

No. 89
STATE OF MICHIGAN
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REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, September 15, 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 Kenneth R. Sikkema of the 28th District offered the following invocation:

Lord, as we begin our session here in the Michigan Senate, we come before You with a spirit of thankfulness. We thank You for the rich bounty You've given this country and this generation. We thank You for the opportunity You've given each one of us to serve our fellow citizens. It is an honor and a privilege, and we recognize that. Help us to be mindful, though, of our obligations and our responsibility; to consider the needs of not just our own constituents and our own districts, but consider the needs of the entire state of Michigan, both now and into the future.

This and more we ask in Your name. Amen.

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

Senators Bishop and Garcia entered the Senate Chamber.

Motions and Communications

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

Senator Schauer moved that Senators Bernero, Clarke and Prusi be temporarily excused from today's session.
The motion prevailed.

The Secretary announced that the following official bill was printed on Tuesday, September 14, and is available at the legislative Web site:

Senate Bill No. 1391

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
Senate Bill No. 1093
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 647
Senate Bill No. 320
Senate Bill No. 267

The motion prevailed.

The following message from the Governor was received on September 14, 2004, and read:

EXECUTIVE ORDER
No. 2004-33

**Department of Civil Rights
Advisory Council on Arab and Chaldean American Affairs**

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, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for taking care that the law be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, the religious, ethnic, racial, and cultural diversity of the State of Michigan is one of our state's greatest strengths;

WHEREAS, by working to build "One Michigan" the State of Michigan can help ensure that all of our people have an equal opportunity to pursue their dreams and are welcomed into our inclusive community;

WHEREAS, Michigan's Arab American and Chaldean American communities have contributed significantly to Michigan's culture and economy;

WHEREAS, the creation of an advisory council focused on issues of concern to Michigan's Arab American and Chaldean American communities will advance the building of "One Michigan," and help ensure that Arab Americans and Chaldean Americans are equal participants in our community and our economy;

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:

I. ADVISORY COUNCIL ON ARAB AND CHALDEAN AMERICAN AFFAIRS

A. The Advisory Council on Arab and Chaldean American Affairs ("Council") is created as an advisory body to the Governor and the Director of the Department of Civil Rights ("Director") within the Department of Civil Rights ("Department").

B. The Council shall be composed of 33 members appointed by the Governor. Of the members initially appointed, 11 members shall be appointed for terms expiring on September 30, 2005; 11 members shall be appointed for terms expiring on September 30, 2006; and 11 members shall be appointed for terms expiring on September 30, 2007. After the initial appointments, members of the Council shall be appointed to 4-year terms.

C. A vacancy on the Council occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

D. The Director and the Director of the Department of Labor and Economic Growth, or their designees, shall serve as ex officio, non-voting members of the Council.

E. The Governor shall designate a member of the Council to serve as its Chairperson at the pleasure of the Governor. The Governor may designate a member of the Council to serve as its Vice-Chairperson at the pleasure of the Governor.

II. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity to the Governor and the Director, and shall do all of the following:

1. Review and advise the Governor and the Director on the state's policies concerning the Arab American and Chaldean American communities.

2. Review and advise the Governor and the Director of the nature, magnitude, and priorities of the issues facing the Arab American and Chaldean American communities.

3. Monitor, evaluate, investigate, and recommend programs for the betterment of Arab Americans and Chaldean Americans in Michigan.

4. Analyze and recommend policies and programs to advance economic development within the Arab American and Chaldean American communities and related policies and programs to increase exports by Michigan companies.

5. Make recommendations to the Governor and the Director regarding changes in state programs, statutes, regulations, and policies, including, but not limited to, the coordination of state programs serving Arab Americans and Chaldean Americans.

6. Recommend policy and action plans to serve the needs of Arab Americans and Chaldean Americans in Michigan.

7. Recognize the history, accomplishments, and contributions of Michigan's Arab American and Chaldean American communities.

8. Make recommendations to the Governor and the Director regarding methods of overcoming discrimination against Arab Americans and Chaldean Americans.

