

No. 37
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, April 21, 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—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Senator Michelle McManus of the 35th District offered the following invocation:

Dear Heavenly Father, we ask that You guide us as we work for the people of this great state. We also ask that You guide us in our everyday lives, and help us to remember to take time to help those around us. We ask that You watch over our children and all children on this, the anniversary week of the tragedy at Columbine High School shooting.

As Mark wrote in his gospel, 10:16: "He took the children in His arms, put His hands on them, and blessed them." Lord, You have created life to begin with childhood, a time of innocence and laughter. We pray that You will keep all children safe from harm. Give them the strength, the courage, and the fortitude they need to grow strong in body and in spirit. Help us to be teachers for them, to inspire and guide them along the path of life. We ask that You bless them with love, hope, and vision, and keep them in Your unfailing compassion and protection.

Lord, please help us to remember the vital role that we as adults, parents, and legislators play in the lives of our children. Guide us in our actions, and help us to be strong for our children. Help us to do all that we can to protect the next generation. In this we pray. Amen.

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

Motions and Communications

Senators Bernero, Cropsey and Brown entered the Senate Chamber.

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

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guest of Senator Johnson admittance to the Senate floor, including the center aisle.

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, including the center aisle and Gallery.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:19 a.m.

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

During the recess, Senator Johnson introduced Wendy Wagner and made a special presentation in commemoration of Gift of Life Day.

Ms. Wagner responded briefly concerning the organ donation of her deceased child.

During the recess, Senator Barcia entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 20:
House Bill Nos. 5113 5114 5198 5692 5693

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
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841

The motion prevailed.

The following messages from the Governor were received:

Date: April 20, 2004
Time: 7:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 337 (Public Act No. 64), being

An act to amend 1917 PA 167, entitled “An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act,” (MCL 125.401 to 125.543) by adding section 82a.

(Filed with the Secretary of State on April 20, 2004, at 9:52 a.m.)

Date: April 20, 2004
Time: 7:17 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 742 (Public Act No. 65), being

An act to amend 1972 PA 230, entitled “An act to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation,” (MCL 125.1501 to 125.1531) by adding section 4c.

(Filed with the Secretary of State on April 20, 2004, at 9:54 a.m.)

Date: April 20, 2004
Time: 7:19 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 338 (Public Act No. 66), being

An act to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the

issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1 and 29 (MCL 125.1651 and 125.1679), section 1 as amended by 2003 PA 136 and section 29 as amended by 2001 PA 68.

(Filed with the Secretary of State on April 20, 2004, at 9:56 a.m.)

Date: April 20, 2004

Time: 7:21 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 339 (Public Act No. 67), being

An act to amend 1970 PA 169, entitled “An act to provide for the establishment of historic districts; to provide for the acquisition of certain resources for historic preservation purposes; to provide for preservation of historic and nonhistoric resources within historic districts; to provide for the establishment of historic district commissions; to provide for the maintenance of publicly owned resources by local units; to provide for certain assessments under certain circumstances; to provide for procedures; and to provide for remedies and penalties,” by amending sections 1a and 5 (MCL 399.201a and 399.205), as amended by 2001 PA 67.

(Filed with the Secretary of State on April 20, 2004, at 9:58 a.m.)

Date: April 20, 2004

Time: 7:23 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 702 (Public Act No. 68), being

An act to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,” by amending section 23d of chapter X (MCL 710.23d), as amended by 1996 PA 409.

(Filed with the Secretary of State on April 20, 2004, at 10:00 a.m.)

Date: April 20, 2004

Time: 7:26 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1020 (Public Act No. 69), being

An act to amend 1999 PA 94, entitled “An act to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship board and prescribe the powers and duties of the board; and to provide for the Michigan merit award scholarship program,” by amending section 8 (MCL 390.1458), as amended by 2003 PA 186.

(Filed with the Secretary of State on April 20, 2004, at 10:02 a.m.)

Date: April 20, 2004

Time: 7:29 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1017 (Public Act No. 70), being

An act to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,” by amending the title and sections 1, 2, 4, 4a, 5, 5c, 6, 6a, 6c, and 9 (MCL 256.601, 256.602, 256.604, 256.604a, 256.605, 256.605c, 256.606, 256.606a, 256.606c, and 256.609),

the title and section 1 as amended and sections 4a and 6c as added by 1992 PA 169, sections 2, 4, and 6 as amended and section 5c as added by 1998 PA 11, section 5 as amended by 2000 PA 285, and section 6a as added by 1984 PA 391, and by adding sections 1a, 1b, and 1c and part 3 and by adding headings for parts 1, 2, and 3; and to repeal acts and parts of acts.

