

No. 34
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, April 21, 2005.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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

Suffragan Bishop Ira Combs, Jr., of Greater Bible Way Temple Church of Jackson offered the following invocation:

Almighty and eternal God, El Shadi, the almighty God supplying the needs of Your people by the way of the cross, we bow our heads in the spirit of humility, giving thanks for this day that You have created and made; thanking You for the enjoyment of the benefits of life, liberty, the pursuit of happiness, and the freedoms that we enjoy.

Grant this august body the constitution to deal with the controversial issues surrounding Detroit's economic challenges boldly in their political and intellectual skill set to make the difficult choices necessary to secure the interest of the 82 counties surrounding.

Dear God, the children in our failing academic institutions are in need of the wise and determined leadership of each of the Senate members in the midst of the multiplicity of complex issues of the political and economic challenges.

Strengthen each member of this Senate body, embellish their precious families, and envelop their lives with favor and blessings for their sacrifices in the untiring public service that they provide.

Finally, let justice roll down like waters and righteous like a mighty stream.

In the name of the Lord, let all the people say, Amen.

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

Motions and Communications

The following communication was received:
Department of Community Health

April 14, 2005

Enclosed please find the Michigan Department of Community Health, Bureau of Health Professions' *Report to the Legislature, Reporting Period: April 1, 2003 to September 30, 2004*. Section 333.16241(8) of the Michigan Public Health Code requires that the department submit an annual report to the Legislature on disciplinary actions taken under articles 7 and 15 of the Public Health Code.

Please be advised that in the past, the annual report to the Legislature covered the period of April 1 through March 31. The selection of that time frame was based on the effective date of the amendatory act that established the reporting requirement. However, during our most recent performance audit by the Office of Auditor General, it was noted that all other statistical reports generated by the Bureau of Health Professions are based on this fiscal year. Therefore, based on the recommendation of the Office of Auditor General, we will submit all reports for the same time period to eliminate duplication and inefficient use of resources.

In order to transition to the new reporting period, the Bureau of Health Professions has generated an 18-month report, covering the period from April 1, 2003 through September 30, 2004. Our next report will cover the period from October 1, 2004 through September 30, 2005.

Sincerely,
Jan Christensen, Deputy Director
Health Policy, Regulation and
Professions Administration

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 20:
House Bill Nos. 4008 4275 4325 4447 4560 4562 4567 4613

The Secretary announced that the following official bills were printed on Wednesday, April 20, and are available at the legislative website:

Senate Bill Nos. 391 392 393 394 395 396 397 398 399
House Bill Nos. 4623 4624 4625 4626 4627 4628 4629 4630 4631 4632 4633 4634 4635

Senators Patterson and Bernero entered the Senate Chamber.

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

State Transportation Commission

Ms. Maureen Miller Brosnan, a Democrat, of 11320 Arden, Livonia, Michigan 48150, county of Wayne, succeeding Betty Jean Awrey, whose term has expired, appointed for a term commencing March 4, 2005 and expiring December 21, 2007.

Mr. James R. Rosendall, an Independent, of 1284 Valley View Court, Grand Rapids, Michigan 49544, county of Kent, succeeding John Garside, whose term has expired, appointed for a term commencing March 4, 2005 and expiring December 21, 2007.

Michigan Broadband Development Authority Board of Directors

Mr. Larry L. Leatherwood, a Democrat, of 812 Canton Drive, Lansing, Michigan 48917, county of Eaton, succeeding Cyril Moscow, whose term has expired, representing members with knowledge, skill, or experience in the academic, business, technology, or financial fields, for a term commencing February 22, 2005 and expiring December 31, 2007.

Ms. Cyntia N. Zerkowski, a Republican, of 29324 West 12 Mile Road, Farmington Hills, Michigan 48334, county of Oakland, succeeding Suzanne Cole, whose term has expired, representing members with knowledge, skill, or experience in the academic, business, technology, or financial fields, for a term commencing February 22, 2005 and expiring December 31, 2007.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

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

Messages from the Governor

The following messages from the Governor were received and read:

April 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 403 of the Community Corrections Act, 1988 PA 511, MCL 791.403:

State Community Corrections Board

The Honorable Alfred M. Butzbaugh of 11492 Red Bud Trail, Berrien Springs, Michigan 49103, county of Berrien, succeeding Nancy J. Grant, whose term has expired, representing judges of the circuit court, for a term commencing April 20, 2005 and expiring March 29, 2009.

Mr. Stuart J. Dunning III of 500 Everett Drive, Lansing, Michigan 48915, county of Ingham, succeeding Norman Donker, whose term has expired, representing county prosecutors, for a term commencing April 20, 2005 and expiring March 29, 2009.