9. Promote public awareness of Arab and Chaldean culture.

10. Promote equal access to state services.

11. Promote the involvement of Arab Americans and Chaldean Americans in government at all levels.

B. The Council shall also provide other information or advice regarding Arab American and Chaldean American affairs as requested by the Governor or the Director.

C. In addition, the Council shall issue reports that address issues described in this Section II and provide recommendations at times designated by the Governor or the Director.

III. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed by personnel from and assisted by the Department of Civil Rights. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director.

B. The Council shall select a Secretary from among its members. Council staff shall assist the Secretary with recordkeeping responsibilities.

C. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations and may establish committees and request public participation on advisory panels as it deems necessary. The Council may also adopt, reject, or modify any recommendations proposed by committees or advisory panels.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council shall act by majority vote of its serving members. A majority of the members of the Council serving constitutes a quorum for the transaction of business of the Council at a meeting.

F. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including but not limited to experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available appropriations.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Chairperson deems advisable and necessary, in accordance with this Order and relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department of Civil Rights.

IV. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate because this Order is effective. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of September, 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.

The following message from the Governor was received and read:

September 14, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17221:

Michigan Board of Nursing

Ms. Raquel L. Banks, R.N., B.S.N., of 1694 Tulip Lane, Westland, Michigan 48186, county of Wayne, succeeding Susan Wambach, R.N., whose term has expired, representing registered professional nurses with a baccalaureate degree engaged in nursing practice or nursing administration, for a term commencing September 14, 2004 and expiring June 30, 2008.

Ms. Michelle M. Johnson, R.N., M.S.N., of 960 Highland Drive, Marquette, Michigan 49855, county of Marquette, succeeding Edith Miller, R.N., M.S.N., whose term has expired, representing registered professional nurses with a master's degree engaged in nursing education in a licensed practical nurse program, for a term commencing September 14, 2004 and expiring June 30, 2008.

Ms. Suha A. Kridli, R.N., PhD, of 2477 Brenthaven Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Amy Perry, R.N., M.S.N., who has resigned, representing registered professional nurses with a master's degree engaged in nursing education in a baccalaureate or higher program, for a term commencing September 14, 2004 and expiring June 30, 2007.

Ms. Amy M. Perry, R.N., M.S.N., of 2923 Atterberry Drive, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding Ethel Baldwin, R.N., who has resigned, representing registered professional nurses with a baccalaureate degree engaged in nursing practice or nursing administration, for a term commencing September 14, 2004 and expiring June 30, 2005.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4742

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

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 with a substitute therefor, the following bill:

House Bill No. 4742, 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 2004 PA 219.

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.

During the Committee of the Whole, Senators Clarke, Bernero and Prusi entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4742

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

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

House Bill No. 4742

House Bill No. 5802

House Bill No. 5118

House Bill No. 5113
House Bill No. 5114
Senate Bill No. 1293
Senate Bill No. 1317
Senate Bill No. 1143
Senate Bill No. 1164
 The motion prevailed.

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

The motion prevailed.

Senator Sikkema's statement is as follows:

As many of you know—I assume all of you at this point—the person who has served as my spokesman for the last two years, Bill Knowling, has decided to seek other opportunities and leave the Senate, and this is his last day. Yes, he says, fortunately, under my direction. He is here with his parents and his wife Lisa.

I just want to say, you know, I think Bill had exactly the right training to serve us in the Michigan Senate. He was a philosophy and theology student. Then he covered the state Capitol in Bismarck, North Dakota. Now, if you think there are colorful characters in the Michigan Legislature, you should hear his stories about state Senators in North Dakota.

But, seriously, he has done a wonderful job for me not just in terms of his role as spokesman and press person in relation to the media, but he has just been incredibly compatible with me personally, and maybe that's bad for other people; I don't know. He has done a tremendous job. Obviously, I am sorry to see him go, but it's always nice to see people take advantage of opportunities that come their way. So, Bill, I want to thank you, and I would like my colleagues to thank you as well.