(Filed with the Secretary of State on April 20, 2004, at 10:04 a.m.)

Date: April 20, 2004

Time: 7:31 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1018 (Public Act No. 71), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2002 PA 534, section 310e as amended by 2003 PA 61, and section 811 as amended by 2003 PA 152.

(Filed with the Secretary of State on April 20, 2004, at 10:06 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on April 20, 2004, and read:

(Amended)
EXECUTIVE ORDER
No. 2004-11

Secchia Commission on Total Quality Government

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, the Secchia Commission was created under Executive Order 1994-5 on February 15, 1994, was charged with reporting its recommendations to the Governor by December 31, 1994, and has completed the work for which it was created;

WHEREAS, it is necessary in the interests of reengineering government and making its services more efficient to abolish the Secchia Commission;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

A. The Secchia Commission created under Executive Order 1994-5 is abolished.

B. Executive Order 1994-5 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of April, in the year of our Lord, two thousand four.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on April 20, 2004, and read:

(Amended)
EXECUTIVE ORDER
No. 2004-26

Task Force on Revitalization of Agriculture through Research and Education

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, the Task Force on Revitalization of Agriculture through Research and Education was created under Executive Order 1986-16 on October 10, 1986, was charged with making recommendations to the Governor, and has completed the work for which it was organized;

WHEREAS, it is in the interests of efficient and effective government that the Task Force on Revitalization of Agriculture through Research and Education be abolished;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the powers and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

A. The Task Force on Revitalization of Agriculture through Research and Education created under Executive Order 1986-16 is abolished.

B. Executive Order 1986-16 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of April, in the year of our Lord, two thousand and four.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

Messages from the House

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

Senate Bill No. 307

Senate Bill No. 653

The motion prevailed.

Senate Bill No. 783, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t.

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. 784, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

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. 350, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 666 and 668 (MCL 168.666 and 168.668) and by adding section 668a.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House, Senator Emerson offered the following amendments to the substitute:

1. Amend page 1, line 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting: “**Sec. 18. As used in this act:**”

(a) “**Help America vote act of 2002**” means the help America vote act of 2002, 42 USC 15301 to 15545.

(b) “**National voter registration act of 1993**” means the national voter registration act of 1993, 42 USC 1973gg to 1973gg-10.

(c) “**Uniformed and overseas citizens absentee voting act**” means the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-6.

(d) “**Voting accessibility for the elderly and handicapped act**” means the voting accessibility for the elderly and handicapped act, 42 USC 1973ee to 1973ee-6.

(e) “**Voting rights act of 1965**” means the voting rights act of 1965, 42 USC 1973 to 1973aa-6.

Sec. 662. (1) The legislative body in each city, village, and township shall designate and prescribe the place or places of holding an election for a city, village, or township election, and shall provide a suitable polling place in or for each precinct located in the city, village, or township for use at each election. Except as otherwise provided in this section, school buildings, fire stations, police stations, and other publicly owned or controlled buildings shall be used as polling places. If it is not possible or convenient to use a publicly owned or controlled building as a polling place, the legislative body of the city, township, or village may use as a polling place a building owned or controlled by an organization that is exempt from federal income tax as provided by section 501(c) other than 501(c)(4), (5), or (6) of the internal revenue code of 1986, or any successor statute. The legislative body of a city, township, or village shall not designate as a polling place a building that is owned by a person who is a sponsor of a political committee or independent committee. A city, township, or village shall not use as a polling place a building that does not meet the requirements of this section. As used in this subsection, “sponsor of a political committee or independent committee” means a person who is described as being a sponsor under section 24(3) of the Michigan campaign finance act, 1976 PA 388, MCL 169.224, and includes a subsidiary of a corporation or a local of a labor organization, if the corporation or labor organization is considered a sponsor under section 24(3) of the Michigan campaign finance act, 1976 PA 388, MCL 169.224.

(2) The legislative body in each city, village, and township shall make arrangements for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available, and shall have the polling places equipped with the necessary facilities for lighting and with adequate facilities for heat and ventilation. The legislative body may establish a central polling place or places for 6 precincts or less if it is possible and convenient for the electors to vote at the central polling place. The legislative body may abolish other polling places not required as a result of the establishment of a central polling place.