The Honorable Brigitte Officer of 396 Elmhurst, Highland Park, Michigan 48203, county of Wayne, succeeding Louise Alderson, whose term has expired, representing judges of the district court, for a term commencing April 20, 2005 and expiring March 29, 2009.

Ms. Inez M. Brown of 6914 Colonial Drive, Flint, Michigan 48505, county of Genesee, reappointed to represent members of city government, for a term expiring March 29, 2009.

April 20, 2005

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment and reappointment to office under Section 11 of the Hospital Finance Authority Act, 1969 PA 38, MCL 331.41:

State Hospital Finance Authority

Ms. Linda E. Bloch of 484 West Maple Road, Birmingham, Michigan 48009, county of Oakland, succeeding John Jacobs, whose term has expired, representing public members, for a term commencing April 20, 2005 and expiring March 1, 2009.

Mr. Asad M. Malik of 1130 East Square Lake Road, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent public members, for a term expiring March 1, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Senators Hardiman, Goschka, George, Clarke, Cherry, Johnson, Cropsey and Prusi entered the Senate Chamber.

State Transportation Commission

Ms. Maureen Miller Brosnan, a Democrat, of 11320 Arden, Livonia, Michigan 48150, county of Wayne, succeeding Betty Jean Awrey, whose term has expired, appointed for a term commencing March 4, 2005 and expiring December 21, 2007.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 75**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	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**

Barcia

Not Voting—0

In The Chair: Sanborn

State Transportation Commission

Mr. James R. Rosendall, an Independent, of 1284 Valley View Court, Grand Rapids, Michigan 49544, county of Kent, succeeding John Garside, whose term has expired, appointed for a term commencing March 4, 2005 and expiring December 21, 2007.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 76**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas

Cassis
Cherry
Clark-Coleman

Hammerstrom
Hardiman

Patterson
Prusi

Toy
Van Woerkom

Nays—0

Excused—1

Barcia

Not Voting—0

In The Chair: Sanborn

Michigan Broadband Development Authority Board of Directors

Mr. Larry L. Leatherwood, a Democrat, of 812 Canton Drive, Lansing, Michigan 48917, county of Eaton, succeeding Cyril Moscow, whose term has expired, representing members with knowledge, skill, or experience in the academic, business, technology, or financial fields, for a term commencing February 22, 2005 and expiring December 31, 2007.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 77

Yeas—37

Allen
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
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Barcia

Not Voting—0

In The Chair: Sanborn

Michigan Broadband Development Authority Board of Directors

Ms. Cyntia N. Zerkowski, a Republican, of 29324 West 12 Mile Road, Farmington Hills, Michigan 48334, county of Oakland, succeeding Suzanne Cole, whose term has expired, representing members with knowledge, skill, or experience in the academic, business, technology, or financial fields, for a term commencing February 22, 2005 and expiring December 31, 2007.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 78

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	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

Barcia

Not Voting—0

In The Chair: Sanborn

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

The motion prevailed.

Senator Switalski's statement is as follows:

I rise in support of the appointment of Cyntia Zerkowski to the Michigan Broadband Authority Board of Directors. I want to point out that I do this not solely because of her polish heritage. I was in a previous life a county commissioner, and she was hired and served admirably as the MIS director for the county. She has a gift for explaining complex technology in a language that even computer-challenged boomers, like myself, can understand.

So I think she will be a great addition to the Broadband Authority, and I urge support for her.

Senator Barcia entered the Senate Chamber.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Stamas as Chairperson.

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

House Bill No. 4414, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22).

House Bill No. 4415, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 26 (MCL 421.26), as amended by 1984 PA 172.

The bills were 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 bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4414

House Bill No. 4415

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

The following bill was read a third time:

House Bill No. 4414, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22).

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. 79

Yeas—36

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

Nays—1

Patterson

Excused—0

Not Voting—1

Johnson

In The Chair: Sanborn

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

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

“An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4415, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 26 (MCL 421.26), as amended by 1984 PA 172.

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. 80

Yeas—36

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

Nays—1

Patterson

Excused—0

Not Voting—1

Johnson

In The Chair: Sanborn

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

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

“An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The Senate agreed to the full title.

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

Senate Bill No. 171, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” (MCL 421.1 to 421.75) by adding section 22b.

(For text of amendment, see Senate Journal No. 23, p. 284.)

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 81

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	Olshove	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry			

Nays—1

Patterson

Excused—0

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 174, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 41 (MCL 421.41).

(For text of amendment, see Senate Journal No. 23, p. 284.)