The following bill was read a third time:

House Bill No. 4742, 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 2004 PA 219.

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. 637

Yeas—37

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

Nays—0

Excused—1

Birkholz

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5802, entitled

A bill 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 8a, 65, 204a, 208, 208c, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.208c, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, sections 208 and 208c as amended by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320 as amended by 1982 PA 310, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 17, line 9, by striking out all of subdivision (b) and relettering the remaining subdivisions.

The question being on the adoption of the amendment,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5118, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5474c; and to repeal acts and parts of acts.

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. 638**Yeas—36**

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

Nays—1

Sanborn

Excused—1

Birkholz

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 639

Yeas—22

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

Nays—15

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

Excused—1

Birkholz

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 not concurred in, 2/3 of the members serving not voting therefor.

Senator Hammerstrom moved that the bill be given immediate effect.

The question being on the motion to give the bill immediate effect,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senator Birkholz entered the Senate Chamber.

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Basham offered the following amendment:

1. Amend page 1, line 8, after “**1,000,000**” by striking out “**17**” and inserting “**19**”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 640**Yeas—15**

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

Nays—23

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

Excused—0**Not Voting—0**

In The Chair: President

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. 641**Yeas—23**

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

Nays—15

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

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.

By unanimous consent the Senate returned to consideration of the following bill:

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 bill was passed earlier today and the motion for immediate effect postponed. See p. 1886.)

The question being on the motion to give the bill immediate effect,
 The motion prevailed, a majority 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. 1293, entitled

A bill to designate February 6 of each year as Ronald Wilson Reagan day in the state of Michigan.

The question being on the passage of the bill,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 642

Yeas—34

Allen	Cropsey	Jelinek	Sanborn
Barcia	Emerson	Johnson	Schauer
Basham	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	Jacobs		

Nays—3

Clark-Coleman	Clarke	Scott
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Excused—0

Not Voting—1

Bernero

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

In order to understand the greatness of President Reagan, we need to go back 24-25 years and remember what America was like in 1980. We were in a dark night of despair. It was as President Jimmy Carter said, "a national malaise."

On the world and domestic scene, we had lost our way. First of all, internationally communism had taken over Angola, Grenada, and Nicaragua. The Soviet Union had invaded Afghanistan. There was war in El Salvador and Guatemala. We now know since the fall of the Soviet Union that the Soviet communists believed that their triumph was inevitable. They believed that the rest of Central America and Mexico would fall to communism. Then the U.S.A. would fall without a fight. Unfortunately, many in our own country believed the same thing.

Secondly, the Middle East was in turmoil. The pro-Western Shah of Iran was overthrown, and a fanatical anti-American ayatollah took power. We had our embassy overrun, and American citizens had been held hostage for over a year. America was no longer looked at as a world leader, but as the world's whipping boy.

Thirdly, on the domestic level our economy was in shambles. We had 22 percent interest rates, 13 percent inflation, and nine percent unemployment that would ultimately go into the double digits. We had long gas lines at the gas pumps because our foreign policy had been botched up so badly. Truly, in 1980, our nation had gone into a national malaise. Times were depressing.

When Mr. Reagan became President in 1981, he was underestimated by his foes in Washington and the Soviet Union. Interestingly enough, though, as President Reagan was being sworn in, the ayatollah did not underestimate Mr. Reagan. As he was being sworn in, the hostages were leaving Iran for America.

President Reagan had the force of character to tell the truth. He called communism what it was. It was an evil empire. His statements outraged the liberal media and the liberal intelligentsia here in the United States, but it gave hope to the people in the Gulag in the Soviet Union. He even went further, saying American values would supercede communism and would leave it on the ash heap of history. Once again, the intelligentsia scorned him.

However, Ronald Reagan was the first President to actively overthrow communism by military force in the world. He overthrew communism in Grenada. That started a domino effect that was fully felt after he left office. Communism crumbled because of his policies and his steadfastness, and the Berlin Wall came down. Soon all of Europe, Africa, Central America, and much of Asia threw communism into the trash bin of history.