(3) The legislative body of a city, village, or township may establish a polling place at a for profit or nonprofit residence or facility in which 150 persons or more aged 62 or older reside or at an apartment building or complex in which 150 persons or more reside. A township board may provide polling places located within the limits of a city that has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at those polling places. If 2 contiguous townships utilize a combined township hall or other publicly owned or controlled building within 1 of the township’s boundaries and outside of the other township’s boundaries, and there is not another publicly owned or controlled building or a building owned or controlled by an organization that is exempt from federal income tax, as provided by section 501(c), other than 501(c)(4), (5), or (6), of the internal revenue code of 1986, available or suitable for a polling place within the other township, then each township board may provide a polling place in that publicly owned building for 1 or more election precinct.

(4) The legislative body of a city, village, or township shall not establish, move, or abolish a polling place less than 60 days before an election unless necessary because a polling place has been damaged, destroyed, or rendered inaccessible or unusable as a polling place.

(5) The legislative body of a city, village, or township shall ensure that a polling place established under this section **is accessible and** complies with the voting accessibility for the elderly and handicapped act, 42 USC 1973ee to 1973ee-6, **and the help America vote act of 2002.**

(6) **As used in this section, “accessible” means the removal or modification of policies, practices, and procedures that deny an individual with a disability the opportunity to vote, including the removal of physical barriers as identified in section 261(b) of the help America vote act of 2002, 42 USC 15421, so as to ensure individuals with disabilities the opportunity to participate in elections in this state.”.**

2. Amend page 5, following line 9, by inserting:

“Sec. 795. (1) An electronic voting system acquired or used under sections 794 to 799a shall meet all of the following requirements:

(a) Provide for voting in secrecy, except in the case of voters who receive assistance as provided by this act.

(b) Permit each elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for

or any question upon which the elector is entitled to vote. Except as otherwise provided in this subdivision, the electronic tabulating equipment shall reject all choices recorded on the elector's ballot for an office or a question if the number of choices exceeds the number that the elector is entitled to vote on that office or question. Electronic tabulating equipment that can detect that the choices recorded on an elector's ballot for an office or a question exceeds the number that the elector is entitled to vote for on that office or question **shall be** located at each polling place and **shall be** programmed to reject a ballot containing that type of an error. If a choice on a ballot is rejected as provided in this subdivision, an elector shall be given the opportunity to have that ballot considered a ballot and to vote another ballot.

(c) Permit an elector, at a presidential election, by a single selection to vote for the candidates of a party for president, vice-president, and presidential electors.

(d) Permit an elector in a primary election to vote for the candidates in the party primary of the elector's choice. Except as otherwise provided in this subdivision, the electronic tabulating equipment shall reject each ballot on which votes are cast for candidates of more than 1 political party. Electronic tabulating equipment that can detect that the elector has voted for candidates of more than 1 political party shall be located at each polling place and programmed to reject a ballot containing that type of an error. If a choice on a ballot is rejected as provided in this subdivision, an elector shall be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.

(e) Prevent an elector from voting for the same person more than once for the same office.

(f) Reject a ballot on which no valid vote is cast. Electronic tabulating equipment shall be programmed to reject a ballot on which no valid vote is cast.

(g) Be suitably designed for the purpose used; be durably constructed; and be designed to provide for safety, accuracy, and efficiency.

(h) Be designed to accommodate the needs of an elderly voter or a person with 1 or more disabilities.

(i) Record correctly and count accurately each vote properly cast.

(j) Provide an audit trail.

(k) Provide an acceptable method for an elector to vote for a person whose name does not appear on the ballot.

(l) Allow for accumulation of vote totals from the precincts in the jurisdiction. The accumulation software must meet specifications prescribed by the secretary of state and must be certified by the secretary of state as meeting these specifications.

(m) Be compatible with or include at least 1 voting device that is accessible for an individual with disabilities to vote in a manner that provides the same opportunity for access and participation, including secrecy and independence, as provided for other voters. The voting device shall include nonvisual accessibility for the blind and visually impaired.

(2) Electronic tabulating equipment that counts votes at the precinct before the close of the polls shall provide a method for rendering the equipment inoperable if vote totals are revealed before the close of the polls.”.

The amendments to the substitute were not adopted.

Senator Schauer requested the yeas and nays.

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

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

Roll Call No. 217

Yeas—16

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

Nays—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 218**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 727, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,
The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 219**Yeas—2**

Goschka

Patterson

Nays—36

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

Excused—0**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. 5466

House Bill No. 5307

Senate Bill No. 1051

Senate Bill No. 913

Senate Bill No. 912

The motion prevailed.

The following bill was read a third time:

House Bill No. 5466, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5103 (MCL 700.5103), as amended by 2000 PA 54.

