property recapture act, 2000 PA 261, MCL 211.1002.”.

The question being on the adoption of the amendments,

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 158

Yeas—17

Barcia	Clark-Coleman	Leland	Schauer
Basham	Clarke	Olshove	Scott
Bernero	Emerson	Patterson	Switalski
Brater	Jacobs	Prusi	Thomas
Cherry			

Nays—20

Allen	Cropsey	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema

Bishop	Gilbert	Johnson	Stamas
Brown	Goschka	Kuipers	Toy
Cassis	Hammerstrom	McManus	Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: President

Senator Birkholz offered the following amendment:

1. Amend page 9, line 21, after “**27a(7)(n)**” by striking out the balance of the subsection and inserting “**and the sale is not representative of the class.**”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 159**Yeas—33**

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

Nays—4

Brater	Clarke	Emerson	Leland
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Excused—1

Garcia

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent

for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 2, line 26, after “**means**” by striking out the balance of the subdivision and inserting “**a violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of a local ordinance substantially corresponding to a violation of that act, that involves the operation of a vehicle and, at the time of the violation, is a felony or misdemeanor.**”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 160

Yeas—37

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Schauer and Brater moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

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.

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. 161

Yeas—37

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

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Schauer and Brater moved that they be named co-sponsors of the bill.

The motion prevailed.

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 McManus 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:

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.

Senate Bill No. 1073, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1246 (MCL 380.1246), as amended by 1995 PA 289.

The bills were 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

The motion prevailed.

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.

The question being on the adoption of the resolution,

Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 162

Yeas—33

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

Nays—4

Basham	Clark-Coleman	Clarke	Leland
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Excused—1

Garcia

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to the order of

Messages from the House

The House of Representatives requested the return of

Senate Bill No. 252, entitled

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide

for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121.

Senator Hammerstrom moved that the request of the House be granted.

The motion prevailed.

Introduction and Referral of Bills

Senator Birkholz introduced

Senate Bill No. 1123, entitled

A bill to authorize the state administrative board to convey or transfer certain parcels of state owned property in Barry county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; 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 Stamas introduced

Senate Bill No. 1124, entitled

A bill to authorize the state administrative board to convey or transfer certain state owned property in Alpena county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; 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.

Senators Patterson, Cassis, Switalski, Jacobs and Hardiman introduced

Senate Bill No. 1125, entitled

A bill to amend 1937 PA 306, entitled “An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 1b (MCL 388.851b), as added by 2002 PA 628.

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

Senators Jelinek and Switalski introduced

Senate Bill No. 1126, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to clarify the ownership of certain parcels of property; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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

Senators Jelinek and Switalski introduced

Senate Bill No. 1127, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 6b (MCL 211.6b).

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

Senators Brown, Cropsey and Goschka introduced

Senate Bill No. 1128, entitled

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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

House Bill No. 5431, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44b (MCL 211.44b), as added by 1994 PA 297.

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 Local, Urban and State Affairs.

House Bill No. 5670, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 24, 41, 42, 45, 45a, 51, and 52 (MCL 24.224, 24.241, 24.242, 24.245, 24.245a, 24.251, and 24.252), sections 24, 41, 42, 45, 45a, and 52 as amended by 2004 PA 23.

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.

Senator Hammerstrom moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

Statements

Senators Leland, Jacobs, Brown, Scott, Johnson, Sikkema, Prusi, Cropsey and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Leland's statement is as follows:

I wanted to just say, well, I had a lot to say, but I'm just going to say a couple things now because I understand that one of my colleagues is going to follow me.

As we know, Millie Jeffrey passed away yesterday, a dear woman of 93 years of age. She was a great human being and a civil rights person. She fought for equality in the workplace for men and women. She was a consumer advocate and a great union organizer. I remember the first time I met Millie. It was back in 1978, my first campaign. I knocked on her door. I had no idea who Millie Jeffrey was, no idea. I walked on her porch, and I gave her what was then a very raggedy-looking campaign piece, which was barely intelligible. She invited me inside her house to talk with me. I still had no clue who Millie was. After we got done talking for a while, she said, "I'm going to help you. I'm going to support you. I'm going to endorse you." It didn't really dawn on me at that moment how important that endorsement was and what a great human being she was. I had no idea about all the accomplishments she had done in her life. I just knew that I had this endorsement from a very dear human being, that I felt very honored to have.

