

**No. 100**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

---

---

Senate Chamber, Lansing, Thursday, November 4, 2004.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

Pastor Karl Galik of St. John Lutheran Church of Rochester offered the following invocation:

We thank You, Heavenly Father, for Your work among these men and women, among these servants of Yours, dedicated within our state to provide for us the laws and opportunities that we have to serve and be served. We thank You as well for the national democratic process, that in the midst of disagreements and passionate understandings of our own positions, we have chosen leadership and ask for Your continued blessing to live graciously amongst ourselves in the middle of that.

We thank You for the grace of God which continues to pervade our lives, invisible and in visible means. We seek Your guidance and protection from those who do hate us and would intend us harm. We give You thanks for those who protect us here and abroad, for our soldiers and those who are indeed fighting even as we speak, that we might constantly remember them and ask for Your angels to protect and guide them.

For Your Spirit to intercede with wisdom that all legislation might be done wisely for the good of the whole; for the spirit of unity and purpose in our nation's divisions, that we might find unity in our diversity and oneness of heart through many minds—we seek Your goodness and Your grace. In Jesus' name. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senators Barcia, Emerson and Hammerstrom entered the Senate Chamber.

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

The Secretary announced that the following official bills were printed on Wednesday, November 3, and are available at the legislative Web site:

**Senate Bill Nos. 1458 1464 1465 1466 1467 1468 1469 1470 1471 1472**

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.

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

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

Senator Hammerstrom moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

**Senate Resolution No. 301**

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

Senators Sikkema and Emerson offered the following resolution:

**Senate Resolution No. 301.**

A resolution offered as a memorial for Michael J. O'Brien, former member of the Senate.

Whereas, The members and staff of the Michigan Senate were saddened to learn of the passing of Michael J. O'Brien. With his long and distinguished record of commitment to this state as a lawmaker, Mike O'Brien leaves behind many who mourn his loss and are grateful to have worked with him to strengthen Michigan; and

Whereas, Mike O'Brien began his public service long before becoming a member of the Senate in 1974. For 14 years, he worked with the Wayne County Road Commission, and he was active in a host of civic organizations over the years. In his commitment to community life, Mike O'Brien followed the example set by his father, Michael J. O'Brien, Sr., a legislator for more than three decades; and

Whereas, Senator Mike O'Brien's 24 years of service spanned an era of transition and challenge in our state. In the face of changes that transpired in the auto industry and Michigan's economy, he was a consistent advocate for Detroit and for working families. His legislative achievements included efforts in many issue areas, such as transportation, and his several years in leadership positions within the Senate Democratic Caucus; and

Whereas, In addition to his contributions to the legislative process, he also strengthened the institution of the Michigan Senate through a deep sense of loyalty to staff. Many people fondly recall his St. Patrick's Day tradition of bringing shamrocks for the desks of his Senate colleagues. Clearly, the pride he took in his heritage, his family, and service to the people of this state will long be remembered; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to honor the memory of Michael J. O'Brien, a member of this legislative body from 1974 to 1998; and be it further

Resolved, That copies of this resolution be transmitted to the O'Brien family as evidence of our sincere condolences.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote of the Senate.

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

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

A moment of silence was observed in memory of former Senator Michael O'Brien.

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

The motion prevailed.

Senator Emerson's statement is as follows:

I rise to say a few words about the previous resolution. As someone who has served with Mike O'Brien for 18 of his 24 years in the Legislature, I knew Mike as a fellow Irishman, who provided tremendous service to his constituents. He had that gruff exterior, but had a heart of gold. He loved serving his constituents and cared deeply about transportation issues. He was a teamster at heart.

We have with us today two of Mike's children. Mike cared very deeply about his children. He went home every night and chose not to stay here. He went home every night because he cared so deeply about his children. We have Mike, Jr. and Katie O'Brien, who are with us. I would ask the Senate to welcome them, and also know that we cherish the memory of Mike who provided a great service to this institution and to his constituents and to the transportation industry to this state. Mike's legacy will not be forgotten.

Senator Sikkema's statement is as follows:

I, too, want to rise to recognize the service of former Senator O'Brien. He actually was elected to the Senate the same year I started working in the Senate as a young, incredibly smart legislative aide. I won't say which party I worked for at the time.

Senator O'Brien gave this Senate and the people of Michigan 24 years of dedicated public service in this body. Although, when I was in the House and he was in the Senate, our paths didn't cross that much, when they did, he always struck me as a quiet man. I don't know if that was his demeanor when he was in the Senate for many years, but he was kind of a quiet man who knew his roots, knew his constituency, and served them well with a great deal of dedication.