He cut taxes significantly by 30 percent. He believed that the people should have their own money, not give it to bureaucrats. His policies ignited a powerful economic recovery not only for America, but for the world. So much so that the word "Reaganomics" is a part of our vocabulary. The word "Reaganomics" symbolizes a greater prosperity for all.

Here are the facts that prove that all benefited from the Reaganomics during the 1980s, rich and poor alike: unemployment, which was at 7.1 percent when Reagan took office, fell to 5.3 percent by the time he left office; the average annual growth rate of the gross domestic product from 1981 to 1989 was 3.2 percent per year, compared with 2.8 percent from 1974 to 1981, and 2.1 percent from 1989 to 1995; in 1981, unemployment was 7.6 percent; in 1988, the unemployment was cut to 5.5 percent; in 1980, the consumer price index, inflation index, was 13.5 percent; by 1988 when Reagan left office, it had fallen to 4.1 percent; the highest-income households held their incomes by 18 percent, but the lowest-income households benefited, and their incomes were up by over 12 percent.

Under his leadership, the world's last best hope on earth did not give up and descend into a thousand years of darkness. God blessed America with a President who led America to her destiny as being the shining city on a hill as a beacon of freedom to all of the oppressed on the earth. Because of Reagan's revolution, it is morning not only in America, but throughout the world. Certainly, setting aside a day to remember Ronald Reagan's great legacy for Michigan, America, and the world is only most fitting. I urge your support for this bill.

The following bill was read a third time:

Senate Bill No. 1317, entitled

A bill to create the Ronald Wilson Reagan memorial monument fund commission to govern the Ronald Wilson Reagan memorial monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission.

The question being on the passage of the bill,

Senator Basham offered the following amendments:

1. Amend page 1, line 2, by striking out "Ronald Wilson Reagan" and inserting "Presidential".
2. Amend page 1, line 4, after "the" by striking out "Ronald Wilson Reagan" and inserting "Presidential".
3. Amend page 1, line 6, after "the" by striking out "Ronald Wilson Reagan" and inserting "Presidential".
4. Amend page 1, line 7, after "the" by striking out "Ronald Wilson Reagan" and inserting "Presidential".

5. Amend page 1, line 9, after “The” by striking out “Ronald Wilson Reagan” and inserting “Presidential”.
6. Amend page 2, line 12, by striking out all of subparagraph (iv).
7. Amend page 3, line 6, after “to” by striking out “President Ronald Wilson Reagan” and inserting “former Presidents of the United States of America”.
8. Amend page 3, line 20, after the second “the” by striking out “Ronald Wilson Reagan” and inserting “Presidential”.
9. Amend page 3, line 21, after “the” by striking out “Ronald Wilson Reagan” and inserting “Presidential”.
10. Amend page 3, line 23, after the second “the” by striking out the balance of the line through “Reagan” on line 24 and inserting “Presidential”.

The amendments were not adopted, a majority of the members serving not 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. 643

Yeas—24

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

Nays—13

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

Excused—0

Not Voting—1

Bernero

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Basham, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1317 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham’s first statement is as follows:

This is the same amendment I offered on General Orders yesterday that would designate the proposed commission as the Presidential Monument Commission. It appears that the state of Michigan does not have a single presidential

memorial that is sponsored by the state. This bill seeks to create the first, and interestingly enough, it isn't even for the one President who is from Michigan.

So far in our history, 43 men have occupied the White House, and you could make the case that every single one should have a monument sponsored by the state. So we should not pick a single President that history has not even had the opportunity to fully judge for the only state-sponsored presidential monument.

So I encourage my colleagues to support this amendment so that the state can build a monument to all the Presidents who have served our great land. A vote for this amendment isn't just a vote for a monument, though; it is a vote for Washington, and it is a vote for Lincoln. A vote against this amendment is a vote against Jefferson, a vote against Roosevelt, and a vote against Eisenhower.

I think all the men who have served as President deserve to be honored by the state, and I hope my colleagues do too.