We get many endorsements as politicians. Some of them really mean nothing, and some of them mean something. In all the years that I've been in elected politics, there has never been an endorsement that has been so important to me like Millie's endorsement. There will always be a place in my heart for this dear, dear woman. She'll be missed sorely by all of us, and I wish her peace in her next life.

Senator Jacobs' statement is as follows:

I, too, rise to honor the memory of Millie Jeffrey, who was an icon in the women's movement, in the labor movement, and in the Democratic Party. I will have a resolution for co-sponsorship Tuesday for the other members of this chamber, but I want to read to you what will be on that resolution that I will be asking you to co-sponsor on Tuesday.

It's "A resolution to proclaim May Day, May 1, 2004, as Millie Jeffrey Day in Michigan to honor her lifetime contribution to social justice and equality.

Whereas, Mildred McWilliams Jeffrey was born in Alton, Iowa, on December 29, 1911, into a family of independent and hardworking women; and

Whereas, Her grandmother ran the family farm and raised 16 children after losing her husband; and

Whereas, Millie's mother raised seven children, became Iowa's first registered pharmacist, and remained determined that all her children would attend college; and

Whereas, Millie Jeffrey's fight for social justice began at age 17 when she joined the left-leaning Women's International League for Peace and Freedom and the very liberal YWCA as a student at the University of Minnesota; and

Whereas, Millie was exuberant, dynamic, tenacious, and, while diminutive in size, mighty in stature; and

Whereas, During the next seven decades, she would fight tirelessly against exploitation and for opportunity, against discrimination and for equality; and

Whereas, After earning a master's degree from Bryn Mawr College Department of Social Economy and Social Research, she worked briefly as an investigator for the National Recovery Administration. She then accepted a job organizing for the Amalgamated Clothing Workers of America recruiting millworkers, along with fellow organizer Homer Newman Jeffrey; and

Whereas, In 1936, she married Homer Newman Jeffrey and traveled with him throughout the South organizing textile workers until World War II, when they moved to Washington, D.C., as consultants to the War Labor Board, where they met the Reuther brothers; and

Whereas, In 1944, the Jeffreys moved to Detroit where Millie accepted a job as director of the newly formed UAW Women's Bureau, as the first female UAW department head, and where, in 1948, she began work on the Equal Rights Amendment; and

Whereas, Millie continued her career with the UAW that included management of the union's radio station, director of the Community Relations Department, and director of the Consumer Affairs Department, where she served from 1968 until her retirement in 1976; and

Whereas, While her Democratic Party grassroots political activism had begun upon her arrival in Detroit, it was not until 1974 that she ran for political office herself and was elected to the Wayne State University Board of Governors, an office she held for 16 years; and

Whereas, She was an original board member of the Michigan Women's Foundation and a founding member and chair of NOW's National Women's Political Caucus, supporting female candidates for political office; and

Whereas, After her retirement from the UAW, Millie continued her work on behalf of civil rights, workers' rights, women's rights, gay rights, education, health care, youth employment, and recreation, earning numerous awards, commendations, and distinctions; and

Whereas, She marched with the Rev. Martin Luther King, Jr.; advised UAW President Walter Reuther; counted Hubert Humphrey and Geraldine Ferrero among her good friends; and served on national commissions during the Kennedy and Carter administrations; and

Whereas, In 2000, Millie's work was honored by then-President Bill Clinton when he presented her with the Presidential Medal of Freedom, the nation's highest civilian award; and

Whereas, In her words, 'You never win freedom permanently. You have to win it time after time...whether it's union rights, civil rights, or equality for women. We have to keep at it and at it'; and

Whereas, In a 2001 interview with the University of Minnesota College of Liberal Arts magazine, Millie expressed impatience with those who tried to analyze her extraordinary character and inner motives, snapping 'I just DO it'; and

Resolved, That Millie Jeffrey will continue to remind us that we must 'keep at it and at it' until the good work is done."

Senator Brown's statement is as follows:

Mr. President, we can't have it both ways. We can't say on the one hand that we want to create new jobs and bring in new business, and then attach good faith efforts to do so. We can't say we are for jobs, but then be co-dependent and allow disincentives to job growth—however that growth may be measured, great or small.

One new job—one new job—not to mention two or three, ten or 12 will bring dignity to the lives of those affected by the rewards of gainful employment. The Majority Leader said it best. We are not about creating Democrat or Republican jobs; we are about creating work opportunity for all Michigan citizens. And, Mr. President, I stress the word "opportunity". In fact, Senate Bill No. 1093 is an equal opportunity employer. The current credit against the SBT in Senate Bill No. 1093 has been reduced from 3 percent to 1 percent. This is a very, very modest credit indeed. The Senator from the 4th District essentially said that we cannot afford a \$10 million investment in new jobs. Well, Mr. President, we can and we must. Let's not fool ourselves; this is not lost tax revenue because these jobs don't currently exist. The glass is empty, not even half full.

