

No. 43
STATE OF MICHIGAN
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REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, May 5, 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—excused
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—excused
Leland—present
McManus—present

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

Pastor John Langewisch of Messiah Lutheran Church of Midland offered the following invocation:

O Lord, we thank You for this beautiful day that You have given to us. We ask that as we begin this session that You show Your presence among us because we want to do that which would honor You, and we want to make a positive difference in the lives of the people of this state.

Lord, as we begin this work, we know that it is a lot more complex and complicated than many people realize; how to oversee state government and to make laws that are according to what is good for the people.

Lord, we then come to You and seek Your wisdom, for the wisdom we need is not going to be found nearly in what lobbyists might say or in what polls might say. We know from Your Word that true wisdom to do that which is right, that which is merciful and just, that wisdom comes from You. We seek Your presence amongst us. Grant us that spirit that only comes from You. So we humble ourselves before You that we might walk with You and honor You in all that we do and say this day. Help us to treat one another with love and respect and dignity, even as You have loved us first.

In Your Son Jesus Christ, it's in His name that we offer up this prayer. Amen.

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

Motions and Communications

Senator Schauer moved that Senator Scott be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senators Brown, Barcia and Scott entered the Senate Chamber.

Senator Hammerstrom moved that Senators Birkholz and Kuipers be excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Jelinek 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 10:07 a.m.

10:21 a.m.

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

During the recess, Senator Jelinek introduced the Lakeshore High School Marching Band from Stevensville, who have been selected to take part in a dedication of the World War II Memorial in Washington, D.C.

Band Director Lori Von Koenig responded briefly.

The band rendered a musical selection, and Senator Jelinek presented them with a Special Tribute.

During the recess, Senator Johnson entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 4:
House Bill Nos. 4450 4760 5273 5313 5550 5598 5657

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 message from the Governor was received and read:

May 4, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 511 of the Worker's Disability Compensation Act, 1969 PA 317, MCL 418.511:

Self-Insurers' Security Fund, Second Injury Fund, Silicosis, Dust Disease, and Logging Industry Compensation Fund Board of Trustees

Ms. Mary E. Child of 1525 Laurel Avenue, SE, Grand Rapids, Michigan 49506, county of Kent, reappointed to represent employers who are authorized to act as self-insurers, for a term expiring April 30, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 784
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 872
Senate Bill No. 875

The motion prevailed.

House Bill No. 4610, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending the title and sections 3, 11, 12, 23, and 32 (MCL 432.3, 432.11, 432.12, 432.23, and 432.32), the title as amended by 1996 PA 95, sections 3, 11, and 23 as amended by 1996 PA 167, section 12 as amended by 2002 PA 471, and section 32 as amended by 1996 PA 13, and by adding a heading for article 1 and adding article 2.

The House of Representatives has nonconcurred in the Senate substitute (S-2) and appointed Reps. Julian, Meyer and Minore as conferees.

The message was referred to the Secretary for record.

House Bill No. 5545, entitled

A bill to amend 1993 PA 331, entitled "An act to provide for the levy and collection of a state education tax; to provide for the distribution of the tax; and to prescribe the duties of certain local officials and state officers," by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 7, line 11, after "(11)" by striking out "**Not**" and inserting "**For taxes levied after December 31, 2003, not**".

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the full title. Pursuant to rule 3.202, the bill was laid over one day.

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 Switalski 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. 1107, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

House Bill No. 5093, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 17g, 23, 27, 33, and 67a (MCL 38.17g, 38.23, 38.27, 38.33, and 38.67a), sections 17g, 23, and 27 as amended by 1987 PA 241, section 33 as amended by 2002 PA 93, and section 67a as added by 1996 PA 487, and by adding section 27a.

House Bill No. 4937, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending sections 2, 3, and 7a (MCL 408.752, 408.753, and 408.757a), sections 2 and 3 as amended by 1986 PA 277 and section 7a as amended by 1982 PA 176.