Senator Basham's second statement is as follows:

I rise to oppose Senate Bill No. 1317. As I stated earlier, I think that all the great men who served as President deserve to be honored, and if we need to start with a single President, then I offer my diligence and cooperation in working with the sponsors of this bill to make that happen.

History has fully judged George Washington, who guided us through the revolution and built the foundations of our country and our presidency, yet we don't seek to build a monument to him. History has fully judged Abraham Lincoln, who led our nation through its greatest crisis and freed the slaves, yet we don't seek to build a monument to him. History has fully judged Franklin D. Roosevelt, who helped pull our nation out of the Depression and win World War II, yet we don't seek to build a monument to him. And while history has not fully judged Gerald R. Ford, he did help speed the nation's healing after Watergate, has been a marvelous statesman, and came from our great state, yet we don't seek to build a monument to him.

As I said, I would love to work with the sponsor to make this bill better, but I suspect this isn't about good public policy. This is about a conservative effort to re-write history and put Reagan on par with the greatest men who ever served in the Oval Office. I don't believe he has reached that status, and I don't believe this is the right step for Michigan.

I urge my colleagues to oppose this bill.

The following bill was read a third time:

Senate Bill No. 1143, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2001 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. 644

Yeas—31

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

Nays—7

Bishop	Garcia	Kuipers	Sanborn
Cassis	Goschka	Patterson	

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. 1164, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21777 (MCL 333.21777).

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. 645**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 returned to consideration of the following bill:

House Bill No. 5802, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320 as amended by 1982 PA 310, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 1885.)

The question being on the adoption of the amendment offered by Senator Brater,

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 646**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 the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 647**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.

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

The motion prevailed.

Senator Brater's statement is as follows:

This amendment addresses an issue that is causing a great deal of trouble in a number of our districts at election time. That is the provision in the piece of legislation in the year 2000. It's stated that driver's licenses and voter registration addresses must match. This has caused a great deal of confusion for voters, especially students who are away from home and want to vote.

The effect of that legislation was to discourage and/or prevent many students living in college communities from voting. It also affects, by the way, people who might have a cottage up North and aren't in their community where they tend to keep their driver's license address at election time, or even in Florida or places like that. Many students are reluctant to switch their driver's license address to their college address. Some insurance companies are telling them that if they do, it will affect their insurance.

When you combine the requirement of subsection (b), which I am asking to delete here, with the rule that you cannot vote by absentee ballot the first time you are voting if you did not register in person with the Secretary of State or your local clerk, we are effectively disenfranchising many young people who registered by downloading a form off the Internet or through other off-site voter registration opportunities.

In a time when young people are more and more disaffected with the political process, it is important that we do everything we can to encourage young people to participate in the electoral process. This is the wrong message to send our young people by telling them they cannot vote at the place where they are residing on Election Day.

By adopting this amendment, you will make it easier for young people to participate in the election process, and I encourage you to vote for this amendment.

By unanimous consent the Senate returned 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 with a substitute therefor, the following bill:

Senate Bill No. 1349, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.142 to 21.147) by adding section 2g.

Substitute (S-3).

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

1. Amend page 2, line 13, after "**loan**," by striking out "**shall**" and inserting "**may**".

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1349

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

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

House Bill No. 5802

Senate Bill No. 1349

The motion prevailed.

The following bill was announced:

House Bill No. 5802, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320 as amended by 1982 PA 310, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

(This bill was passed earlier today and given immediate effect. See p. 1893.)

Senator Gilbert offered to amend the title to read as follows:

A bill 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 8a, 65, 204a, 208, 208c, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.208c, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended and section 208c as added by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320 as amended by 1982 PA 310, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 1349, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2e (MCL 21.142e), as added by 2001 PA 123.

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. 648

Yeas—38

Allen
Barcia
Basham

Clark-Coleman
Clarke
Cropsey

Jacobs
Jelinek
Johnson

Sanborn
Schauer
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

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

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

Senate Resolution No. 297

The resolution consent calendar was adopted.

Senators Garcia, Cropsey, McManus, George, Allen, Van Woerkom, Cassis, Toy, Hardiman, Jelinek, Birkholz, Stamas, Johnson, Kuipers, Sikkema, Hammerstrom, Schauer, Bernero, Goschka, Leland and Scott offered the following resolution:

Senate Resolution No. 297.

A resolution to recognize September 15, 2004, through October 15, 2004, as Hispanic Heritage Month.

Whereas, Spanish-speaking people have brought to our nation the gifts of law, religion, agriculture, art, music, education, technology, architecture, cuisine, theater, and exploration; and

Whereas, Michigan is fortunate to count among its population a large concentration of citizens of Spanish and Latin American descent—including those who have lived in Michigan for generations and those who are new to the Great Lakes State—who contribute to Michigan's economy and society through their commitment to professions, commerce, family, and the arts; and

Whereas, Time and again throughout our nation's history, Hispanic Americans have faithfully defended the principles of freedom and representative government, and indeed, 41 Hispanic Americans have earned the nation's highest honor, the Congressional Medal of Honor; and

Whereas, During the month spanning from September 15 - October 15, Michigan's Hispanic-American community will celebrate Hispanic Heritage Month through a series of special programs featuring Hispanic history, food, dance, and art; now, therefore, be it

Resolved by the Senate, That we hereby recognize the month of September 15, 2004, through October 15, 2004, as Hispanic Heritage Month in the state of Michigan. We encourage all citizens to recognize and applaud the many contributions made by these individuals to enhance the quality of life in this state.

Senators Barcia, Basham, Brown, Cherry, Clark-Coleman, Clarke, Jacobs, Prusi, Switalski and Thomas were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator George introduced

Senate Bill No. 1392, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39f (MCL 208.39f), as added by 2002 PA 588.

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

Senators Scott, Brater, Olshove, Jacobs, Clarke, Basham, Schauer, Leland, Cherry, Emerson, Prusi and Barcia introduced

Senate Bill No. 1393, entitled

A bill to regulate the money transmission services business; to require the licensing of persons engaged in providing money transmission services; to prescribe powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; 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 Banking and Financial Institutions.

Senators Scott, Brater, Olshove, Jacobs, Clarke, Basham, Schauer, Leland, Cherry, Emerson, Prusi and Barcia introduced

Senate Bill No. 1394, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14p of chapter XVII (MCL 777.14p), as added by 2002 PA 29.

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

Senators Scott, Brater, Olshove, Jacobs, Clarke, Basham, Schauer, Leland, Cherry, Emerson, Prusi and Barcia introduced

Senate Bill No. 1395, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending section 2 (MCL 487.2052), as amended by 2002 PA 390.

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

Senators Garcia, Cropsey, George, Sanborn, Allen, Gilbert, Van Woerkom, Cassis, Toy, Hardiman, Jelinek, Birkholz, Johnson, Kuipers, Hammerstrom, Bernero, Goschka, Olshove and Switalski introduced

Senate Bill No. 1396, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2004 PA 81.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Statements

Senators Garcia, Jacobs, Scott and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Garcia's statement is as follows:

I rise once again to recognize that today is Hispanic Heritage Month celebration day. I have a resolution before me which we, I am sure, will approve. I am not going to read the entire thing, but I just want to point out a couple of paragraphs.

It says, "Whereas, During the month spanning from September 15 - October 15, Michigan's Hispanic-American community will celebrate Hispanic Heritage Month through a series of special programs featuring Hispanic history, food, dance, and art; now, therefore, be it

Resolved by the Senate, That we hereby recognize the month of September 15, 2004, through October 15, 2004, as Hispanic Heritage Month in the state of Michigan. We encourage all citizens to recognize and applaud the many contributions made by these individuals to enhance the quality of life in this state.”

Mr. Lieutenant Governor, I just want to point out that we recognize that we are all Americans, but today we are taking a special time set aside to identify and support the accomplishments of Hispanics throughout this state and our country.

Once again, I invite this body and the staffs in the offices to come and join us on the Capitol lawn today for a good time of fun, fellowship, and food. Tonight we will recognize some individuals who made some tremendous accomplishments for the state of Michigan.

Senator Jacobs' statement is as follows:

Tonight is the first night of Rosh Hashanah, the beginning of the Jewish New Year. It is the most important of all Jewish holidays, and it is purely religious. Rosh Hashanah, the New Year, and Yom Kippur are together, as I said, the most important holidays. We celebrate Rosh Hashanah tonight with sweet foods, like apples dipped in honey and honey cake, as a wish for a sweet year.

Also Rosh Hashanah is the beginning of the ten days of atonement. On Rosh Hashanah, Jews believe that all mankind is judged. We believe that God writes the judgment for each of us in the Book of Life. This judgment is based on our lives in the year before and is a decision of what will happen to us in the coming year, but the judgment is not final. The days between Rosh Hashanah and Yom Kippur give us time to change the judgment for good. We are given the chance to improve our coming year through Teshuvah, asking forgiveness; Tefillah, prayer; and Tzedakah, charity.

On Rosh Hashanah, we wish each other “L’Shanah Tovah Tikatevuh,” may you be written in for a good year. But Rosh Hashanah is not the end of the judgment; it is only on Yom Kippur, which we celebrate in ten years, that our judgment is made.

Today I wish Jews all around Michigan and around the world a sweet new year, a year of health, and most importantly, peace.

Senator Birkholz stated that had she been present earlier today when the votes were taken on the passage of the following bills, she would have voted “yea”:

House Bill No. 4742

House Bill No. 5118

House Bill No. 5113

Senator Scott's statement is as follows:

I have continued to come before this esteemed body driving home a recurring message: “Senator Scott wants affordable, fair, and equitable auto and homeowners insurance for everyone.”

While the Office of Financial and Insurance Services completes its report on the insurance system in Michigan, the fact remains that although competition may be intended to encourage affordable insurance rates, rates continue to be excessive for many and have continued to increase far beyond the rate of inflation. Furthermore, the existence of significant rate disparities, where residents in the city of Detroit and surrounding areas are paying more than twice as much for automobile and homeowners insurance in comparison to other areas of the state, suggests that, although we never want to say it, redlining is a practice that remains a reality.

This is a very real concern and problem for many citizens in this state, and I respectfully ask my colleagues for their support in helping to bring some resolution to this nonpartisan issue that, indeed, affects all residents in the state of Michigan.

Senator Clark-Coleman's statement is as follows:

I was out of the country visiting Taiwan September 8th and 9th. I was on a trade mission which began on September 4th to increase my awareness and understanding of Taiwan's economic, cultural, and political environment. My grasp of the issues that I learned will aid in developing closer relations to Michigan and the United States.

Several months ago at the time that the mission was scheduled, I had no expectation that the Senate would be in session. While I was away, a number of votes were taken. Had I been present, I would have voted “yes” on Roll Call Nos. 615 through 629, 631, and 632. I would have voted “no” on Roll Call Nos. 612, 613, 614, and 630.

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Tuesday, September 21. The motion prevailed.

Committee Reports

The Committee on Finance reported

House Bill No. 5534, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5782, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 7, 8, and 9 (MCL 390.1472, 390.1477, 390.1478, and 390.1479), as amended by 2001 PA 215.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5783, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending sections 6, 7, and 8 (MCL 390.1426, 390.1427, and 390.1428); and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, September 14, 2004, at 3:00 p.m., Room 110, Farnum Building

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

Excused: Senator Thomas

The Committee on Commerce and Labor reported

House Bill No. 5809, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers and McManus

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, September 14, 2004, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Schauer

The Committee on Judiciary reported

House Bill No. 4742, 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 2004 PA 219.

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, Patterson, Schauer and Bernero

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 Judiciary submitted the following:

Meeting held on Tuesday, September 14, 2004, at 1:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, September 14, 2004, at 3:00 p.m., Room 110, Farnum Building

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

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:31 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, September 21, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