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. 220**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Garcia	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—0

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 codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5307, entitled

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 34, line 14, after “effect” by striking out “May 1” and inserting “September 1”.

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. 221

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 1051, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1105, 2114, 2301, 2714, 2902, 3715, 3803, 3917, 3918, 3920, 3923, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.3715, 700.3803, 700.3917, 700.3918, 700.3920, 700.3923, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 34, following line 4, by inserting:

"Enacting section 1. This amendatory act takes effect September 1, 2004."

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. 222

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 913, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

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. 223**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 912, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

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. 224**Yeas—38**

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

Nays—0**Excused—0**

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Sanborn 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. 1116, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

Senate Bill No. 1076, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 204 (MCL 330.1204), as amended by 1995 PA 290.

Senate Bill No. 1079, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 232a (MCL 330.1232a), as amended by 2002 PA 597.

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. 4927, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217o and 217p.

Substitute (S-3).

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. 869, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 11 (MCL 207.561), as amended by 2001 PA 157.

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. 591, entitled

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

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. 979, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

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. 981, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

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. 982, entitled

A bill to amend 1966 PA 298, entitled "An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies," by amending section 10 (MCL 51.360).

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. 985, entitled

A bill to amend 1935 PA 1978, entitled "An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

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. 987, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

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. 988, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 805a, 806b, 810, 811, and 812 (MCL 339.805a, 339.806b, 339.810, 339.811, and 339.812), sections 805a, 810, 811, and 812 as amended and section 806b as added by 1995 PA 217.

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.

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.

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

Senate Resolution No. 238

Senate Resolution No. 239

The resolution consent calendar was adopted.

Senator Bishop offered the following resolution:

Senate Resolution No. 238.

A resolution commemorating June 2004 as Michigan Trails and Greenways Month and June 12, 2004, as Michigan Trails and Greenways Day in Michigan.

Whereas, The Michigan Trails and Greenways System is a statewide system of land corridors passing through Michigan's communities and countryside, featuring broad-surfaced trails perfect for many activities and accessible to everyone; and

Whereas, Trails follow inactive railroad lines, shorelines, and other corridors. Linking together whenever possible, the statewide network of trails and greenways will connect our communities, parks, public lands, and historic and natural resources; and

Whereas, This statewide network, known as the Discover Michigan Trail System, encompasses over 2,000 miles of trails, creating a web of activity that stretches from Lake Huron to Lake Michigan, from the southern state line to the Mackinac Straits and across the Upper Peninsula; and

Whereas, Nine regional initiatives of local governments across Michigan are collaborating across multiple jurisdictions to interconnect their individual trails into the statewide system; and

Whereas, Trails and greenways are more than just a way to get from place to place. They open many modes of travel to which they take you through the entire range of Michigan environments, including forests, wetlands, river and lake shorelines, farmlands, shopping areas, residential areas, and even industrial areas; and

Whereas, This system offers an unlimited potential for year-round recreation. Often surrounded by attractive natural areas, they're great places for the people of our communities to bicycle, walk, run, hike, ski, ride horses, and even snowmobile; and

Whereas, As the trailway system expands and becomes well-known, Michigan's reputation as a leader in great outdoor recreation will grow along with it. Visitors drawn to our state by the system will benefit the entire state's tourism economy. It is appropriate to commemorate and designate June 2004 as Michigan's Trails and Greenways Month; and

Whereas, It is clear that many generations will come to enjoy the trails and greenways and make it part of their lives and the memories of their best times with family and friends; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate June 2004 as Michigan Trails and Greenways Month and June 12, 2004, as Michigan Trails and Greenways Day in Michigan. We encourage all citizens to support the efforts of these trails and greenways resources in their communities.

Senators Basham, Birkholz, Brown, Cassis, Clarke, Cropsey, Garcia, Goschka, Jacobs, Jelinek, Kuipers, Leland, Schauer, Switalski, Thomas, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Emerson and Cherry offered the following resolution:

Senate Resolution No. 239.

A resolution of tribute offered as a memorial for Army Specialist Richard K. Trevithick.