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

Roll Call No. 82

Yeas—36

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

Nays—1

Patterson

Excused—0

Not Voting—1

Emerson

In The Chair: Sanborn

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

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 Assistant President pro tempore, Senator Sanborn, designated Senator Stamas as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 225, entitled

A bill to create an agricultural tourism advisory commission; to provide for its powers and duties; and to repeal acts and parts of acts.

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 returned to the order of
Third Reading of Bills

The following bill was announced:

House Bill No. 4012, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 4 and 16 (MCL 125.2154 and 125.2166), section 4 as amended by 2000 PA 248.

(This bill was passed on April 20, vote reconsidered and consideration postponed. See Senate Journal No. 33, p. 436.)

The question being on the passage of the bill,

Senator Birkholz offered the following amendments:

1. Amend page 2, line 13, after "**THE**" by striking out the balance of the line through "**LOCATED**" on line 15 and inserting "**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE AUTHORITY IS ESTABLISHED AND A TAX INCREMENT FINANCING PLAN IS APPROVED**".

2. Amend page 5, line 21, after the first "**THE**" by striking out the balance of the line through "**LOCATED**" on line 23 and inserting "**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE DEVELOPMENT PLAN OR THE TAX INCREMENT FINANCING PLAN IS APPROVED OR AMENDED**".

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. 83

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

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 encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing.”.

The Senate agreed to the full title.

Senators Van Woerkom and Thomas 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:

We have some special guests here today we would like to honor. Senator Thomas and I would like to honor them. Last December, the DEQ put together a poster contest for the state of Michigan and invited students from kindergarten through fifth grade to enter this poster contest in honor of Earth Day in our state. Earth Day, of course, is tomorrow, so we have brought together the winners of that poster contest. Over 1,500 students submitted posters, and so this is quite an honor for these young people to achieve to be picked first- and second-place winners in this contest. I am going to introduce those students who are up in the Gallery who are the first-place winners, and Senator Thomas will introduce those who are the second-place winners. We would like to ask each winner to rise when they are named.

Our first-place winner is a kindergarten student, and her name is Sedona Young. She is from Whitehall, Michigan, and her Senator is Senator Van Woerkom—me—and her Representative is Representative Farhat.

The first grader who won is Marie LaChance. She is from East Grand Rapids and goes to Lakeside Elementary, and her Senator is Senator Sikkema and her Representative is Representative Hildenbrand.

The second grade student is Grace Stanton. She is from Traverse City, Michigan, and attends Central Grade School. Her Senator is Senator Allen and her Representative is Representative Walker.

Our third grade student is Jacqueline Filsinger. She is from Bay City, Michigan, and she attends Holy Trinity School. Her Senator is Senator Barcia and her Representative is Representative Mays.

Our fourth grade student is Sandra Ascencio. She is from Detroit, Michigan, and she attends Maybury School. Her Senator is Senator Thomas and her Representative is Representative Tobocman.

Our fifth grade student is Adam Hulscher. He is from Canton, Michigan, and he attends Eriksson Elementary. His Senator is Senator Patterson and his Representative is Representative LaJoy.

Senator Thomas’ statement is as follows:

I have the pleasure of introducing the second-place winners of the contest. These are all great kids.

Our second-place winner for kindergarten is Josie Gonzalez. Josie is from Grand Rapids, attends St. Jude School, and her Senator is Senator Hardiman.

Second-place winner for first grade is a guest of Senator Jacobs, Gideon Bray from the city of Ferndale. Gideon is home-schooled.

Our second grade, second-place winner is from Shepard, Michigan, and attends Morey Charter School; the guest of Senator Cropsey and that is Kate Velguth.

Second-place winner for third grade is from Grand Rapids and attends Breton Downs Elementary School; a guest of Senate Majority Leader Sikkema, Ms. Olivia Brinks.

Second-place winner for fourth grade comes from Imlay City where she attends Chatfield School; a guest of Senator Gilbert, Tamryn Jade Sanderson-Smith.

And, finally, fifth-place, second grade winner comes from Big Rapids, Michigan, where she attends Morley Stanwood Middle School. Please welcome Savana Hopkins.

The following bill was read a third time:

House Bill No. 4013, entitled

A bill to amend 1980 PA 450, entitled “The tax increment finance authority act,” by amending sections 3 and 17 (MCL 125.1803 and 125.1817), section 3 as amended by 1983 PA 148.

The question being on the passage of the bill,

Senator Birkholz offered the following amendments:

1. Amend page 2, line 12, after “**THE**” by striking out the balance of the line through “**LOCATED**” on line 14 and inserting “**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE AUTHORITY IS ESTABLISHED AND A TAX INCREMENT FINANCING PLAN IS APPROVED**”.