Furthermore, this is not government money. That is the problem in our thinking. This money belongs as much as possible in the purse and pockets of the good people of this state. It amazes me, Mr. President, that there would be a "no" vote on the first bill of a new jobs package that puts us on a path of growth and economic expansion. What, one must ask, is the legacy that we want to leave the people of this state during this time of economic challenge? Mr. President, I believe that legacy must be one in which we are remembered for exhausting all options, bending over backwards to come up with an idea that could work, a plan that just might add a job here and a job there. Before you know it, Mr. President, we just might turn the tide and make a real difference—a voice and vote for action, not inaction; for forward motion, not downward spiral.

Senator Scott's statement is as follows:

First, I, too, would like to give my condolences to the family of Millie Jeffrey. I just want to thank God for her life and for who she was and what she was to the state of Michigan and to women. She was a mentor to so many of us, and she was just a wonderful woman. So, again, I thank God for her wonderful longevity that He gave her. We will truly miss her.

And now, my statement on insurance. I have some letters and e-mails that I would like to share with you again today. This one: "We, the citizens of the great city of Detroit, love our city. We love living, working, and driving in our city. Can we afford it? No. Would it be easier for us to move one block over to Grosse Pointe, Dearborn, Southfield, or Oak Park and see, in some instances, that 67 percent drop in our insurance rate? Yes. But then as Detroiters, we wouldn't be at home."

Another one: "I applaud your efforts to expose the practice of insurance companies in discriminating against policyholders in large urban areas. I happen to reside in Harper Woods and within 100 yards of Detroit borders. Harper Woods has a population of about 15,000. I believe that the auto theft rate in proportion to population is much larger than that of Detroit, but yet our insurance rates are decidedly lower."

Another one: "I'm a 38-year-old single mother who lives in the city of Detroit. I have been driving for 21 years without an accident. I do think that I am billed for insurance for reasons other than my driving record."

Another one: "I recently purchased my first new car in several years with borrowed funds and need full insurance coverage. I was shocked that my car payments and insurance payments are about the same amount monthly. How can people afford this? I would gladly give up my car if we had a public transportation system like Europe, but if you don't have a car, you can't get a job."

Another one: "My husband and I have always had to be very careful with our finances. I am a stay-at-home mom, so money must stretch farther. We have never had an insurance claim since we were married eight years ago. We pay our bills. This month we were notified from our insurance company that our homeowners insurance had jumped 72 percent. They say that their costs have gone up, so ours have too. Just as we were beginning to get ahead, wham, stuck with paying more and more. Why is there no cap on what insurance companies are allowed to charge to increase their rates to 72 percent? It is time, people like us, we are heard and listened to."

Another one: "I would like to express my concern about the awful redlining insurance practices that have been allowed to take place in the city of Detroit. I have lived in the city for over 30 years, and I'm making plans to leave the city because of outrageous prices mandated in order to have insurance on my vehicle and property. Something must be done about this. There are people that cannot afford to have a job because of the cost to legally transport to and from a job is more than they can afford. The insurance prices on a vehicle are equal to, if not more than, the price of the vehicle itself. It should be illegal for insurance companies to do this. The citizens of Detroit need your help. Please help us in ending this obvious case of discrimination."

And some of these others that I gave were from Battle Creek and Bear Lake. So it's not just Detroit; it's all over this state. Something must be done very soon.

Senator Johnson's statement is as follows:

I rise to join members on the other side of the aisle in recognition of the passing of Millie Jeffrey. I had the most wonderful opportunity to work with that woman during the Blanchard administration. We became friends. She was just an inspiration to anyone who ever came into contact with her and is well remembered by all of us.

Senator Sikkema's statement is as follows:

I want to concur with all of the past comments related to Ms. Jeffrey. I think, no question, she was both a pioneer and a warrior, and it doesn't require agreement on any specific issue or set of issues to recognize that.

