

No. 54
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, June 8, 2005.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Pastor Kent Clark of Grace Gospel Fellowship Church of Pontiac offered the following invocation:

Great Sovereign Jehovah, Creator of all the world, God of Abraham, Isaac, and Jacob, we know that the government of God is the only government which will hold society by having Your own law written upon our hearts. We do affirm that we are one nation under God. We acknowledge this morning that the spiritual weapons of this great nation are our most powerful resource in peace and war.

The forming hand of society without God will crumble. Our confidence today is not in the government, but in a big God. We promise never to disengage ourselves from the culture in which we live. We will not impose a wall of separation between religion and public life. We will not leave the soul of America to the federal government. We know that America's vitality is our people and that a country where the people rule must be a godly country. We ask that mankind be emancipated from the blindness of bigotry and from the cruelty of intolerance.

We thank You for the opportunity to be servants, helpers of others, and contributors. Thank You for the institution of family, the social glue that holds society together. Thank You for life; make it sacred in America again.

Dear God, grant to us another opportunity to fill the emptiness, loneliness, and the love-deprived hearts of our children with Yourself.

Now, O God, guide and direct the leaders of federal, state, and local government. Guide and direct their deliberations. Guide and direct our nation.

O Great Jehovah, bless and protect our men and women around the world who serve in the armed forces. Destroy the enemies of liberty, and may the people of Iraq soon know freedom from fear and experience the joy of democracy. Guide and direct the deliberations of this gathering this morning.

In the name of Jesus Christ our Lord, I ask these blessings. Amen.

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

Motions and Communications

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

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:06 a.m.

10:15 a.m.

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

During the recess, Senator Patterson introduced Dr. Audrey Zavodsky, NASCAR driver for Visteon, and presented her with a special tribute.

Dr. Zavodsky responded briefly and presented Senator Patterson with a replica Ford GT.

During the recess, Senators Johnson, Sikkema, Gilbert and Kuipers entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

June 7, 2005

Pursuant to Senate Rule 3.203b, I am hereby re-referring House Bill 4398 from the Local, Urban and State Affairs Committee to the Natural Resources and Environmental Affairs Committee.

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

June 7, 2005

Enclosed is a copy of the following audit report:

Performance audit of the Federal Cash Management Improvement Act Program, Department of Treasury.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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 Tuesday, June 7:
House Bill Nos. 4071 4079 4080 4145

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 7, for her approval the following bill:

Enrolled Senate Bill No. 225 at 12:50 p.m.

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

Senate Bill No. 522

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

Messages from the Governor

The following message from the Governor was received:

Date: June 7, 2005

Time: 2:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 77 (Public Act No. 41), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 101 (MCL 388.1701), as amended by 2004 PA 351.

(Filed with the Secretary of State on June 7, 2005, at 3:08 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on June 7, 2005, and read:

EXECUTIVE ORDER

No. 2005-13

Department of Agriculture Michigan Food Policy Council

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

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 the Governor is responsible for the faithful execution of the laws;

WHEREAS, developing opportunities for small- to mid-scale family farmers to capture a greater percentage of Michigan food dollars will increase the viability of agriculture, preserve open space, and revitalize rural communities;

WHEREAS, if Michigan consumers spent an additional 10 percent of food dollars on Michigan-grown and Michigan-processed foods, economic activity in this state would grow by \$730 million, benefiting not just Michigan farmers, but our entire state;

WHEREAS, in 2001, only 76% of individuals eligible for food stamps in Michigan received them;

WHEREAS, increasing food stamp program participation closer participation closer to 100% would bring in between \$60-125 million of additional federal funds for the purchase of food from Michigan retailers;

WHEREAS, food policy councils established in other states have provided government officials and stakeholders with a forum to identify policies that harness the potential of the food system to foster economic development, provide children and those in need greater access to fresh and nutritious foods, and support stewardship of our finite land and water resources;

WHEREAS, food policy councils have demonstrated effectiveness in bringing together a broad array of food-related government and non-government constituencies to employ a food systems approach that facilitates policy evaluation and program development at every stage of the food process from seed to table;

WHEREAS, formation of a state food policy council will benefit Michigan farmers, including small- and mid-scale farmers, local food processors, manufacturers, distributors, and retailers;

WHEREAS, creation of a state food policy council will provide increased focus on the economic development opportunities of Michigan's food system along with improvements to agriculture production, community well-being, and public health;

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

I. DEFINITIONS

As used in this Order:

A. "Council" means the Michigan Food Policy Council established within the Department of Agriculture by this Order.

B. "Department" means the Department of Agriculture, the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1 and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

II. CREATION OF THE MICHIGAN FOOD POLICY COUNCIL

A. The Michigan Food Policy Council is created as an advisory body within the Department to assist the Department and the Governor in fostering a healthy and available food supply to all of Michigan's residents while enhancing the state's agricultural and natural resources, encouraging economic growth, expanding the viability of small- to mid-scale farms, and improving the health of our communities and Michigan residents.

B. The Council shall consist of 21 members.

C. The Council shall include the following ex officio members from within state government:

1. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture.

2. The Director of the Department of Community Health or his or her designee from within the Department of Community Health.

3. The Director of the Department of Environmental Quality or his or her designee from within the Department of Environmental Quality.

4. The Director of the Department of Human Services or his or her designee from within the Department of Human Services.

5. The Director of the Department of Labor and Economic Growth or his or her designee from within the Department of Labor and Economic Growth.

6. The Superintendent of Public Instruction or his or her designee from within the Department of Education.

D. The following members appointed by the Governor:

1. Two individuals representing Michigan agricultural organizations.

2. Two individuals representing sustainable agriculture or sustainable agricultural development.

3. One individual representing institutions of higher education.

4. One individual representing K-12 schools.

5. One individual representing community-based urban development activities.

6. One individual representing rural development activities.

7. One individual representing anti-hunger organizations.

8. One individual representing public health organizations or persons with expertise in public health.

9. One individual representing food processors.

10. One individual representing food retailers.

11. One individual representing non-food manufacturers.

12. One individual representing restaurants.

13. One individual representing organized labor.

E. Members of the Council appointed by the Governor under Section II.D shall be appointed for terms of 2 years. A vacancy caused other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the term.

F. The Director of the Department of Agriculture shall serve as the Chairperson of the Council. The members of the Council shall select members of the Council to serve as Vice-Chairperson and Secretary of the Council.

III. GOALS AND RESPONSIBILITIES OF THE COUNCIL

A. The goals of the Michigan Food Policy Council shall include all of the following:

1. Increasing economic activity in Michigan resulting in new and expanded businesses and jobs across all food-related sectors in this state.

2. Strengthening Michigan's urban and rural areas with food-related revitalization projects.

3. Increasing access to fresh and healthy Michigan-grown foods, including for school children, low-income families, at-risk seniors, and inner-city residents.

4. Promoting institutional and public purchase and consumption of Michigan-grown and Michigan-processed foods.

5. Enhancing the viability of small- to mid-scale family farms in Michigan by promoting direct farm marketing, sustainable agriculture, and agri-tourism, among other initiatives.

6. Preserving farmland as open space and amplifying the environmental benefits of agriculture by promoting sustainable agriculture practices in Michigan.

7. Identifying strategies to increase collaboration and communication between state agencies in the delivery of food-related programs and evaluation of collaborative opportunities.

8. Recommending approaches that maximize coordination of existing federal, state, and local resources and capture additional federal resources for Michigan.

9. Identifying or recommending programs or pilot programs that enhance access to Michigan-grown foods and Michigan-processed foods.

10. Identifying mechanisms by which Michigan may expand markets for Michigan agricultural products, including, but not limited to, niche markets such as "organically-produced," "pasture-raised," and "sustainably-grown" agricultural products.

11. Developing strategies aimed at enhancing connections between Michigan growers and Michigan food outlets.

12. Developing recommendations to the Department and the Governor not later than October 1, 2006 to encourage the creation of at least 1,000 new food-related jobs in Michigan.

B. The Council shall do all of the following:

1. Develop and adopt 6-month, 12-month, and a 24-month recommended action plan for achieving the goals of the Council.

2. Make recommendations to the Department on the adoption of policies to advance the goals for the Council set forth in this Order.

3. Recommend policies or activities intended to increase spending of food dollars on Michigan-grown and Michigan-processed foods by 10 percent.

4. Advise the Department regarding the "Select Michigan" program.

C. The efforts of the Council are intended to positively impact the entire state with a special emphasis on school children, low-income families, and individuals in both urban and rural areas.

IV. OPERATIONS OF THE COUNCIL

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

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

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

E. The Council may establish committees and request public participation on workgroups as the Council deems necessary. The Council may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

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

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

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

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person, including, but not limited to, support from Michigan State University, the Michigan Integrated Food and Farming System, the Food Bank Council of Michigan, and the W.K. Kellogg Foundation.

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

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order

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

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 7th day of June, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Switalski as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

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).

Senate Bill No. 551, entitled

A bill to repeal enacting section 1 of 2004 PA 591.

Senate Bill No. 380, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

Senate Bill No. 446, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2002 PA 621.

Senate Bill No. 447, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109f (MCL 400.109f), as added by 2000 PA 410.

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.

Senate Bill No. 522, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

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. 211, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as added by 2003 PA 270.

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. 212, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41303 (MCL 324.41303), as added by 2003 PA 270.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 213, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41305 (MCL 324.41305), as added by 2003 PA 270, and by adding section 41306.

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. 214, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41309 (MCL 324.41309), as added by 2003 PA 270.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 215, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41313.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 216, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41321.

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. 217, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41323.

Substitute (S-5).

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. 507, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13e of chapter XVII (MCL 777.13e), as amended by 2003 PA 269.

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. 482, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2003 PA 277 and section 13 as amended by 2003 PA 259.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
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.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
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.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
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.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 335, 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 section 17a.

Substitute (S-2).

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

During the Committee of the Whole, Senator Goschka entered the Senate Chamber.

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. 406

Senate Bill No. 407

Senate Bill No. 408

Senate Bill No. 410

Senate Bill No. 411

House Bill No. 4551

The motion prevailed.

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Clark-Coleman offered the following amendments:

1. Amend page 5, line 14, after "9" by inserting "**OR THAT THE SCHOOL DISTRICT IS LEVYING AT LEAST 13 MILLS TO PAY DEBT SERVICE ON OUTSTANDING QUALIFIED BONDS AND LOANS ASSOCIATED WITH OUTSTANDING QUALIFIED BONDS**".

2. Amend page 6, line 12, after "9" by inserting "**OR THE SCHOOL DISTRICT IS LEVYING AT LEAST 13 MILLS AND WILL CONTINUE TO APPLY THE 13-MILL LEVY TO REPAY OUTSTANDING QUALIFIED BONDS AND THE LOANS ASSOCIATED WITH THOSE BONDS**".

3. Amend page 9, line 6, after "(3)" by inserting "**EXCEPT AS PROVIDED IN SUBSECTION (9),**".

4. Amend page 10, following line 26, by inserting:

"(9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A SCHOOL DISTRICT OWES THE REVOLVING FUND AN AMOUNT FOR LOANS MADE WITH RESPECT TO PREVIOUSLY ISSUED QUALIFIED BONDS, AND ITS COMPUTED MILLAGE IS AT LEAST 13 MILLS, THE STATE TREASURER SHALL ENTER INTO A SEPARATE LOAN AGREEMENT WITH THE SCHOOL DISTRICT FOR SUBSEQUENTLY ISSUED QUALIFIED BONDS PURSUANT TO WHICH THE SCHOOL DISTRICT MAY BORROW AND THE STATE SHALL LOAN THE SCHOOL DISTRICT FROM ITS GENERAL FUND ANY AMOUNT NECESSARY TO PAY THE DIFFERENCE BETWEEN WHAT 13 MILLS GENERATES AND

PRINCIPAL AND INTEREST ON ALL ITS QUALIFIED BONDS AND OUTSTANDING LOANS RELATED TO OUTSTANDING QUALIFIED BONDS. THE LOAN REPAYMENT AGREEMENT UNDER THIS SECTION SHALL REQUIRE THE SCHOOL DISTRICT TO LEVY 13 MILLS UNTIL ALL LOANS OR SUBSEQUENT LOANS HAVE BEEN REPAYED TO THE STATE.”.

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

Senator Garcia offered the following amendment:

1. Amend page 2, line 21, after “agreement.” by striking out the balance of the subdivision.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 192

Yeas—33

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

Nays—5

Clark-Coleman	Leland	Scott	Thomas
Clarke			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Leland, Thomas, Clarke and Scott moved that their names be removed as co-sponsors of the bill.

The motion prevailed.

Senator Clark-Coleman moved that her name be removed as prime sponsor of the bill.

The motion prevailed.

Protest

Senator Clark-Coleman, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 406.

Senator Clark-Coleman’s statement is as follows:

I rise today to ask that my name be removed as sponsor of Senate Bill No. 406. As introduced, the bill was part of the Governor’s Jobs Today initiative and included exciting provisions for the creation of small high schools. During the process, however, those new bond initiatives were removed from the bill. It is now a reform of the school bond loan fund.

While I am pleased that this reform will result in additional revenue to the School Aid Fund, certain provisions appear to be very detrimental to the Detroit Public Schools. Efforts to address the issues the Detroit Public Schools may face under this bill have been unsuccessful, and so at this time, I ask that my name be removed as sponsor of this bill.

The following bill was read a third time:

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 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. 193

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 194**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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 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. 195**Yeas—38**

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

Nays—0**Excused—0**

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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 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. 196**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4551, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 13e.

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. 197**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 522

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

The following bill was read a third time:

Senate Bill No. 522, entitled

A bill to amend 1925 PA 368, entitled “An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act,” by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

The question being on the passage of the bill,

Senator Bernero offered the following amendment:

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

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 562.

(b) Senate Bill No. 563.”.

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

Senator Bernero offered the following substitute:
Substitute (S-2).

The substitute was not adopted, a majority of the members serving not voting therefor.
The question being on the passage of the bill,

Senator Bernero moved that the bill be referred to the Committee on Transportation.
The motion did not prevail.

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. 198

Yeas—29

Allen	Emerson	Jacobs	Prusi
Barcia	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Schauer
Bishop	Gilbert	Kuipers	Sikkema
Brown	Goschka	Leland	Stamas
Cassis	Hammerstrom	McManus	Switalski
Cherry	Hardiman	Olshove	Thomas
Cropsey			

Nays—9

Basham	Clark-Coleman	Patterson	Toy
Bernero	Clarke	Scott	Van Woerkom
Brater			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Basham, Bernero, Clark-Coleman and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 522.

Senators Basham and Bernero moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement, in which Senator Scott concurred, is as follows:

This is a bill that I conceptionally thought was a good idea, and I think it is probably safer to transport petroleum products by pipeline than it is by tanker truck, but it needed some tweaking. The locals needed to be in the process and to be a part of the negotiations, and they were cut out of this. We tried to make what I thought was a decent piece of legislation better so that there were winners and winners instead of winners and losers. We offered amendments today that seemed like they made sense; amendments that would not let a pipeline be 30 feet from a residence, but keep it 50 feet from a residence, and even that amendment failed. We offered some other amendments and they failed.

This was a bill that I had every intention of at the end of the day if a couple of amendments went on the piece of legislation, I would support. Watching the process as it happened, and just to ram a piece of legislation through this body and not allow the minority body to add amendments and to make this a political bill instead of a bill that we should have been supporting—maybe a few “no” votes—but a majority of “yes” votes but this has turned into a partisan bill.

So I certainly think that those amendments would have made this piece of legislation certainly a lot better, and that’s the reason I would encourage. We really didn’t get a chance to re-refer it back or to add the amendments, so I’m going to not support this legislation because I still think it needs some work. I think both the counties, the Michigan Municipal League, the township associations, and certainly the city of Lansing had some issues, but certainly, we could all get together and make this piece of legislation something that we could all live with in the state of Michigan.

We couldn’t even confine the bill to petroleum products only. So for those reasons, I am not going to support this piece of legislation.

Senator Bernero’s statement, in which Senator Clark-Coleman concurred, is as follows:

I have to say that I am really deeply disappointed. It’s my honor to serve with you all, and every once and a while, an issue comes up that you just can’t understand how it is that we can do what we do. I disagree with my esteemed colleague from the 30th District when he says that we are not cutting Lansing out. You are, absolutely, cutting Lansing out, but more importantly to all of you, you are cutting your cities out. You are cutting your communities out.

As I have said before, it’s Lansing today, but it will be your city or township tomorrow, and to pass this bill without the amendments that were offered, you have stripped away the communities’ rights. You have stripped away your communities’ rights. You have disenfranchised. You have disempowered. You have taken away power from your local governments. So I just want to be sure that you know what you are doing. Don’t let anybody tell you anything any different; that’s what you are doing; you are disenfranchising your communities. To the folks who sent you here, the people who elected you, you are saying, “Your voice is out of this. You are not going to be a part of the negotiations.” Don’t tell me, “You are part of the negotiations” when you are stripping away the power. They don’t have any official voice. We tried to preserve some of their official voice with the amendments which this body rejected. So at this point, what the bill does is it moves the local governments out of the way. It says that the big companies, big oil can do what they want. You have cut the little guy out. You cut the little guy—the resident, the constituent, and the local government. That’s why the Michigan Municipal League is opposed to it because you have cut them out. You have silenced their voice.

So I want to be sure that you know what you are doing. If that is what you intend to do when you vote “yes” for this, that is what you are doing. You are saying big oil gets what they want and the local government concerns don’t count. So let’s be plain about it; let’s not play games. You are making a decision here, and I don’t know how we can do it, but you are giving them carte blanche. I disagree with it vehemently. Yes, I disagree with it for Lansing, but I disagree with it for the state of Michigan. It could be your community next. I think the bill needs work, and I think the bill was ramrodded through.

With all due respect to my esteemed colleague, the chairman of the Transportation Committee, I am grateful for the fact that he made sure that residents were heard in committee. Lansing area residents went and had an opportunity to be heard, and I appreciated that. But still, this bill was on the fast track, and we would be denying reality if we said anything else. This bill was on the fast track, the skids were greased, and it is not ready for prime time. This bill needs work, and that’s why I made the motion to re-refer. I’ve never made any motion to re-refer in all my time as a legislator.

This bill needs work. This bill should go back to committee and we should consider what we are doing. This is a big, big issue for the long-term in the state of Michigan. It affects every community, potentially, in the state, and it’s a question of how the average resident ranks—how their concerns are taken up in state government and what we think of their voice.

I ask you to think about that as you vote on this bill, and I still say it’s not too late. We can send this back to committee, do some work on it, and maybe it’s something we can all support.

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

There has been a lot of discussion on this bill, and much of it has been educational for me since I have not been involved in the committee process, but I have learned a few things. I have learned that the company running the pipeline has worked to try to accommodate the wishes of the city of Lansing, perhaps not to their satisfaction but has worked to accommodate. I do believe that it is important that this bill pass because I think it is a safer alternative. I do wish that this would be confined to petroleum. I think that would be fair and still reserve some local control for our cities and townships. Seeing that the bill is what it is, I will support it.

Senator Brater stated that had she been present on June 7 when the vote was taken on concurring in the House substitute to the following bill, she would have voted "yea":

Senate Bill No. 226

Senator Brater stated that had she been present on June 7 when the vote was taken on the passage of the following bill, she would have voted "yea":

Senate Bill No. 224

By unanimous consent the Senate returned to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Switalski as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 533, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 4 and 13 (MCL 125.2004 and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A. Substitute (S-5).

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 joint resolution:

Senate Joint Resolution C, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 15a to article IX, to authorize the issuance of general obligation bonds, to finance the creation of new jobs in this state, and to make certain loans, grants, or investments in private and public entities.

Substitute (S-7).

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

Resolutions

Senators Allen, Jacobs and Toy offered the following concurrent resolution:

Senate Concurrent Resolution No. 24.

A concurrent resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix.

Whereas, The United States Coast Guard has announced plans to scale back the number of cutter ships serving the Great Lakes. Under this proposal, the three ships, which operate out of Duluth, Port Huron, and Charlevoix, will be reduced to two when the *Acacia*, which is kept at Charlevoix, is decommissioned in 2006; and

Whereas, The United States Coast Guard Cutter *Acacia*, built in 1944, provides essential navigational, search and rescue, and other services. Its work tending to nearly 200 navigation aids and keeping channels open by breaking ice is of great importance to commerce and public safety. In addition, there have been occasions when this ship has helped in emergency situations, including missions to maintain services to the population on Beaver Island; and

Whereas, Reducing the number of ships providing buoy-tending and ice-cutting services by one-third would be a major blow to the individuals and businesses that rely upon the lakes. It is difficult to imagine how the vast areas of the Great Lakes could be covered by only two ships without a serious reduction in services and more difficulties in navigation on the lakes; and

Whereas, Charlevoix's role in lifesaving and promoting safe and efficient transportation on the Great Lakes is well established. The Coast Guard has operated a nautical rescue station in Charlevoix since 1889. The work carried out by the *Acacia* is an important component of these services and a valued resource for the community and the area. Having such a vessel is important to the area's economy on several levels, including tourism; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix when the United States Coast Guard Cutter *Acacia* is decommissioned in 2006; and be it further

Resolved, That copies of this resolution be transmitted to the United States Coast Guard 9th District Headquarters in Cleveland, the United States Secretary of Transportation, the Commandant of the United States Coast Guard, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Cropsey, Garcia, Goschka, Schauer and Van Woerkom were named co-sponsors of the concurrent resolution.

Senators Allen, Jacobs and Toy offered the following resolution:

Senate Resolution No. 40.

A resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix.

Whereas, The United States Coast Guard has announced plans to scale back the number of cutter ships serving the Great Lakes. Under this proposal, the three ships, which operate out of Duluth, Port Huron, and Charlevoix, will be reduced to two when the *Acacia*, which is kept at Charlevoix, is decommissioned in 2006; and

Whereas, The United States Coast Guard Cutter *Acacia*, built in 1944, provides essential navigational, search and rescue, and other services. Its work tending to nearly 200 navigation aids and keeping channels open by breaking ice is of great importance to commerce and public safety. In addition, there have been occasions when this ship has helped in emergency situations, including missions to maintain services to the population on Beaver Island; and

Whereas, Reducing the number of ships providing buoy-tending and ice-cutting services by one-third would be a major blow to the individuals and businesses that rely upon the lakes. It is difficult to imagine how the vast areas of the Great Lakes could be covered by only two ships without a serious reduction in services and more difficulties in navigation on the lakes; and

Whereas, Charlevoix's role in lifesaving and promoting safe and efficient transportation on the Great Lakes is well established. The Coast Guard has operated a nautical rescue station in Charlevoix since 1889. The work carried out by the *Acacia* is an important component of these services and a valued resource for the community and the area. Having such a vessel is important to the area's economy on several levels, including tourism; now, therefore, be it

Resolved by the Senate, That we urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix when the United States Coast Guard Cutter *Acacia* is decommissioned in 2006; and be it further

Resolved, That copies of this resolution be transmitted to the United States Coast Guard 9th District Headquarters in Cleveland, the United States Secretary of Transportation, the Commandant of the United States Coast Guard, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Cropsey, Garcia, Goschka, Schauer and Van Woerkom were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Johnson introduced

Senate Bill No. 572, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and section 7 (MCL 252.307), the title as amended by 1998 PA 464 and section 7 as amended by 1998 PA 533.

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

Senators Birkholz, Bishop, Cassis, Allen, Kuipers and McManus introduced

Senate Bill No. 573, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1277 (MCL 380.1277), as amended by 1997 PA 179.

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

Senator Toy introduced

Senate Bill No. 574, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and section 502 (MCL 37.2502), the title as amended by 1992 PA 258 and section 502 as amended by 1992 PA 124.

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

Senators McManus, George, Johnson and Allen introduced

Senate Bill No. 575, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending the title and sections 3a and 6 (MCL 28.173a and 28.176), the title as amended by 1998 PA 522, section 3a as added by 2001 PA 88, and section 6 as amended by 2003 PA 76.

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

Senators Basham, Jacobs and Prusi introduced

Senate Bill No. 576, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2229.

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

Senators Basham, Jacobs and Prusi introduced

Senate Bill No. 577, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Senator Cassis introduced

Senate Bill No. 578, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 2003 PA 140.

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

House Bill No. 4071, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding section 43540a.

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 Natural Resources and Environmental Affairs.

House Bill No. 4079, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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. 4080, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

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. 4145, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 43540c.

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 Natural Resources and Environmental Affairs.

Statements

Senators Birkholz, George, Cherry, Scott and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Birkholz’s statement is as follows:

I was excused June 2, and had I been here, I would have voted “yes” on Roll Call No. 187, “yes” on Roll Call No. 188, and “yes” on Roll Call No. 189.

Members, Senator Patterson and I sent you all a notice last week indicating that today would be a day when we would have a demonstration of auto emissions testing out at the State Police Headquarters. It had originally been scheduled for this morning earlier, and then for 11:30 a.m., so members could see a new auto emissions testing program that may, if we have to, under the new air quality rules be implemented if so chosen in this state.

However, because we went over, we were not able to get out there, so they have moved the demonstration truck here to the Capitol Complex. It is right on Ottawa Street, right across from the Catholic church. It is a 10-minute demonstration. It is done inside a large vehicle which has been brought here from out of state. So this will be our last opportunity.

I would urge members to go down and spend a few minutes and see the new auto emissions testing program, a new kind of technology that may—as I said and I want emphasize that—be something that we would have to do should or if we have to reach new air quality standard rules. So I would urge you all to take the time to take a look at that.

Senator George’s statement is as follows:

I rise to respond to a comment that was reported in yesterday’s issue of *MIRS* by the director of communication from the Department of Community Health, and it has to do with a response to a proposal that has come from several of us in the chamber on how to deal with our Medicaid crisis. And the director said, the director of communications said, “Senators think a small co-pay is okay because they can afford it. People on Medicaid are making life-and-death decisions every day about food and medicine, not about what fundraiser they’re going to attend.” Mr. President, I am embarrassed that a spokesperson for one of our state departments would find that he needs to discuss Senate fundraising when we raise a serious policy question. I should note that co-pays within Medicaid are not new. In fact, the department instituted co-pays on Medicaid patients for prescriptions already during the current year.

Members of this chamber have debates all the time, usually very good debates. We had one today over policy issues, and we restrain from making personal attacks or references to fundraising. I am disappointed that the department’s spokesperson would respond in such an unprofessional manner, in a fashion that would impugn our entire chamber. At a time when we should be having a dialogue over the merits of the policy proposed, the best the department can do is talk about fundraising? I would be embarrassed if I was the director of this department and this was the response that my spokesperson was giving to the press.

Now last weekend, many of you were on Mackinac Island. I know the Governor was there with her entourage and some of you may have heard Governor Milliken speak. I read his comments that were printed in the paper recently. He said, “The political climate in Lansing was destructive. This divisiveness and take-no-prisoners approach to politics does great damage to our state. People have become so preoccupied with battling that they lose sight of the common problems that cry out for a unified approach.”

And I would say that this incivility is perpetuated not by legislators in this chamber, not in our actions and our debate, but by political appointees who are shielded from public scrutiny themselves. Is the role of the department spokesperson to further the mission of the department or to respond to ideas by impugning a legislative chamber? If this person were working in my office, they would find that they would no longer be employed after a statement like that to the press. The department will continue to be ineffective if the best it can do in a public policy debate is talk about fundraising. I would suggest that this taints the relationship between the Legislature and the department.

Now I was not on Mackinac Island while the Governor was there with her retinue. I was back in my district actually taking care of Medicaid patients, like I have done for 20 years. I’ve cared for Medicaid patients with all sorts of injuries and diseases, children with brain tumors, teenagers shot, and dying adults. I’ve been at their bedsides and at their homes at all hours of the day and night, and I’ve never seen the department there. So don’t tell me or my Senate colleagues that we don’t know anything about Medicaid or caring for the poor.

I note that yesterday General Motors announced its intention to reduce its workforce by 25,000, in part, due to rising health care costs. Our high health care cost is a public health crisis. While we in the Senate are trying to propose solutions, I'm disappointed that the department is only engaging in political attacks.

Senator Cherry's statement is as follows:

As co-chairs of the Legislative Children's Caucus, Senator Birkholz and I are pleased to announce that we will be holding our next event on Thursday, June 16, in the Mackinac Room of the House Office Building beginning at 8:00 a.m. and concluding at 9:30 a.m. So you will have time to come. We are also offering breakfast for you all.

Our speaker is Rob Grunewald, regional economic analyst for the Federal Reserve Bank of Minneapolis. He has authored articles entitled "Early Childhood Development: Economic Development with a High Public Return" and "A Proposal for Achieving High Returns on Early Childhood Development."

His visit is timely, especially as we try to lure high-tech businesses to Michigan. In his writings, he states, "Education, specifically early childhood education, has long been recognized as a good that has external effects and public attributes. Without public support for early childhood education, the market will yield too few educated workers and too little basic research."

From birth until five years of age, 85 percent of a child's brain develops. This is when they grow in cognition, language, motor skills, adaptive skills, and social-emotional functioning. It is imperative that they gain these attributes in these years so that they may become the productive citizens that the 21st century Michigan needs.

Senator Scott's statement is as follows:

First, I would like to say that yesterday I missed two roll call votes: Roll Call Nos. 190 and 191, and I would have voted "yes" on both.

Last week, *The Detroit News* published a story on the jump in homeowners insurance costs for Michigan residents. That was the title of it, "Homeowners insurance cost jump." The story reported an 85 percent increase in homeowners insurance since 2000. The industry tells us that this sharp increase is justified due to significant losses the past couple of years from flood damage, tornadoes, and other severe weather. However, it should be noted that catastrophic experiences such as these are happening in other states too, and yet, Michigan outpaces the United States average in homeowners insurance premiums.

Because Michigan home insurance, like auto insurance, is regulated by state law on a competitive basis, I agree wholeheartedly with our OFIS commissioner that our laws need revision. Competition does not equate affordability. And, unfortunately, in Michigan, only a few of the most well-known companies control the majority of the market. According to our OFIS commissioner, Michigan law is woefully inadequate as a tool for ensuring affordable rates or going after those companies found to be charging excessive rates. Our current laws limit the ability to fully regulate the industry. But I will continue to work on ways that will help to loosen these regulatory controls in order to bring down insurance costs for residents of this state.

Last Thursday, I said that some of us would be going to Mackinac. Well, I didn't find any takers up there on Mackinac Island to discuss insurance, but I certainly did talk to the president of the chamber and said to him that it is a must that they get involved in these insurances. You know, I always have a saying, "Me today and you tomorrow." Well, now we see that these rates are going up all over the state of Michigan, so hopefully, now we will start to do something about these, although the insurance rates are not as high as those in the inner cities. They said theirs have jumped about \$100 for the last five years. Well, I want you to know that in the Detroit area and some of the urban areas, they have tripled, not just went up a hundred.

So I am hoping that we will soon do something about this, or give OFIS what they think they need to deal with these insurance rates.

Senator Cassis' statement is as follows:

I rise in support of the good Senator from Kalamazoo and his recent comments. Yes, some high administrative posts are incorrect with some of their recent comments. My friends, we have seen the sun and allowed the sunshine to help us see clearly, not through a fog exposing the midst and pretensions that have been perpetuated in respect to recent budget presentations.

Committee Reports

The Committee on Transportation reported
Senate Bill No. 522, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph,

telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, June 7, 2005, at 12:30 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Tuesday, June 7, 2005, at 11:25 a.m., Rooms 402 and 403, Capitol Building

Present: Senators McManus (C), Goschka and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Joint meeting held on Wednesday, June 8, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Joint meeting held on Wednesday, June 8, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Goschka (C), Hardiman, Cherry and Prusi

Excused: Senator Johnson

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 9, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Thursday, June 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

K-12, School Aid, Education and Education - Thursday, June 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesday, June 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Banking and Financial Institutions - Thursday, June 9, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, June 9, 2:00 p.m., Room 210, Farnum Building (373-6920)

Education and K-12, School Aid, Education Appropriations Subcommittee - Thursday, June 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Finance - Thursday, June 9, 8:30 a.m., Room 405, Capitol Building (373-1758)

Judiciary - Friday, June 10, 10:00 a.m., Jay's Sporting Goods, 8800 S. Clare Avenue, Clare; and Saturday, June 11, 10:00 a.m., Bay de Noc Community College, Heirman Center, Room 952, Escanaba (373-3760)

Local, Urban and State Affairs - Thursday, June 9, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:41 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 9, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