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:

Senate Bill No. 1167, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending the title and sections 4, 4a, 5a, 7, and 9 (MCL 28.724, 28.724a, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and section 4a as added and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding section 5b.

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. 1023, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 52511.

Substitute (S-3).

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

1. Amend page 2, following line 24, by inserting:

"Enacting section 1. Section 52511 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.52511, is repealed 5 years after its effective date." and renumbering the remaining enacting section.

The Senate agreed to the substitute, as amended, 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. 1024, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50501, 50502, 50504, 50506, 50507, and 50508 (MCL 324.50501, 324.50502, 324.50504, 324.50506, 324.50507, and 324.50508), as added by 1995 PA 57.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading to part 525 and section 52501 (MCL 324.52501), as added by 1995 PA 57, and by adding sections 52502, 52503, 52504, 52505, 52506, and 52507.

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. 320, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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:
House Bill No. 5500, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

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. 250

Senate Resolution No. 252

The resolution consent calendar was adopted.

Senator Scott offered the following resolution:

Senate Resolution No. 250.

A resolution commemorating the 20th Anniversary of the Royal College of Physicians and Surgeons.

Whereas, The Royal College of Physicians and Surgeons has long been an institution throughout the world. For the past 20 years, the Royal College of Physicians and Surgeons of the United States has been an integral part of this heritage of pride. From providing continuing education to publishing medical journals, the Royal College of Physicians

and Surgeons of the United States has become one of the most respected Royal Colleges in the world. The hard work, dedication, and professionalism of everyone associated with the Royal College has clearly paid great dividends for us all; and

Whereas, The Royal College of Physicians and Surgeons, located in Detroit, celebrated its 20th Anniversary on March 15, 2004. The vision of those who founded the Royal College can be seen in all of its many and varied activities. The Royal College provides continuing medical education to increase the training and skills of physicians and surgeons in an era of rapid change in medical techniques and technologies. The Royal College also publishes a distinguished semi-annual journal, *Journal of the Royal College of Physicians and Surgeons*, which it distributes to health posts throughout the world; and

Whereas, Health care is key to our future. The many contributions of the Royal College of Physicians and Surgeons have made an enormous impact on the continuing education of those who are most responsible for assuring the success of our health care system. We can be sure that the spirit of commitment demonstrated by the Royal College over the course of the past 20 years will long continue this tradition of excellence; now, therefore, be it

Resolved by the Senate, That we hereby commend the Royal College of Physicians and Surgeons of the United States on the occasion of its 20th Anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Benjamin Alli, Chairman/CEO of the Royal College, as evidence of our esteem and best wishes.

Senators Allen, Barcia, Basham, Cherry, Clark-Coleman, Clarke, Jacobs, Jelinek, Leland, Olshove, Prusi, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senators Allen, Van Woerkom, Patterson, Brown, Goschka, Bishop, George, Cropsey, Hammerstrom, Sikkema, Kuipers, Stamas, Jelinek, Birkholz, McManus, Hardiman, Gilbert, Cassis, Sanborn, Garcia, Barcia and Olshove offered the following resolution:

Senate Resolution No. 252.

A resolution commemorating the 50th Anniversary of the beginning of construction of the Mackinac Bridge.

Whereas, On February 5, 1884, the *Lansing Republican* newspaper reprinted an article from the *Grand Traverse Herald* in Traverse City, which listed options for providing year-round service across the Straits of Mackinac that included the construction of a bridge; and

Whereas, Commodore Cornelius Vanderbilt continued to move forth the concept of a bridge spanning the straits at the first board of directors meeting of the Grand Hotel at Mackinac Island on July 1, 1888, stating, "We now have the largest, well-equipped hotel of its kind in the world for a short season business. Now what we need is a bridge across the straits"; and