I really arose though, Mr. President, to make some comments on the passage of Senate Bill No. 1093, which is part of the initiative the Speaker and I announced a couple of weeks ago. I really think that contrary to what some other speakers believe, I really think that it is the right course of action. The issue of job creation is paramount in the state of Michigan. A growing economy in many respects establishes the foundation for a lot of other things we want to do in our society, whether it is environmental protection or proper level of care for the mentally ill, whatever it is. It is incumbent upon the state and all of us who believe that job creation is so vital that we look at what we do in Lansing, our state government, to make it harder to create jobs. It is just so inconsistent for us to talk about creating new jobs, and then turn around and have a corporate or business tax policy that, in fact, penalizes and makes it harder to create those jobs. We can't have it both ways. If we want to create jobs, we create policies that help companies create the jobs. In fact, today under the single business tax, job creation goes into the tax base and creates reliability and creates a disincentive. So contrary to what others believe, I really think that Senate Bill No. 1093, which begins that process of saying, "Here today, from this day forward, we won't make it tougher to create that new job" is the right course of action.

Yesterday, I met with Governor Granholm; it's the weekly meeting we have. The Governor asked the Michigan Senate to pass changes to the MEGA act, the bill that we can do that is on the Senate floor, to allow the Michigan Economic Development Corporation to grant ten more MEGA tax abatements that are under current law. The first estimate of the annual cost of that request from the Governor is \$17-\$20 million a year. This bill that we just passed, if you believe Senate Fiscal, is \$10 million a year. The passage of this bill, designed to create new jobs, versus the personal request from Governor Granholm to me to create more job retention credits, which don't create any new jobs, but keep jobs—her proposal that she wants us to pass—costs twice as much as the bill we just passed. Our bill creates new jobs, and her request is job retention.

I would submit, ladies and gentlemen, that those of us who vote “yes” on Senate Bill No. 1093 did exactly the right thing. I am open to the request from the Governor. I pledge to her, first of all, that on a specific company that she is concerned about, she will have my support. But it seems to me that as we look at this issue of job creation and job development and job retention, what we ought to be doing is exactly what 1093 does and that is examine the policies created by us, and if they hurt job creation, if they are barriers to job creation, we ought to demolish those barriers.

I want to point out to you again that the most important issue to this state is not our budget deficit. We will solve that deficit like we have three times in the last 15 months. We will solve the deficit because we have to do it, but the most important issue to this state is the loss of jobs; the issue of can we create new jobs and demolish those barriers and obstacles to job creation in Michigan.

Senator Prusi’s statement is as follows:

I have been reluctant to weigh in on statements here on job creation policies because I think we have all kinds of initiatives going in the state. The debate should be taking place in our committee work. I am sure those debates will be forthright and vigorous as we go forward with the various plans that are being presented to us. We can debate ad nauseam on the policies of the last 12 years, or the policies of the last three years in Washington and the trade policies that are under both the Democrat and the Republican Presidents that this nation has entered into. For twenty years, before I started my service here in the Legislature, I worked in the steel industry, the raw materials end of the iron ore mining business.

Twenty-five years ago, America had 125 blast furnaces melting the iron ore that we mined to steel and turned it into products for Americans to consume. As I speak to you today, America has less than 35 blast furnaces left. There has been at least five or six iron ore mines closed both in my district and the ore ranges in Minnesota. Obviously, there has been something happening here in America that has negatively impacted the steel industry as well as the huge bulk of our manufacturing base.

I want to share with you today something that one of my constituents e-mailed to me this week. This is a woman in Marquette, works at a low-wage job, and she is a single mom. She doesn’t blame President Bush, and she doesn’t blame Governor Granholm. She blames herself and a lot of people in this country. She went to Wal-Mart, Kmart, and Target and purchased whatever products were available on the shelf and never paid attention to where those products originated. She has subsequently sold or donated all of her Chinese-made goods and all of her foreign-made goods, and saved a winter coat and a pair of boots because we still have three feet of snow on the ground in the Upper Peninsula.

Her little action of divesting herself of foreign-made products and going around and insisting that every place that she shops with her meager dollars to spend that she have an opportunity to buy American-made products. She is looking for the “Made in U.S.A.” label. I think if one little person feels that she can make a difference by insisting that the products that she consumes are made and the goods that she uses are manufactured in this country, think how that impacts in this country if that were to be spread to more and more of us. I would encourage my colleagues and staff on the floor here to communicate with your constituents, as we discuss jobs here in America, walk into your retail outlet and when the clerks comes to you and says, “May I help you?” I do this personally a lot. I say, “Yes, show me something that is made in America.” They will start to scratch their heads because 95 percent of these goods on some of their shelves do not originate in this country. If we as consumers can take the step and insist that our retail outlets start to stock competitively-priced products that are made in this country, then we can start to work on this issue with our wallets. We can start to work on this issue with our votes here in this chamber, and we can communicate with our representatives in Washington. But each of us, if we care about this industry and the economy of America, then we need to start looking for that “Made in U.S.A.” label on products that we spend our hard-earned money on.

Senator Cropsey’s statement is as follows:

I thought it was appropriate that as we pass the drug treatment legislation that I let this body know the tremendous amount of work that the committee members put into this—committee members on both sides of the aisle. I know Senator Schauer sat in on many of the meetings we had. Senator Bishop, just not that he always sits on the other side of the aisle, but he is today. There is just a tremendous amount of work that went into the legislation. At times in our meetings that we had, the behind-the-scenes meetings, we’d have about two dozen people sitting in on those meetings giving their input. Judges—District Court Judge Harvey Hoffman from Eaton County, Judge Schma coming up from Kalamazoo County, Judge O’Sullivan from Macomb County who came in—offered their insights and gave their suggestions to make this good legislation. We had the prosecutors involved; we had the defense attorneys; we had substance abuse providers; we had the Supreme Court offices involved; we had local officials involved; we had the Department of Community Health come in. They were involved as well as the Department of Corrections. We had several meetings. This wasn’t just one meeting where we met for half an hour; usually we’d have three-hour meetings, and we had several of these meetings where we were getting everyone together working on it; the staff who were involved and the drafters who were involved.

This work, it’s not what you would call one of the sexy issues, but it is such an important issue for our state. Eighty percent of the people who are arrested for doing a crime in this state have a substance abuse problem. What we are really talking about is that if we are able to have these people stand up and realize that there is a problem that they

have and that they are victimizing other members of society, we will be able to cut back on our prison space, on our judicial resources, and on our jail space because this is taking up a tremendous amount of state and local resources as we deal with the substance abuse problems, whether it is street drugs or alcohol. What is most important is that 1 out of 3 people in this state will be victimized by crime at some time in their life. Most likely it is going to be because somebody is on one form of drug or another. There were one million crimes alone in 2002 in this state, and 80 percent of them by people who were on drugs or alcohol. The best right a victim can have is to not be a victim in the first place; to get people to realize that there is a problem, that they have a problem, and that they need to take responsibility for their lives.

I just wanted to thank the committee members and the other people who have made this legislation a possibility.

Senator Cassis' statement is as follows:

My fellow colleagues, truly what we do or what we don't do matters. Senate Bill No. 1093 sends a very positive and constructive message right here, right now in Michigan. It's agreed that small businesses are the job creators in America. They take all the risks. So if this legislation softens the blow and encourages employers to add a worker or workers, our economy wins. New revenue is generated for our schools and for our General Fund. People with jobs pay income taxes, they buy goods, and they pay sales taxes. Workers contribute to supporting necessary governmental functions. We can take pride today in taking a step to move Michigan forward and do something for people who want to work.

Finally, when Americans are prepared to pay higher prices for everything from shirts to cars and have a lower standard of overall living by becoming an economic island, then, and only then, can we and will we avoid labels that show the product came from abroad.

Committee Reports

The Committee on Commerce and Labor reported

House Bill No. 4160, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383).

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.

Jason E. Allen

Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers and McManus

Nays: Senators Schauer and Olshove

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 23, 2004, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, McManus, Schauer and Olshove

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4929, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112a (MCL 324.3112a), as amended by 2000 PA 286.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Patricia L. Birkholz

Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

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 Natural Resources and Environmental Affairs submitted the following:
Meeting held on Tuesday, March 23, 2004, at 3:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Appropriations reported

Senate Bill No. 1062, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1063, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, George and Barcia

Nays: Senators Prusi, Scott, Cherry, Clarke and Switalski

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

The Committee on Appropriations reported

Senate Bill No. 1068, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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 Appropriations submitted the following:

Meeting held on Tuesday, March 23, 2004, at 2:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Excused: Senator Hardiman

The Committee on Health Policy reported

Senate Bill No. 991, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 2 (MCL 331.2).

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 831, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 97.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 832, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109h.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, March 24, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 24, 2004, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, March 24, 2004, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

Scheduled Meetings**Appropriations -****Subcommittees -**

Commerce, Labor and Economic Development - Tuesday, March 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Family Independence Agency - Thursday, 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)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursdays, April 22 and April 29, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Finance - Wednesday, March 31, 1:00 p.m., Room 110, Farnum Building (373-1758)

Technology and Energy - Wednesday, March 31, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:03 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 30, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