2. Amend page 4, line 6, after the first “**THE**” by striking out the balance of the line through “**LOCATED**” on line 8 and inserting “**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE DEVELOPMENT PLAN OR THE TAX INCREMENT FINANCING PLAN IS APPROVED OR AMENDED**”.

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. 84

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: Sanborn

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 prevent urban deterioration and encourage economic development and activity and to encourage neighborhood revitalization and historic preservation; to provide for the establishment of tax increment finance authorities and to prescribe their powers and duties; to authorize the acquisition and disposal of interests in real and personal property; to provide for the creation and implementation of development plans; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to permit the issuance of bonds and other evidences of indebtedness by an authority; to permit the use of tax increment financing; to reimburse authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state agencies and officers,”.

The Senate agreed to the full title.

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

Senate Bill No. 83

Senate Bill No. 180

House Bill No. 4318

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 83, entitled

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

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. 85

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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 180, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 6 (MCL 38.1306), as amended by 1995 PA 272.

The question being on the passage of the bill,

Senator Stamas offered the following amendments:

1. Amend page 2, line 18, after "(f)" by striking out "Service" and inserting "**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, SERVICE**".

2. Amend page 2, line 21, after "defense." by inserting "**BEGINNING OCTOBER 1, 2005, SERVICE PERFORMED AS A TEACHER OR ADMINISTRATOR OF AMERICAN NATIONALS IN OVERSEAS PUBLIC ELEMENTARY OR SECONDARY SCHOOLS OPERATED BY THE UNITED STATES DEPARTMENT OF DEFENSE IF THE SERVICE WAS PERFORMED BEFORE JANUARY 31, 1991.**".

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. 86

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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4318, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1, 3, and 18 (MCL 125.1651, 125.1653, and 125.1668), section 1 as amended by 2004 PA 196 and section 3 as amended by 2004 PA 521.

The question being on the passage of the bill,

Senator Birkholz offered the following amendments:

1. Amend page 15, line 2, after the first “**THE**” by striking out the balance of the line through “**LOCATED**” on line 3 and inserting “**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE AUTHORITY IS ESTABLISHED AND A TAX INCREMENT FINANCING PLAN IS APPROVED**”.

2. Amend page 17, line 9, after “**THE**” by striking out the balance of the line through “**LOCATED**” on line 11 and inserting “**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE DEVELOPMENT PLAN OR THE TAX INCREMENT FINANCING PLAN IS APPROVED OR AMENDED**”.

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. 87

Yeas—38

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

Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Goschka
Hammerstrom
Hardiman

McManus
Olshove
Patterson
Prusi

Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

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 proceeded to the order of

Introduction and Referral of Bills

Senators Toy, Hammerstrom, Bernero and Gilbert introduced

Senate Bill No. 403, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 183A.

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

Senators Olshove, Cherry, Jacobs, Kuipers, Bernero, Clark-Coleman, Jelinek, Scott, Goschka and Allen introduced

Senate Bill No. 404, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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

Senators Garcia and Bernero introduced

Senate Bill No. 405, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending the title and sections 104, 106, 107, 114, 201, 202, 203, and 204 (MCL 570.1104, 570.1106, 570.1107, 570.1114, 570.1201, 570.1202, 570.1203, and 570.1204), sections 104, 106, 107, 114, and 203 as amended by 1982 PA 17, section 201 as amended by 1984 PA 190, and section 202 as amended by 1981 PA 191, and by adding section 114a.

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

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

Senate Bill No. 406, entitled

A bill to prescribe the procedures, terms, and conditions for the qualification or approval of school bonds and other bonds; to authorize this state to make loans to certain school districts for the payment of certain bonds and to authorize schools to borrow from this state for that purpose; to prescribe the terms and conditions of certain loans to school districts; to prescribe the powers and duties of certain state agencies and certain state and local officials; to provide for certain fees; to prescribe certain penalties; 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 Appropriations.

Senators Switalski, Jacobs, Prusi, Thomas, Cherry, Scott, Clark-Coleman, Olshove, Schauer and Leland introduced **Senate Bill No. 407, entitled**

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending the title and sections 3, 7, and 8 (MCL 141.1053, 141.1057, and 141.1058), the title and sections 3 and 7 as amended by 2000 PA 416 and section 8 as amended by 2003 PA 109, and by adding section 16c.