Whereas, In 1923, the Legislature established, through the State Highway Department, a ferry service for traffic wishing to cross the straits. Within five years, it became so heavily used that Governor Fred Green ordered the department to conduct a feasibility study on the erection of a bridge connecting Michigan's peninsulas; and

Whereas, During the extra session of the Legislature in 1934, the Mackinac Straits Bridge Authority of Michigan was created to continue to investigate the feasibility of constructing a bridge across the straits and financing options for the project through the issuance of bonds. Although preliminary plans for a suspension bridge were drawn, setbacks with obtaining funding from the federal government and the onset of World War II slowed progress, and the Mackinac Straits Bridge Authority was abolished in 1947; and

Whereas, In 1950, the Legislature again created the Mackinac Bridge Authority to complete a feasibility study only after receiving an outpouring of support from a citizens committee formed in support of the bridge project. The authority submitted their feasibility report in January of 1951 stating that a bridge could be built and financed with revenue bonds for \$86 million; and

Whereas, After the feasibility study was presented to the Legislature, the decision was made to move forward on constructing a suspension bridge that would connect the Upper and Lower Peninsulas of Michigan. However, material shortages due to the Korean conflict delayed action until 1952. Financing efforts to procure a group of investment companies to underwrite and sell the bonds continued to delay the start of construction due to poor market conditions in early 1953 until enough bonds were sold to finance the project by the end of 1953; and

Whereas, On May 7 and May 8, 1954, the construction of the five-mile bridge, including approaches, designed by Dr. David B. Steinman, creating the world's longest suspension bridge, officially began amid ceremonies in St. Ignace and Mackinaw City. It was a mobilization of the largest bridge construction fleet ever assembled; now, therefore, be it

Resolved by the Senate, That we share in the commemoration of this important day—the 50th Anniversary of the construction start of the Mackinac Bridge. This bridge has become a symbol of the state of Michigan and is a vital structure linking our peninsulas contributing to the prosperity and well-being of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Mackinac Bridge Authority, the city of St. Ignace, and the village of Mackinaw City.

Senators Basham, Cherry, Clarke, Jacobs, Leland, Prusi, Switalski and Toy were named co-sponsors of the resolution.

Senator Bernero offered the following resolution:

Senate Resolution No. 251.

A resolution honoring the Michigan State University Debate Team and its coach, Will Repko, champions of the 58th National Debate Tournament.

Whereas, In a tremendous display of their talents, preparation, and concentration, Greta Stahl, Dave Strauss, Shaun VanHorn, and Aaron Hardy, members of the Michigan State University Debate Team, petrified and decimated their opponents on the road to victory in the 58th National Debate Tournament. With its irrefutable mountains of evidence, persuasive argumentation, and supreme confidence, this pugnacious pack of perspicacious polemicists proved quite successfully that it is the best debate team in the nation; and

Whereas, Under the sagacious tutelage of Coach Will Repko, assistant coaches Alison Eber and Charles Olney, and program director Michael Eber, the Michigan State University Debate Team improved on last year's placing in the final four. It is clear that Mr. Repko has honed the intellectual and verbal skills of his adept arguers to a fine edge, causing the annihilation of this country's premier academic colleges and universities, including Harvard, Dartmouth, Berkeley, Emory, and Northwestern; and

Whereas, Coaches Repko, Eber, and Olney and program director Eber can be justifiably proud of the enormous achievements of this team, composed of seniors Greta Stahl and Dave Strauss and juniors Aaron Hardy and Shaun VanHorn, who were winners in two separate top rankings. Therefore, in view of the outstanding achievements of the entire Michigan State University Debate Team, it is our pleasure to extend to the leadership and members of this team our highest recognition and praise; now, therefore, be it

Resolved by the Senate, That the members of this legislative body proudly accord their highest accolades of commendation to the Michigan State University Debate Team in recognition of its outstanding accomplishments as champions of the 58th National Debate Tournament; and be it further

Resolved, That a copy of this resolution be transmitted to the coaches and members of the Michigan State University Debate Team as a small token of our highest esteem and best wishes for the future.