Whereas, It is with great sorrow shared by all Americans that the members of the Michigan Senate convey condolences to the family of Specialist Richard K. Trevithick of Gaines, Michigan, upon his passing. The tragic loss of this dedicated young man is a painful reminder of the price of war and the risks inherent in armed conflict. We are honored to join his family and friends in remembering this fallen soldier; and

Whereas, At age 20, Specialist Trevithick had in many ways turned a corner in his life. Having struggled in school, he made a decision to apply himself, returned the spring after his senior year and accomplished his graduation from Swartz Creek High School. In the process, he became the 2002 recipient of the Jenny Hunt Memorial Scholarship. He set goals for his life, including military service with a career in law enforcement to follow. Most importantly, after

learning that his military unit would be shipped overseas, he moved up his wedding date and married Kristin Nelson, his childhood sweetheart, thereby assuring that if the worst did come, he had done all he could to express his admiration for and commitment to the love of his life; and

Whereas, Specialist Trevithick now will not experience the goals he coveted—college, a career, life with his new bride, or fatherhood. Instead, his life was cut short by a roadside bomb as he drove his vehicle near Balad, Iraq. One goal was fulfilled in that his family, wife Kristin, parents Richard and Barbara, brother Ryan, sister Rachel, and many other family members, friends, and countrymen are extremely proud of his life and courageous service to his country; and

Whereas, While the loss of life, particularly for one so young, is always difficult to understand, it is important to remember that Richard Trevithick gave his life as a true patriot. In his commitment and service to his country, Richard Trevithick made the ultimate sacrifice working to preserve the values and liberties that he believed in and that we cherish as a people; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of the highest tribute be hereby offered as a memorial for Army Specialist Richard K. Trevithick of Gaines, a victim of the conflict in Iraq; and be it further

Resolved, That copies of this resolution be transmitted to the family of Army Specialist Richard K. Trevithick as evidence of the esteem that will always be held for his memory by the people of Michigan and the United States of America.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Cassis, Cherry, Garcia, Scott, Bishop, Thomas and Leland asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cassis' statement is as follows:

The U.S. economy has been recovering vigorously for the past year. Gross national product, as well as companies' profits, have been moving and bolting upward. Yesterday, one of Michigan's and the U.S.'s top corporations, General Motors, reported big earnings. A startling, but revealing, statistic in their earnings stands out as stark evidence that open trade throughout the world is a positive endeavor. GM earned the biggest percentage of their profits, some \$275 million, from Asian sales, mostly from China. Yet, some otherwise very responsible politicians in our midst whine and whine and complain about so-called outsourcing and would like to erect a wall of fear into our state and our society to capitalize on political anxieties. I say, get with it. Let's see those weak-kneed propagators of fear start talking and taking some positive actions and initiatives to improve Michigan's economy and bring jobs home.

What are those people in command of our economic fate doing? Let's quit the media games and plant our efforts into wooing more jobs and investments right here in Michigan. This is what our side of the aisle has been doing. We have an action plan—Jobs 1, Jobs 2, and next Jobs 3. We have accomplished lowering the business tax on health care, reinstated the exemption on special tools, implemented a tax credit to create new jobs, and today spoken about removing a tax on federal and state grants to businesses.

All this is dedicated to stimulate Michigan's economy. Actions speak louder than words. We need to walk the walk, not talk the talk.

Senator Cherry's statement is as follows:

It is with great sorrow that I rise to speak to honor the life of Specialist Richard K. Trevithick of Gaines, Michigan, upon his passing. Members of his family and extended family are close friends to all of us in this chamber who are from Genesee County. The tragic loss of this dedicated young man is a painful reminder of the price of war and the risks inherent in armed conflict. We are honored to join his family and friends in remembering this fallen soldier.

At age 20, Specialist Trevithick had in many ways turned a corner in his life. Having struggled in school, he made a decision to apply himself, returned the spring after his senior year and accomplished his graduation from Swartz Creek High School. In the process, he became the 2002 recipient of the Jenny Hunt Memorial Scholarship. He set goals for his life, including military service with a career in law enforcement to follow. Most importantly, after learning that his military unit would be shipped overseas, he moved up his wedding date and married Kristin Nelson, his childhood sweetheart, thereby assuring that if the worst did come, he had done all he could to express his admiration for and commitment to the love of his life.

Specialist Trevithick now will not experience the goals he coveted—college, a career, a life with his new bride, or fatherhood. Instead, his life was cut short by a roadside bomb as he drove his vehicle near Balad, Iraq. One goal was fulfilled in that his family, wife Kristin, parents Richard and Barbara, brother Ryan, sister Rachel, and many other family members, friends, and countrymen are extremely proud of his life and courageous service to his country.

While the loss of life, particularly for one so young, is always difficult to understand, it is important to remember that Richard Trevithick gave his life as a true patriot. In his commitment and service to his country, Richard Trevithick made the ultimate sacrifice working to preserve the values and liberties that he believed in and that we cherish as a people.