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

Senators Clarke, Clark-Coleman, Cherry and Prusi introduced

Senate Bill No. 408, entitled

A bill to amend 1961 PA 112, entitled "An act to authorize and provide for the issuance, sale, and refunding of bonds, notes, or commercial paper of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation," by amending sections 2 and 4 (MCL 388.982 and 388.984), section 2 as amended by 2000 PA 245 and section 4 as amended by 1991 PA 64.

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

Senators Olshove, Emerson and Cherry introduced

Senate Bill No. 409, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1351 (MCL 380.1351), as amended by 2003 PA 299.

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

Senators Leland, Thomas, Clark-Coleman, Jacobs, Prusi, Olshove, Brater, Barcia, Schauer, Basham and Bernero introduced

Senate Bill No. 410, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 2002 PA 71.

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

Senators Cherry, Jacobs, Leland, Thomas, Scott, Prusi, Switalski, Basham, Brater, Clark-Coleman, Schauer, Clarke and Olshove introduced

Senate Bill No. 411, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

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

Senators Prusi, Switalski, Scott, Schauer, Cherry, Jacobs, Leland, Olshove, Barcia, Basham, Clarke, Clark-Coleman, Bernero and Thomas introduced

Senate Bill No. 412, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending sections 1, 1a, 3, and 7 (MCL 830.411, 830.411a, 830.413, and 830.417), sections 1 and 7 as amended by 1994 PA 252 and sections 1a and 3 as amended by 1988 PA 248.

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

Senators Brater, Scott, Olshove, Cherry, Jacobs, Leland, Barcia, Basham, Bernero, Clark-Coleman, Clarke and Thomas introduced

Senate Bill No. 413, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 3 (MCL 125.1651 and 125.1653), section 1 as amended by 2004 PA 196 and section 3 as amended by 2004 PA 521, and by adding section 3e.

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

Senators Schauer, Cherry, Prusi, Scott, Thomas, Brater, Olshove, Jacobs, Leland, Barcia, Basham, Bernero, Clark-Coleman and Clarke introduced

Senate Bill No. 414, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 1 and 3 (MCL 125.1801 and 125.1803), section 1 as amended by 1998 PA 499 and section 3 as amended by 1983 PA 148, and by adding section 3a.

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

Senator McManus introduced

Senate Bill No. 415, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 705.

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

Senator Cropsey introduced

Senate Bill No. 416, entitled

A bill to prohibit the dissemination, exhibiting, or displaying of certain ultra-violent explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of ultra-violent explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; and to impose certain duties upon prosecuting attorneys and the circuit court.

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

House Bill No. 4008, entitled

A bill to amend 1972 PA 251, entitled "An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements," by amending sections 1, 2, 3, 4, and 5 (MCL 390.501, 390.502, 390.503, 390.504, and 390.505).

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

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

House Bill No. 4275, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

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

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

House Bill No. 4325, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

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

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

House Bill No. 4447, entitled

A bill to amend 2004 PA 403, entitled "Michigan boxing regulatory act," by amending sections 11, 31, 33, 34, 47, 48, and 54 (MCL 338.3611, 338.3631, 338.3633, 338.3634, 338.3647, 338.3648, and 338.3654).

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

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

House Bill No. 4560, entitled

A bill to amend 1945 PA 72, entitled "An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," by amending the title and section 9 (MCL 286.259) and by adding section 10.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

House Bill No. 4562, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," (MCL 286.201 to 286.226) by amending the title, as amended by 1984 PA 88, and by adding sections 28 and 29.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

House Bill No. 4567, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2002 PA 421.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4613, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8801 (MCL 600.8801), as amended by 2000 PA 80.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

In my statements over the last few days, I have been sharing with you communications that I have personally received either through my insurance website or my office e-mail account. It is imperative for you to hear the desperation and the outrage of residents who want to see something done about the high costs of auto and homeowners insurance in this state. And I share these communications with you because in order for insurance reform to truly be realized in Michigan, I need your help.

We have begun a dialogue through an insurance workgroup, and I am grateful for this first step. It is my understanding that the workgroup will soon hold hearings outside of Lansing and will receive public testimony from residents in cities across the state. This, too, is a positive step.

But it is also important to note that my colleagues and I have put forth proposals to address the problem. These proposals are sitting in the Senate Banking and Financial Institutions Committee, waiting to be taken up by the chair and members of that committee.

Using these bills as the building blocks in bringing insurance reform to Michigan, I am asking that my colleagues on the other side of the aisle work with us in implementing good public policy in this state, and in doing so, show the citizens and ratepayers of this state that we are, in fact, listening to their cries for help.

Senator Cropsey's statement is as follows:

Once again, relative to the issue of renting violent videos to minors, allow me to quote from last week's *MIRS* report: "One Democrat said that it appeared that Cropsey was stealing a popular idea that a Democrat was successfully championing." That was a curious comment, especially when in early 2003, I made bill request #1578 of 2003, asking for a bill to prohibit the renting or selling of violent videos to minors, patterned after Senator Shugars' bill. Senator Shugars was a Republican.

I had a very difficult time coming up with an answer to violent videos that I felt comfortable with. This issue is bigger than any one legislator. It is bigger than any one Governor or even any one state, and you can take a look at that by taking a look around the nation, where several states have attempted to get a handle on the problem of violent youth who victimize us. Federal judges have ruled on similar laws in other states and found them to be unconstitutional, which is why this issue takes so much work. I have the federal cases in my office if anyone would care to look at them. There is case after case after case.

After the Governor came out in her State of the State address supporting this issue, I again looked at my legislation to see if I could come up with a solution. I've concluded that the best approach would be a law in the Revised Probate Code, where the focus is on minors and not criminalization of free speech. So today I have introduced Senate Bill No. 416 that, I believe, accomplishes this. If the other party thinks I'm stealing my own bill and work product of three years' of effort, so be it. They have a right to their opinion, and they have a right to hold partisan hearings that they are conducting.

As I said, though, this issue is bigger than any one legislator or any party. After my comments last week, I appreciated the sponsor of Senate Bill No. 249 coming over and talking with me and my staff. I appreciate his desire to do what's best for his constituents, indeed, all of our constituents, and to work in a bipartisan manner, as we had been doing until April 12.

In that continued spirit of bipartisanship, I'd like to make two commitments to the sponsor of Senate Bill No. 249, and I want to make them publicly. First, I know your party is doing a road show through at least June 8. When your party is done with whatever it's doing, let me know when you're ready, and I will schedule Senate Bill No. 249 for action in the Judiciary Committee.

The sponsor is an attorney, and I respect his legal opinion. I know he understands the complexities of trying to work through this legal thicket of constitutional case law dealing with free speech, and I know that he will do his best to come up with a bill that meets legal muster. So, in the continuing spirit of bipartisanship, I make a second commitment to him that if and when he's ready for a hearing, if he wants, I will offer in committee any substitute or any amendment he has, either exactly as he has it drafted or in any form acceptable to him, if he wants my input at that time.

This is the third year I have spent varying amounts of time on this issue. My commendations to the sponsor of Senate Bill No. 249 for focusing on this issue and not letting go. I give him full credit for his efforts, and hopefully, this will be the year that we are able to come up with a law that the courts find acceptable and that begins to reduce the number of crime victims we all represent.

Senator Jacobs' statement is as follows:

At sundown this Saturday, Jews across Michigan and indeed across the world will be celebrating Passover. As I have done for other Jewish holidays, I thought I would take a couple of moments to share the story of Passover with my colleagues.

About 3,000 years ago, the Israelites were enslaved by the Egyptians under the rule of the Pharaoh Ramses II. According to the Book of Exodus, Moses, a simple Jewish shepherd, was instructed by God to go to the Pharaoh and demand the freedom of his people. Moses' plea of let my people go was ignored. Moses warned the Pharaoh that God would send severe punishments to the people of Egypt if the Israelites were not freed. Again the Pharaoh ignored Moses' request of freedom. In response, God unleashed a series of ten terrible plagues on the people of Egypt. They were blood, frogs, lice, wild beasts, blight, boils, hail, locusts, darkness, and slaying of the first-born.

The holiday's name Pesach, meaning passing over, or protection in Hebrew, is derived from the instructions given to Moses by God. In order to encourage the Pharaoh to free the Israelites, God intended to kill the first-born of both man and beast. To protect themselves, the Israelites were told to mark their dwellings with lamb's blood so that God could identify and pass over their homes.

The Pharaoh was unconvinced and refused to free the Jewish slaves until the last plague. When the Pharaoh finally agreed to freedom, the Israelites left their homes so quickly that there wasn't even time to bake their breads. So they packed the raw dough to take with them on their journey. As they fled through the desert, they would quickly bake the dough in the hot sun into hard crackers called matzohs. Today, to commemorate this event, Jews eat matzoh in place of bread during Passover.

Though the Jews were now free, their liberation was incomplete. The Pharaoh's army chased them through the desert towards the Red Sea. When the Jews reached the sea, they were trapped, since the sea blocked their escape. It was then that a miracle occurred. The waves of the Red Sea parted, and the Israelites were able to cross to the other side. As soon as they all reached the other side, the sea closed, trapping the Pharaoh's army as the waves closed upon them. Then, as the Israelites watched the waters of the Red Sea sweep away the Pharaoh's army, they realized they were finally free.

Passover celebrates this history. The first two nights of the eight-day holiday are celebrated with lavish meals called seders, in which the stories and history of Passover are celebrated. Special foods, plates, and silverware are all a part of the seder.

On behalf of the Jewish caucus in the Senate, we wish you all a very happy Passover.

Senator Prusi's statement is as follows:

It's with a deep sense of regret that I stand to inform the membership of the Senate today of the passing of one of my predecessors. Senator Joe Mack from Ironwood passed away last night in Florida as he was preparing to return to his home in the Upper Peninsula. Joe Mack served for many years. He served the Upper Peninsula well. There is only a handful of people left in the chamber who will remember Joe Mack and his colorful sport coats and his colorful language. He was an Appropriations Committee member and a staunch advocate for the issues of the Upper Peninsula. He was a businessman, a restaurant owner, sold cars, and he did a lot of different things on the west end. I found it interesting as I looked in the last *Michigan Manual* of 1989-1990, the last two years that Joe Mack served, his biography in the *Michigan Manual* simply says, "Democrat of Upper Peninsula." I think that probably personifies Joe Mack more than any of the other accolades that people will bestow on him.

We offer his family our deepest sympathies and condolences. His funeral will be held this Saturday in Ironwood. I would ask the members to observe a moment of silence for the passing of Senator Joe Mack.

A moment of silence was observed in memory of former Senator Joe Mack.

Senator Clarke's statement is as follows:

Today I've submitted legislation to help save the Detroit public school system. My bill will stop the sale of all Detroit public school buildings until the elected school board takes office in January 2006. I believe that the parents, community leaders, and students of the Detroit public school system should make the decision on how the most valuable, physical assets of the school district should be disposed of. The community leaders should do that through their elected representatives. Detroiters have spoken loudly and clearly. They want an elected school board that they hired to run their school affairs. My legislation would allow this to happen.

Those school buildings are valuable not just as school assets, but they are important neighborhood assets. Those buildings could be kept open to reduce class sizes, but also they could be transformed into health centers where we could have federally qualified health centers provide health care to people who do not have primary care available to them. Those buildings could also be used as neighborhood centers to provide after-school programs, daycare for adults, job training and health care professions for adults all in the neighborhoods that Detroit families live in.

But the reason why I am introducing this, though, is that I fear that the announcement of widespread school closings, coupled with the likely sale of many school buildings, would cause a further massive exodus of students leaving the Detroit public school system. So I offer this bill as the last resort to save the Detroit public school system.

Now it's true, Detroit has lost thousands of students in the last few years because parents have lost confidence in the school system, and yes, because we've lost those students, we should downsize. I urge the school district to downsize responsibly. Don't lay off teachers across the board. Offer early retirement options to those teachers who are eligible and willing to retire. They make a lot more money than these entry-level teachers. We'll be able to save a lot more. I also urge the district in terms of downsizing responsibly not to rehire retired teachers as highly-paid consultants. It is not necessary. If you need additional teachers, use the ones you have right now and don't lay them off.

Senator Cassis' statement is as follows:

Yesterday the House and Senate tax and finance committees began hearings on the Governor's tax plan. I want to commend my leader, Senator Sikkema, in announcing that we will move judiciously and cautiously. We, as a Legislature, have a duty to sift through the Governor's plan and give it full, thorough hearings.

So it comes as a surprise that Governor Granholm called a press conference yesterday. Her use of harsh words and rhetoric is unfortunate and regrettable. Representatives of our business community representing employers and employees, workers like the Michigan Chamber of Commerce, Spartan Stores, and the National Federation of Independent Business, had to contend with the Governor saying there was an effort deliberately to mislead businesses regarding the single business tax. She stated there was "deliberate misinformation" being given to "obstruct a very good piece of public policy." Then Governor Granholm said, "This reflects a partisan agenda, and it would be a travesty to follow such a partisan agenda." Where do these assumptions come from? How appropriate is it to run down employers and workers in our state? The House and Senate committees in a bipartisan fashion intend to hold hearings here in Lansing and around the state which will have nonscripted audiences. We hope to hear from all interested interests.

I have not given an opinion on the Governor's plan intentionally, preferring to listen, hear, examine all impacts, and then work together with my colleagues from both sides of the aisle and the executive branch to forge a plan that will foster for Michigan a robust economy, growing jobs, attracting investment and make Michigan's economy more competitive.