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

Senators Barcia, Basham, Cherry, Clark-Coleman, Clarke, Jacobs, Jelinek, Leland, Olshove, Prusi, Sanborn, Switalski, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Barcia, Stamas and Goschka offered the following resolution:

Senate Resolution No. 253.

A resolution to honor Bay Regional Medical Center EMS for 31 years of service to the community.

Whereas, In recognition of the selfless work done by Bay Regional Medical Center EMS, paramedics, and dispatchers, it is only appropriate to honor them as a part of National EMS Week; and

Whereas, Bay Regional EMS service began in 1973, and advanced life support service started in 1978. Since their inception, Bay Regional EMS has responded to approximately 11,000 emergency and nonemergency transports annually; and

Whereas, Bay Regional EMS units are based out of four stations in the Bay City area and have 11 advanced life support units to provide the best care possible for their customers; and

Whereas, EMS and paramedic employees in the Bay area and throughout Michigan cope with various on-the-job challenges that are truly unique. These challenges include personal sacrifice, protecting the livelihood of the community, and saving people's lives in extremely stressful situations; and

Whereas, Bay Regional EMS and paramedics volunteer their free time, after working long hours, to participate in outreach projects in the community; and

Whereas, Bay Regional EMS and paramedics understand the importance of their job and how it affects the lives of those around them; and

Whereas, These amazing people who choose this profession do so with a sense of duty, responsibility, and reliability. Of all of the services offered to our citizens, nothing is more important than those provided by the people who commit themselves to protecting our lives. Without our EMS and paramedics, the lives of the people we represent would be in grave danger; now, therefore, be it

Resolved by the Senate, That with the deepest respect and awe for their profession, we honor the Bay Regional Medical Center EMS and paramedics for their many years of dedicated service; and be it further

Resolved, That a copy of this resolution be transmitted to the Bay Regional Medical Center EMS as a symbol of our esteem.

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

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 1183, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2000 PA 417.

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

Senators Toy, Bernero and Olshove introduced

Senate Bill No. 1184, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1999 PA 55.

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. 4450, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803b (MCL 257.803b), as amended by 2003 PA 152.

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

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

House Bill No. 4760, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2834a.

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

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

House Bill No. 5273, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 7c (MCL 480.17c), as amended by 2002 PA 118.

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

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

House Bill No. 5313, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356, and by adding section 2150a.

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 Appropriations.

House Bill No. 5550, entitled

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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

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

House Bill No. 5598, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 43 (MCL 421.43), as amended by 2000 PA 490.

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 Commerce and Labor.

House Bill No. 5657, entitled

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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

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

Statements

Senators McManus, Scott, Garcia and Bernero asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McManus' statement is as follows:

Colleagues, today I rise with a heavy heart to honor Stephen Hulett of Manistee, Michigan. Stephen was a devoted family man who died while assisting in the vital reconstruction of Iraq as a civilian contractor. His death came at the hands of terrorists, who have demonstrated that they will resort to the lowest levels imaginable to achieve their goal.

Stephen was a critical part of our nation's effort to bring democracy and freedom to Iraq. As a truck driver, he was responsible for delivering supplies to military bases. Without people like Stephen, we would be unable to create a better life for the Iraqi people.

Once Iraqi is rebuilt, it will serve as a monument to the courage and conviction of Stephen and other contractors who have laid their lives on the line to serve our country. Stephen will always be remembered as a good husband and father who was fiercely proud to be an American and deeply supportive of our troops.

His wife Hollie said about her husband something that gave me a good insight into the type of person Stephen was, and I quote: "Stephen just wanted to go over there to shake the hands of all our military people who are over there fighting for us." At 48 years old, he headed into dangerous territory to provide for his wife and three children and to serve his country in a difficult and dangerous environment. He had faith in what he was doing. We mourn the tragic loss of his life, and we pray for the friends and family he leaves behind.