Our condolences, prayers, and support go to Richard's family and friends.

A moment of silence was observed in memory of Army Specialist Richard K. Trevithick.

Senator Garcia's statement is as follows:

Originally, I had wanted to rise and speak to calendar item No. 22, House Bill 5466, to point out and to thank my colleagues for voting for this measure.

This measure, as was described, I believe, yesterday, extends the amount of time that a soldier who is serving can have a power of attorney be in effect. As one who has had to use a power of attorney when deployed, while on active duty, it's a source of comfort to the family and to the soldier when he or she has to leave his family behind, that the spouse can continue to take care of legal matters. So this is a source of comfort to our soldiers, our sailors, and our airmen.

I just want to thank the body for what they are doing. I don't know how many of you realize, but it is absolutely essential that the family who is left behind continue to be able to take care of the things, personal and legal things, that need to be taken care of. It's a source of comfort for those who are serving, and it certainly helps them do a better job because they don't have to worry about their family back home. I just want to thank the body for that and point that out.

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

Senator Scott's statement is as follows:

Shame on us. You know, the *CNN/Money*, this is national news, says it costs more to insure a car in Motown than in any other U.S. city according to research by Runzheimer International, a company that tracks relocation costs, including auto insurance premiums.

A person living in Nashville would pay about 20 percent as much as Detroiters do. I will just give you some figures that they have here. Priciest cities for car insurance, No. 1, guess who? Detroit, Michigan, \$4,945; Philadelphia, Pennsylvania, \$3,666; Newark, New Jersey, \$3,557; Los Angeles, California, \$3,258; big New York City, \$2,762; New Orleans, Louisiana, \$2,539; Hartford, Connecticut, \$2,488; Boston, Massachusetts, \$2,439; Miami, Florida, \$2,406; Denver, Colorado, \$2,336.

These are the cheapest cities for car insurance. Nashville, Tennessee, \$978; Boise, Idaho, \$990; Richmond, Virginia, \$1,038; Burlington, Vermont, \$1,039; Evansville, Indiana, \$1,045; Cheyenne, Wyoming, \$1,047; Henderson, Kentucky, \$1,080; Grand Forks, North Dakota, \$1,092; Austin, Texas, \$1,115; Hinsdale, Illinois, \$1,118.

Well, anytime we go national and it's this kind of news, that's why when I reported yesterday how people come into Detroit and misuse Detroit because we have these higher rates, and no one seems to care. So they can come in and lie, tell a judge—and then go into one of our areas—that two black men torched their car. And they just lie.

We have to do something about this insurance right now. So I would hope that we would hurry up and do something. CNN, national news, is reporting about us. All right, Michigan legislators, let's do something about this.

Senator Bishop's statement is as follows:

Over the past several weeks, I've had the displeasure of sitting through several different written comments on the floor regarding insurance rates and various other matters having to do with the insurance companies in this state. Today, I rise to briefly respond, not to respond to all of the rhetoric that's been used, but to address the issue at hand, which has to do with the national coverage Detroit received in that press coverage.

I would just indicate to the members of this body that I think that the previous speaker, today and in previous occasions, has done a masterful job of stating the obvious. That is, that insurance rates are too high. I don't think that there is anybody here in the Gallery, in this Capitol, in the city, and this state who would disagree with that. It's true, insurance rates are too high. But why stand up every day and say the obvious. You've done nothing; we have done nothing to further the purpose or to further the cause to try to address the issue by standing up and reading a written statement and to further the rhetoric on the issue.

Instead, we proffer ideas that exacerbate the problem, the existing problem. The only idea that I have seen so far that has been offered is a bill that would actually, go figure, end up increasing insurance rates across this state. I think it is an extremely disingenuous thing for any public official to do—to stand up on this floor and make a mockery of this issue when we are in a very, very difficult situation. There is no question about it that all of us need to work for a remedy in this situation.

But if we are going to genuinely discuss this, let's do it in the context of meaningful debate and not in the context of political rhetoric that is only intended to further one's political purpose. If you really want to know more about this issue, I would suggest you take the time to attend the committee hearings on banking and financial institutions. This

week, we will be holding some hearings to discuss the issues. You will hear actual meaningful dialogue that debates the issue and educates.

I think in the future, as we discuss this issue, I hope that we do it in a way that we don't mislead the public. If we offer solutions, we ought to be offering solutions that have a viable opportunity to do what they are supposed to do. If you want to decrease insurance rates in this state, let's talk about it; let's figure it out. Don't just stand up and make off-handed statements that really have no legitimate basis in terms of a solution for this state. I'm tired of it, and I know the rest of us are tired of it too.

Senator Thomas' statement is as follows:

I rise for the unfortunate response to the comments that have taken place today. I rise to echo the sentiments of my colleague from Detroit, Highland Park, and Hamtramck because I live in a community that is grossly inflated. Its insurance rates are grossly inflated. It is a frustration that is shared by communities across the state. The Senator has chosen to articulately represent her constituents, and each day, in her own way, she has stood up to do that. We are all elected to serve roughly 275,000 or so constituents from communities across the state. I believe she has done so with dignity and respect to the best of her ability to represent those interests.

It is true that to fix the solution, fix the problem of insurance rates in Michigan, something that I think we all agree are too high, there may be difficult decisions, but to suggest that the only solutions that are before us would increase the rates of most to benefit a few is simply not true. There are numerous bills that have been introduced. One of the Senators from Detroit has introduced legislation banning the issue of credit scoring. Credit scoring by the industry is done in private, and yet, it is offered as a device to offer a discount to certain folks with good credit. Here is a simple reality. Many folks have credit scores that are simply too good. Their debt to income ratio is so high because they have a credit card for Blockbuster, they have a credit card for Marshall Field's, and they have a credit card for this and that. As a result, their credit score goes down.

In communities where you have increased instances of folks who lease automobiles—and I think that a lot of folks lease automobiles because of the incentives that are out there—your credit score goes down. Every time an inquiry is done, as you get a new cell phone—how many of us have multiple cell phones in this chamber? Every time you get that cell phone, someone inquires into your credit. As a result of that, your score goes down because of that inquiry.

So there are reasonable approaches to legislation that are out there. There will be plenty of additional bills that will also be introduced. I hope that we can continue this debate. Even if legislation hasn't been introduced, let's at least have a discussion, and maybe it's just a macro discussion on the issue in general. Let's start offering solutions. We all know that it takes some time for the Legislative Service Bureau to actually draft bills. We are in the process now of drafting legislation that would elect an insurance commissioner who would authorize Michigan to create its own insurance company. A number of different regulatory incentives are there. Give us an opportunity to discuss those. I believe that the Senator from Highland Park is only asking for that opportunity to discuss these issues.

Frankly, this Legislature has not given us an opportunity to do that in a very long time. I have served now for seven years, and we have never had any hearings that fully discuss this. It is simply not fair to chastise and criticize another for standing up and representing their constituents. We do it every single day.

Senator Leland's statement is as follows:

Unfortunately, I feel like I am joining this discussion late. I was in the back room talking to one of my House colleagues, and I just took my seat. Obviously, we are talking about a subject that is near and dear to me.

I just want to say one thing because I am not clear what has been talked about and what has been covered and what hasn't been covered. I want to make one point regarding insurance. I've spent most of my political career connecting and bonding with my constituents, as you know. Obviously, if I didn't, I wouldn't, knowing the demographics, be a member of the Michigan Legislature. So I am very connected and very close with and spend a great deal of my time talking with them, going door-to-door.

The biggest thing that has come to my attention, historically over and over and over again, has been the incredible cost of insurance for my constituents. It's literally driving people away from Detroit. Middle-class people who would like to live there, raise their families there, and become part of the Governor's Cool City concept can no longer find living in Detroit affordable.

We have a myriad of problems. You could blame our issues on many things. Clearly, the cost of insurance is the absolute biggest factor, even more so than schools, driving people away and forcing them to leave Detroit and move. I think if we are going to do anything to save urban areas, to save Detroit, we have to deal with this issue. We have to make the cost of insurance affordable, or there will be nobody left living in that town, no middle-class people left living in Detroit.

I appeal to my colleagues on the other side. I appeal to the chairperson, my good friend from Rochester, to take Senator Scott's thoughts seriously and really look at this thing in a very genuine way and try to help us because we are desperate; we absolutely are desperate. We are not going to survive unless this issue gets resolved. I plead with you to take this seriously, and help us help ourselves in Detroit and other urban areas.

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communication was received and read:
 Office of the Senate Majority Leader

April 21, 2004

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committee on Senate Bill 727:
 Senator Sanborn, Senator Patterson and Senator Clark-Coleman

Respectfully yours,
 Ken Sikkema
 Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senator Brown introduced
Senate Bill No. 1151, 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 503a.

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

Senator Thomas introduced
Senate Bill No. 1152, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 65, 66, and 67 of chapter XVII (MCL 777.65, 777.66, and 777.67), as added by 1998 PA 317, and by adding sections 20, 65a, 66a, and 67a to chapter XVII; and to repeal acts and parts of acts.

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

Senators Kuipers, Switalski, Jelinek, Van Woerkom, Garcia, McManus and Thomas introduced
Senate Bill No. 1153, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278, 1279, 1279a, 1279c, 1279d, and 1525 (MCL 380.1278, 380.1279, 380.1279a, 380.1279c, 380.1279d, and 380.1525), sections 1278 and 1279c as amended by 1995 PA 289, section 1279 as amended by 1997 PA 175, section 1279a as added by 2002 PA 592, section 1279d as added by 2002 PA 640, and section 1525 as amended by 2003 PA 202, and by adding section 1279g.

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

Senators Switalski, Jelinek, Kuipers, Van Woerkom, Garcia and Thomas introduced
Senate Bill No. 1154, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519), section 3 as amended by 1997 PA 178, and by adding section 3a.

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

Senators Jelinek, Switalski, Kuipers, Van Woerkom, Garcia, McManus and Thomas introduced
Senate Bill No. 1155, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 31a, 98b, and 104a (MCL 388.1631a, 388.1698b, and 388.1704a), sections 31a and 104a as amended and section 98b as added by 2003 PA 158, and by adding section 104b.

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

Senators Van Woerkom, Kuipers, Switalski, Jelinek, Garcia, McManus and Thomas introduced
Senate Bill No. 1156, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 2, 6, 7, 8, and 9 (MCL 390.1452, 390.1456, 390.1457, 390.1458, and 390.1459), sections 2 and 7 as amended by 2002 PA 736, section 6 as amended by 2002 PA 537, and section 8 as amended by 2003 PA 186, and by adding sections 7a and 7b.

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

Senators Thomas, Switalski, Jelinek, Kuipers, Van Woerkom, Garcia and McManus introduced
Senate Bill No. 1157, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending sections 3 and 9 (MCL 388.1903 and 388.1909) and by adding section 3a.

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

Senators Schauer, Jacobs, Thomas, Cherry, Clark-Coleman, Goschka, George, Scott, Clarke, Switalski, Garcia, Hardiman, Brown, Prusi, Bernero, Brater, Johnson, Leland, Cropsey, Patterson, Basham, Barcia, Allen, Birkholz, Cassis and Emerson introduced

Senate Bill No. 1158, entitled

A bill to designate November 26 of each year as Sojourner Truth Day in the state of Michigan.

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. 5113, entitled

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 4 (MCL 45.504), as amended by 1980 PA 7.

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. 5114, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 2 (MCL 46.402).

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. 5198, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 9 (MCL 15.269), as amended by 1982 PA 130.

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 Government Operations.

House Bill No. 5692, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539d (MCL 750.539d).

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. 5693, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 2.

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.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 145, entitled

A bill to amend 1969 PA 296, entitled "An act to provide for the transfer of jurisdiction over highways; to provide for the final determination of disputes involving transfers of highway jurisdiction; and to supersede certain acts and

parts of acts," by amending section 5 (MCL 247.855), as amended by 1980 PA 12, and by adding section 3a. With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, April 20, 2004, at 1:05 p.m., Room 100, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, April 20, 2004, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, April 22, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Agriculture - Thursdays, April 22 (CANCELED), April 29, May 6, May 13 and May 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Commerce, Labor and Economic Development - Wednesdays, April 28, May 5, May 12 and May 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Family Independence Agency - Thursday, April 22, 8:30 a.m., Room 210, Farnum Building (373-1801)

General Government - Tuesdays, April 27, May 4, May 11 and May 18, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Higher Education - Wednesday, April 28, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

History, Arts, and Libraries - Thursdays, April 22, April 29, May 6 and May 13, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

Judiciary and Corrections - Tuesday, April 27, 1:30 p.m., Room 210, Farnum Building (373-3760)

State Police and Military Affairs - Tuesdays, April 27, May 4 and May 11, 3:00 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)

Transportation Department - Tuesdays, April 27, May 4, May 11 and May 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, April 22, 12:00 noon, Room 100, Farnum Building (373-2417)

Commerce and Labor - Thursday, April 22, 12:30 p.m., Room 810, Farnum Building (373-2413)

Economic Development, Small Business and Regulatory Reform - Wednesday, April 28, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, April 22, 2:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, April 22, 1:00 p.m., Room 110, Farnum Building (373-1707)

Transportation - Tuesdays, April 27 and May 11, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:47 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, April 22, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