Senator Brater's statement is as follows:

Mr. President, I would like to take objection to the statement of the previous speaker, respectfully. As a member of the Senate Finance Committee, I was very disappointed with the hearing yesterday as it was very one-sided. Only members of the business community who oppose the plan were allowed to speak. Representatives of the manufacturing community, including the automakers, were present at this hearing, as they've been at all other hearings regarding the single business tax, and were not invited to participate.

Additionally, statements were made by members of the business community that were questioning the credibility of some of the analyses that we received from Treasury regarding the SBT restructuring. Upon my request that they be allowed to reply, they were not allowed to participate. The idea that we could be having any rational analysis of the Governor's jobs and investment plan without having everyone at the table is mystifying to me.

As for harsh words, I was present at the Governor's press conference yesterday. I heard no harsh words from her. I only heard that she was anxious that this Legislature join with her in moving forward, that this state is in dire need of an economic shot in the arm. She has made a proposal, and it is up to those in the business community and this Legislature who don't agree with her proposal to come forward with their own proposal. I haven't heard that. Yesterday all we heard from the business community was the only thing they agreed with was the complete phasing out of the single business tax, which is 25 percent of our state's General Fund. We all know that we can't afford to do that without any reasonable replacement.

As for harsh words, we did hear harsh words in the Senate Finance Committee, unfortunately, regarding our manufacturers. They were referred to in committee by the chair as dinosaurs. I don't think that is the way to bolster our business community.

So I think we should not spend our time on this floor attacking the Governor. I think the citizens of Michigan deserve that we join hands, that we work together, to move this economy forward; to look at the real proposals the Governor has made to investing jobs in the state; to give tax credits to businesses who indeed want to invest in high technology in the state and diversify our economy. There is a lot of criticism that's been made of the SBT in terms of it not being sensitive to profits and taxing labor and health benefits. The Governor's plan addresses those criticisms. Now all we hear is that it is picking winners and losers. Well, 70 percent of businesses will see their taxes go down. It's a 37 percent tax cut for business in the state. I would very much like to hear a constructive proposal from the other side of the aisle.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 332, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104 and 3109 (MCL 324.3104 and 324.3109), section 3104 as amended by 2004 PA 325.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, April 19, 2005, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 257, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2004 PA 191.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 167, entitled

A bill to provide for occupational regulatory agencies to allow the use of on-line or other electronic continuing education or continuing competency programs under certain circumstances; to provide for certain powers and duties for certain state regulatory agencies; and to provide for the promulgation of rules.

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 Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 371, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, April 20, 2005, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Joint meeting held on Wednesday, April 20, 2005, at 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, April 20, 2005, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Wednesday, April 20, 2005, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Thursday, April 21, 2005, at 8:30 a.m., Room 810, Farnum Building
Present: Senators Garcia (C) and Switalski
Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, April 21, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Johnson (C), George, Cropsey, Goschka, Hardiman, Prusi, Clarke and Cherry

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Thursday, April 28, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Commerce, Labor and Economic Development - Wednesday, April 27, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Community Health Department - Thursdays, May 5, 2:30 p.m., and May 12, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; May 19, 2:30 p.m., Rooms 402 and 403, Capitol Building; and June 2, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

General Government - Tuesday, April 26, 1:00 p.m., Room 810, Farnum Building (373-2420)

Higher Education - Fridays, April 29, 10:00 a.m., University of Michigan-Dearborn, Henry Ford Estate, Music Room, 4901 Evergreen Road, Dearborn; May 6, 10:00 a.m., Grand Valley State University, Kirkhof Center, 2nd Floor, Pere Marquette Room, 1 Campus Drive, Allendale; May 13, 10:00 a.m., Northwood University, 4000 Whiting Drive, Midland; and May 20, 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street, Ypsilanti (373-1760)

History, Arts, and Libraries - Tuesday, April 26, 3:00 p.m., Room 810, Farnum Building (373-0793)

Judiciary and Corrections - Tuesday, April 26, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-3760)

K-12, School Aid, Education - Thursday, April 28, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

State Police and Military Affairs - Wednesday, April 27, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Transportation Department - Tuesday, April 26, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce and Labor - Tuesday, April 26, 3:00 p.m., Room 100, Farnum Building (373-2413)

Finance and House Tax Policy - Monday, April 25, 1:00 p.m., Room 210, Farnum Building (373-1758)

Judiciary - Friday, April 22, 10:00 a.m., Detroit Sportsmen's Congress, 49800 Dequindre Road, Utica; and Tuesday, April 26, 1:00 p.m., Room 210, Farnum Building (373-3760)

Local, Urban and State Affairs - Thursday, April 28, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:41 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, April 26, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