Senator Scott's statement is as follows:

In July of last year, when I agreed to co-chair the Senate Democratic Caucus Consumer Protection Task Force, I made a conscientious decision to address the concerns and frustrations of many who were fed up with the increasing disparity in insurance rates across this state. The goal of our first hearing in Detroit was to focus on insurance industry reform. Insurance is a product with a distinction from most others, given its essential nature to the citizens of Michigan and the fact that it is required by law.

I can continue to give you facts and figures, as such:

Since 1995, auto insurance rates for residents of Detroit have increased by more than 100 percent for the average family, nearly five times above the rate of inflation; or that homeowners have seen their insurance premiums increase an average of 23 percent just in the last year.

But instead of having to share these figures with you, I would rather that we see action, and address this important issue. I have not given up on our original mission; the driving force of the consumer protection task force. I remain committed to working to resolve the problems associated with our current insurance system, and I look forward to the day when we can debate the issue in good faith and work together on true, meaningful insurance reform.

Senator Garcia's statement is as follows:

I rise for the purpose of making a statement in support of our troops who are in combat right now. I don't wish this to be a political statement, but I do know that given the news media coverage that we see and we read in our papers and magazines, many times troops ask a question. "Do our folks back home support us?" And I just want to go on record as saying, Yes, we do because we know that those men and women serving over there are doing an outstanding job under difficult circumstances, under dangerous circumstances. I, for one, in some small way, want to let them know that I support what they are doing. I believe we should see it through till the end. I realize that the cost of what we are doing is going to be difficult and painful. But I do know, as I take a look at my colleagues in this chamber and in the other chamber as well, that every one of us supports the troops. It can be indicated by the number of bills and resolutions that have been introduced to show our support for the troops.

Again, given the news media coverage that we see, I hear and see troops that come back on leave and come back from their tour of duty. I want them and the world to know who we stand with them no matter what the cost and no matter what the price. They deserve our support, and they are going to get it from me, at least.

Senator Bernero's statement is as follows:

As you came up to the Capitol today, you might have noticed the youngsters engaging in exercise on the lawn of the Capitol. Wouldn't it be great if children would be coming up to the Capitol exercising once or twice a year? This would solve the health problems that our children face and that our schools are actually contributing to. Actually, more is required.

I rise, Mr. President, to alert my colleagues—I've talked to some of you, and I will hopefully talk to all of you personally. I am introducing a bill—I already have a good number of bipartisan co-sponsors, and I am just very grateful for that—to set minimal nutritional standards in our schools. I know some folks feel this is a local issue, but our schools in this instance have dropped the ball. This kind of junk food was not there when we were in school. You had the school lunch and that was it. But what has developed alongside that school lunch line, which is federally regulated by the U.S. Department of Agriculture, is the snack line, the a la carte line, and the junk food line. In most instances, in middle school and high school this line is loaded with garbage. This is where you get the Twinkies, the Ho Hos, the chips, the Cheetos, and the soda pop that washes it all down. Many children are, in fact, consuming this type of food instead of a healthy meal.

Now, I ask all of you, ladies and gentlemen, how many of you when you are making a meal for your children or for your nephew or your grandkids, how many of you say to them: "You can have this balanced meal, or if you don't like it, have a Snickers bar and a coke." I submit no responsible parent would offer kids such a choice, yet in the name of choice, and I guess perhaps consumerism and commercialism, this is what we do to our children. I have people say, "Well, don't you think children deserve a choice?" Of course, children deserve a choice; this is America. But as adults, it is our job to circumscribe those choices and make sure that they are healthy options, healthy choices that are not going to kill them in the long run.