I'm pleased that we have members of his family here and pleased that the Senate could pause in our deliberations today to give recognition to a tremendous public servant.

Senator Garcia's statement is as follows:

I, too, wish to rise and comment on the passing of Senator O'Brien. I had the privilege of working with him as a staffer as well in the early 1990s. I just want to say briefly that it was a pleasure to work with him. He treated all staffers very well, and I appreciated his sense of duty and also the fact of how he treated everyone the same. I will always remember that, and I do remember and enjoy having worked with him.

Senator Leland's statement is as follows:

As many of you know, I had an interesting history with Mike O'Brien. I just want to say that when I traveled around my district the last ten days and I told my constituents, many of which had known that he had passed away, they were very shaken by it, very upset by it. Some of them reflected over the years the relationship that many of them had with him. All of them had very positive things to say. He was a good man, he was a loving man, he was very generous to his constituents, and his constituents will miss him.

**Senate Resolution No. 279.**

A resolution to memorialize the Congress of the United States to enact the Specialty Crop Competitiveness Act. The question being on the adoption of the resolution, The resolution was adopted.

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

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

**Senate Bill No. 1150**  
**House Bill No. 4458**  
**Senate Bill No. 1329**  
**Senate Bill No. 978**  
**Senate Bill No. 144**  
**Senate Bill No. 1366**  
**Senate Bill No. 1440**  
**Senate Bill No. 1441**  
**Senate Bill No. 1442**  
**Senate Bill No. 1444**  
**Senate Bill No. 1181**  
**Senate Bill No. 1432**  
**Senate Bill No. 231**  
**Senate Bill No. 1344**  
**Senate Bill No. 1149**  
The motion prevailed.

The following bill was announced:

**Senate Bill No. 1150, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3519, 3523, 3529, 3533, 3569, and 3571 (MCL 500.3515, 500.3519, 500.3523, 500.3529, 500.3533, 500.3569, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3523 and 3529 as amended by 2002 PA 304, and sections 3533, 3569, and 3571 as added by 2000 PA 252.

(This bill was read a third time on Wednesday, October 6 and consideration postponed. See Senate Journal No. 97, p. 2096.)

The question being on the passage of the bill,

Senator Jacobs offered the following amendments:

1. Amend page 2, line 14, by striking out all of line 14 through "costs" on line 15 and inserting "**deductibles, for coinsurance for basic health services, and**".
2. Amend page 2, line 20, by striking out "**coinsurance**" and inserting "**deductible, coinsurance,**".
3. Amend page 3, line 5, after "**maximum**" by striking out "**coinsurance**" and inserting "**deductible, coinsurance,**".
4. Amend page 3, line 11, after "**higher**" by striking out "**coinsurances**" and inserting "**deductibles, coinsurances,**".

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

**Roll Call No. 737****Yeas—18**

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

**Nays—19**

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

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

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. 738****Yeas—26**

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

**Nays—11**

Basham	Cherry	Emerson	Schauer
Bernero	Clark-Coleman	Jacobs	Scott
Brater	Clarke	Prusi	

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Switalski and Hardiman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Switalski's statement is as follows:

This seems to be the week for closely-divided, tough decisions. Senate Bill No. 1150 is an example of one of these tough calls. On the one hand, we have a problem with health care in this state that everyone in this chamber would acknowledge. The rising cost of health insurance makes it increasingly difficult for small business and self-insured individuals to purchase health coverage for their employees or themselves.

Senate Bill No. 1150 has potential to increase access to health insurance by providing cheaper coverage, increasing competition, and controlling costs. On the other hand, no one in this chamber would willingly enact a bill that would result in poorer quality health coverage at higher costs to individuals. If Senate Bill No. 1150 resulted in individuals losing current coverage or becoming burdened with unaffordable co-pays and deductibles, it would never govern a willing majority.

So how do we know what the result will be? How do we decide this difficult issue? I believe we must start from the recognition that the status quo is not acceptable. We cannot continue down the same path that we are going, which has resulted in increasingly unaffordable health insurance and growing numbers of uninsured. I don't really believe that this bill could make things worse because if employers wanted to drop coverage or reduce coverage, they already have those options under current law. Sometimes economics is forcing them into that.

So I think 1150 is worth a try, and I'm going to support it. But finally, prudence would dictate that we evaluate the results of this legislation to see if it has been beneficial or if it has been harmful in terms of access and quality of health care. Under current law, OFIS is required to study and produce a report of the results of the reform that we did last year on small markets. I'm going to work with my colleagues to try to do a study to see what the results of this legislation has been.

Senator Hardiman's statement is as follows:

I rise to speak in favor of Senate Bill No. 1150 and to urge members to vote for it also. I appreciate the comments of my colleague from the 10th District and would be pleased to work with him on this issue, but I feel that it is important that we move forward right now. As he has stated, health care is in need of some revision. There are many companies right now that are struggling to maintain the health care services that they provide. That means that many individuals may do without health care.

I believe Senate Bill No. 1150 would allow HMOs the flexibility to offer different types of insurance products. Senate Bill No. 1150 does not eliminate service categories, but yet, it does provide the flexibility that is necessary. My hope is that this flexibility in the marketplace will allow some individuals and businesses which do not have any insurance to gain some level of coverage.

Equally important, I hope that Senate Bill No. 1150 will allow some people or businesses which presently have coverage but are struggling with the costs to maintain some coverage. Senate Bill No. 1150 will not be the perfect fit for all situations, but it can make a difference for people in specific situations, and it is worth doing to help them.

When the National Governors Association met this past July, they focused on uninsured Americans. Our Governor Granholm said, "I welcome the chance to discuss with my colleagues the various strategies to bridge the uninsured gap for low- and moderate-income workers."

Senate colleagues, Senate Bill No. 1150 is one part of the solution for these workers. I urge your support of it.

The following bill was read a third time:

**House Bill No. 4458, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229).

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 2, following line 1, following subsection (3), by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 914 of the 92nd Legislature is enacted into law."

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1329, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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. 739**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 978, entitled**

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 5b (MCL 211.905b), as added by 2004 PA 108.

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. 740**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas

Brown  
Cassis  
Cherry

Goschka  
Hammerstrom

Patterson  
Prusi

Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 144, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1304.

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. 741**

**Yeas—36**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—1**

Brater

In The Chair: Birkholz

The Senate agreed to the title of the bill.



The following bill was read a third time:

**Senate Bill No. 1366, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 934 (MCL 600.934), as amended by 2000 PA 112.

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. 742**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1440, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 1998 PA 530.

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. 743**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas

Brown  
Cassis  
Cherry

Goschka  
Hammerstrom

Patterson  
Prusi

Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1441, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 19c of chapter XIIA, (MCL 712A.19c), as amended by 2000 PA 46.

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. 744**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1442, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2000 PA 46.

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. 745**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1444, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, 18 of chapter XIIA (MCL 712A.13a, 712A.13b, 712A.17d, and 712A.18), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, section 17d as added by 1998 PA 480, and section 18 as amended by 2004 PA 221.

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. 746**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski

Brater  
Brown  
Cassis  
Cherry

Gilbert  
Goschka  
Hammerstrom

McManus  
Patterson  
Prusi

Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

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

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 13a, 13b, 17d, and 18 of chapter XIIA (MCL 712A.13a, 712A.13b, 712A.17d, and 712A.18), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, section 17d as added by 1998 PA 480, and section 18 as amended by 2004 PA 221.

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. 1181, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 32607 (MCL 324.32607), as added by 2000 PA 278.

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. 747**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1432, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 312.

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. 748****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 231, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 742 (MCL 330.1742), as amended by 1996 PA 588.

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. 749****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1344, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding sections 2b, 2c, 2d, and 2e.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendments:

1. Amend page 4, line 19, by striking out “**sleeping rooms used**” and inserting “**use of a sleeping room during regular sleeping hours**”.

2. Amend page 4, line 22, after “**section 2(a)**” by inserting “**and (b)**”.

3. Amend page 4, line 23, after “**MCL 712A.2**” by inserting a comma and “**if the minor’s individual case treatment plan indicates that such security precautions would be in the minor’s best interest**”.

4. Amend page 10, line 13, after “**practitioner**” by inserting “**authorized to conduct a face-to-face assessment under subsection (14)**”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 750****Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott

Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry			

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1149, entitled**

A bill to commemorate the anniversary of the founding of the branches of the United States armed forces; and to prescribe the duties of certain state agencies and officials.

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. 751**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

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

- Senate Bill No. 757**
  - House Bill No. 4206**
  - Senate Bill No. 220**
  - Senate Bill No. 657**
  - Senate Bill No. 792**
  - Senate Bill No. 793**
  - Senate Bill No. 795**
  - Senate Bill No. 797**
  - Senate Bill No. 798**
  - Senate Bill No. 803**
- The motion prevailed.

**Senate Bill No. 955, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

(For text of amendments, see Senate Journal No. 95, p. 2039.)

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

1. Amend House Amendment No. 1, page 3, line 20, after “inserting” by striking out “3” and inserting “1 or more”.
2. Amend House Amendment No. 3, page 3, line 21, after “inserting” by striking out “3” and inserting “2 or more”.
3. Amend House Amendment No. 5, page 3, line 24, after “inserting” by striking out “2-year” and inserting “12-month”.

The amendments to the amendments were adopted.

The question being on concurring in the House amendments, as amended,

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

**Roll Call No. 752**

**Yeas—27**

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

**Nays—10**

Basham	Clark-Coleman	Jacobs	Patterson
Brater	Clarke	Leland	Scott
Cherry	Emerson		



**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

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

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 pro tempore, Senator Birkholz, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 5947, entitled**

A bill to amend 1984 PA 323, entitled "The health care false claim act," (MCL 752.1001 to 752.1011) by adding section 4b.

**House Bill No. 5970, entitled**

A bill to amend 1984 PA 323, entitled "The health care false claim act," (MCL 752.1001 to 752.1011) by adding section 4a.

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. 735, entitled**

A bill to amend 1996 PA 299, entitled "An act to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department," by amending sections 1 and 3 (MCL 247.401 and 247.403).

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:

**Senate Bill No. 925, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51501, 51506, 51509, 51510, and 51513 (MCL 324.51501, 324.51506, 324.51509, 324.51510, and 324.51513), as added by 1995 PA 57, and by adding sections 51503b and 51503d.

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.

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Van Woerkom, Brater, Scott and Hardiman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Van Woerkom's statement is as follows:

I, too, have a staff member who is leaving us after today. I feel that it is very appropriate to give her a special tribute from the state of Michigan. Alisha Adrianse has been with me for two years now and served before that with Senator Posthumus. She is moving on where the sun shines a little more brightly. She just happens to be leaving just before the first snowfall, so she probably has it timed right.

“LET IT BE KNOWN, That it is a pleasure to have this opportunity to extend the highest praise for a job well done to Alisha Adrianse as she concludes six years of service to state government. Her talents and energies have benefited our state in many ways, and we are grateful to have this opportunity to acknowledge her contributions.

A 2000 graduate from Michigan State University, Alisha first became involved with the state government in 1998 as an intern. Over the next six years she worked as a scheduler in the office of Majority Leader Dick Posthumus, an aide to Senator Dunaskiss, and the head of constituent relations for Senator Van Woerkom. A strong advocate for both women and children's issues, Alisha was head of the Women for Posthumus Campaign and worked on Lieutenant Governor Posthumus' Domestic Violence Homicide Prevention Task Force. She later worked on Senator Van Woerkom's K-12 education legislation.

Not only has Alisha been an advocate for women and children in her work, she has also done her part to give back to her community. As a volunteer for the Children's Trust Fund, Alisha has shown sincere responsibility and great concern for others. She also participates in volunteer efforts for MSU Safe Place and Breast Cancer Awareness Month. We are confident that Alisha will continue to make an upstanding and commendable member of her community in Florida, and will continue to make significant contributions in the future.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to commend Alisha Adrianse.”

We want to offer her our thanks for her work here in the Senate in the state of Michigan.

Senator Brater's statement is as follows:

I rise to deliver a special tribute to Specialist Donald McCune who died on August 5, 2004, of injuries he received in Iraq. His family is in the north Gallery, and I would like to welcome them: Darcy Lewis, Specialist McCune's mother; Benjamin Lewis, her husband; Cassie, Specialist McCune's sister; and Diane and Rick Monier, Specialist McCune's grandparents.

“A Special Tribute to Specialist Donald McCune.

LET IT BE KNOWN, That Specialist Donald R. McCune II of Ypsilanti was a dedicated soldier who served his country and community with bravery and dedication. He graduated in 2002 and enlisted in the Army. Donald McCune served his country as part of the Army National Guard's 1st Battalion, 161st Infantry Regiment, 81st Brigade Combat Team. He died August 5, 2004 from injuries he received while on duty in Iraq.

Donald McCune grew up in Chelsea and attended high school in both Michigan and Indiana. He had a passion for cars, music, hunting and fishing and is described by his family as a “prankster” who “liked to push buttons.” He was committed to serving his country and hoped to finish his education when he left the service.

Donnie McCune earned the respect of his peers and superior officers. He served his country proudly and performed his duties at the highest level expected of a soldier. He transferred from his original unit into a regiment destined for fighting in Iraq, believing that he could serve his country better in the field. Specialist McCune demonstrated his continued devotion by repeatedly volunteering for extra missions, thus putting himself at greater risk. I believe that it was one of these extra missions during which he was fatally injured. His family can be proud of his courage and leadership.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to honor and commend Donald McCune for his service to our country. May his family know of our admiration for the sacrifice he made for all of us.”

Again, I want to thank the family of Specialist Donald McCune for your sacrifice and for coming to allow us to honor him today.

A moment of silence was observed in memory of Specialist Donald R. McCune II.

Senator Scott's statement is as follows:

I have often said I have been open and willing to listen to anyone who has ideas, or a formulated plan, that can help to bring down our insurance premiums in this state. I have met with representatives of the insurance industry, the Office of Financial and Insurance Services, my colleagues here in the Michigan Legislature, as well as organizations in my district.

To that end, I was happy to read last week that the commissioner of Financial and Insurance Services is continuing to pursue her efforts in banning the use of insurance credit scoring in Michigan. In an effort to correct a statement made by our former OFIS commissioner, it was important for our current commissioner to point out that her decision to ban the practice of credit scoring was not merely a decision made hastily, but rather, one based on an extensive internal review of our state's insurance industry practices and a thorough review of current Michigan law. This past summer, hundreds of Michigan citizens attended public hearings throughout the state in an effort to hear comments from both

consumers as well as the industry. In the end, the commissioner concluded that credit scoring remains a problem for Michigan residents.

We must be willing to look at every factor that can help to bring down the costs of auto insurance in Michigan. Credit scoring is just one remedy. There is more that we can do—and must do. Again, it is important, and it's about fairness and equity for every citizen in Michigan.

Just the other day while out campaigning for some folks in my city, I talked to a young man who said, "My car is paid for, but I pay \$6,000 for insurance." I thought mine was ridiculous at \$3,000, but he's paying \$6,000. That's what we are dealing with in the inner cities, so let's get to work and make it happen.

Senator Hardiman's statement is as follows:

One of my staff persons, Kim Erdelyi, is leaving my staff. That typically isn't a pleasant thing, and certainly, there are mixed emotions, but she is moving on to do some fine things in another part of the country for a while.

I just want to tell you a little bit about Kim. Kim has served with me for almost two years, the time that I've been in the Senate. She's been a dedicated, committed member of the staff. She has also served as clerk for the Senate Families and Human Services Committee. Prior to working with me, she worked for Lieutenant Governor Dick Posthumus on his gubernatorial campaign. She is a strong member of the team, but she is also committed not only to team goals, but to individual goals. What really, really impresses me about Kim is that she ran and completed the Chicago Marathon, which I just thought was incredible. So you can see the kind of dedication she has. I saw that dedication as she trained, but also as she worked on my staff.

I feel like I'm losing more than a friend, almost—not losing, but she's going away—a daughter, but I'm happy to send her off with this tribute. I would love to have my Senate colleagues help me send her away with warm and wonderful wishes for continued success in the future.

By unanimous consent the Senate returned to the order of

#### **Introduction and Referral of Bills**

Senator Van Woerkom introduced

#### **Senate Bill No. 1473, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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

Senators Patterson, Cropsey and Bishop introduced

#### **Senate Bill No. 1474, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 513.

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

Senator Johnson introduced

#### **Senate Bill No. 1475, entitled**

A bill to establish the companion animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Johnson introduced

#### **Senate Bill No. 1476, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 436.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

### Committee Reports

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 1341, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 32, 32a, 44c, and 44f (MCL 125.1432, 125.1432a, 125.1444c, and 125.1444f), sections 32 and 32a as amended by 2000 PA 257, section 44c as amended by 1996 PA 475, and section 44f as added by 1987 PA 180.

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

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**House Bill No. 6077, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 11, 32b, 44, and 44a (MCL 125.1411, 125.1432b, 125.1444, and 125.1444a), section 11 as amended by 1996 PA 475 and sections 32b, 44, and 44a as amended by 2000 PA 257.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka and Basham

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Wednesday, November 3, 2004, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka and Basham

Excused: Senator Bernero

### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, November 3, 2004, at 1:02 p.m., Room 110, Farnum Building

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

### Scheduled Meetings

**Appropriations** - Tuesday, November 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Families and Human Services** - Tuesday, November 9, 3:00 p.m., Room 210, Farnum Building (373-1801)

**Judiciary** - Tuesday, November 9, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Natural Resources and Environmental Affairs** - Tuesday, November 9, 3:00 p.m., Room 110, Farnum Building (373-3447)

**Technology and Energy** - Wednesday, November 10, 3:00 p.m., Room 210, Farnum Building (373-7350)

**Transportation** - Tuesday, November 9, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:31 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, November 9, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