I submit to you, Mr. President and my colleagues, all of the results are in. We need not wait, the jury isn't out on this, the jury is in, and our children are more obese than ever. They have sugar diabetes. They are suffering from health ailments that should only come in advanced years, if at all. We are drowning our children in a sea of junk food, and it's being done with our tax dollars. Some people say to me, "Virg, if you have a problem with what your children have had school"—as I have two teenagers—"that's between you and your children. Why are you trying to legislate it?" But I say wait a minute. I speak as a parent, as a taxpayer. I am outraged that the schools would undercut my parental authority and serve this garbage. You are setting up a situation where, for the first time in middle school, kids have money in their pockets, can buy what they want, and they are under tremendous peer pressure. Of course, they see Britney Spears, what she drinks, and they all want to dress and look like Britney Spears, so that means you got to drink Pepsi. This is what we are doing to our children. These are the choices we are giving them.

I tell you, Mr. President, what we are offering in these snack lines would rival Willy Wonka. Willy Wonka would pale in comparison in the chocolate factory in what we are giving to these kids. It is an outrage, and it is wrong. I ask you why do we expect our children to have more restraint than we as adults have? We have in Michigan some of the fattest people in the world, as adults. Yet we expect our children to exercise more restraint and discipline than we as adults will do.

I know many times when I come home late from a meeting—8 o'clock—I come home, and the kids have just baked some homemade cookies from the oven—warm homemade cookies. I know I should reach for the fruit behind the cookies, but I just don't get to it. I grab the cookies and milk and have that for dinner. So why do we expect our children, when we load up our cafeteria with junk food. Well, we see the results. We have some the heaviest children, and it's affecting their health.

I am delighted that we have a Surgeon General who is interested, a Governor who is interested, and I know we have several colleagues who are interested in our children's health. I thank you for that. I know together we can do better. This isn't a partisan issue. This is an issue about our future, our children's health. I thank those of you who have signed on. I ask the rest of you to please search your heart and search the Internet. Check out a Web site called supersizeme.com. It's a movie that's coming, and you will be amazed. The No. 1 vegetable in America is the French fry.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following resolution:

Senate Resolution No. 251.

A resolution honoring the Michigan State University Debate Team and its coach, Will Repko, champions of the 58th National Debate Tournament.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

By unanimous consent the Senate returned to the order of
Resolutions

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

Senate Resolution No. 251

The resolution consent calendar was adopted.

Committee Reports

The Committee on Banking and Financial Institutions reported

House Bill No. 5281, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 410a. With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, April 29, 2004, at 2:20 p.m., Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

The Committee on Judiciary reported

House Bill No. 4434, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4867, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504, 43510, and 43516 (MCL 324.504, 324.43510, and 324.43516), section 504 as amended by 1996 PA 171, section 43510 as amended by 1996 PA 585, and section 43516 as added by 1995 PA 57.

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.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1141, entitled

A bill to amend 1994 PA 27, entitled "Drug dealer liability act," by amending section 3 (MCL 691.1603).

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 4, 2004, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

The Committee on Transportation reported

Senate Bill No. 1160, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 82.

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, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

Senate Bill No. 1179, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 74.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland 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 Transportation submitted the following:

Meeting held on Tuesday, May 4, 2004, at 1:00 p.m., Room 100, Farnum Building

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

Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, May 4, 2004, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C), McManus and Switalski

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

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

Capital Outlay - Thursday, May 6, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

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

Family Independence Agency - Thursdays, May 6 and May 13, 8:00 a.m., Room 210, Farnum Building; May 6 and May 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and May 20, 8:00 a.m., Room 210, Farnum Building (373-1801)

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

History, Arts, and Libraries - Thursdays, May 6 and May 13, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building; and Tuesday, May 11, 5:00 p.m., Epic Center, 359 South Kalamazoo Mall, Wellspring Theatre, Kalamazoo (373-0793)

State Police and Military Affairs - Tuesday, 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 - Thursday, May 13, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

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

Education - Thursday, May 6, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Tuesday, May 11, 3:00 p.m., Room 210, Farnum Building (373-1801)

Transportation - Tuesday, 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 11:16 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, May 6, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate