

No. 87
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, October 5, 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—excused
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Our Father in heaven, we thank You again for another beautiful day. As we approach the fall season, we are cognizant of the fact that You are in control of all things and You create a lot of beauty around us. We give You thanks for that and thank You for the opportunity to enjoy it. We thank You, too, that You are with us in this day. We are grateful that You are there to give us wisdom, to give us strength, and we pray that You will bless us all with each of those in this day.

Lord, we pray that You will continue to bless our state and bless our country. We know that there are many difficulties, many things that people face in a given day that are difficult to overcome, and we pray that You will give them the strength and wisdom to overcome those things in their personal lives that they need help with.

Lord, bless the leadership of our state. Bless the leadership of our country. Lord, give us peace. In Your most holy name. Amen.

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

Motions and Communications

The following communication was received:

Office of the Auditor General

September 30, 2005

Enclosed is a copy of the following audit report:

Performance audit of Selected Activities Within the Problem Resolution Process at the Department of Civil Rights.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 29, for her approval the following bills:

Enrolled Senate Bill No. 470 at 1:02 p.m.

Enrolled Senate Bill No. 280 at 4:03 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, October 3, for her approval the following bills:

Enrolled Senate Bill No. 423 at 11:18 a.m.

Enrolled Senate Bill No. 548 at 11:20 a.m.

Enrolled Senate Bill No. 549 at 11:22 a.m.

Enrolled Senate Bill No. 550 at 11:24 a.m.

Enrolled Senate Bill No. 415 at 11:26 a.m.

The Secretary announced that the following official bills were printed on Thursday, September 29, and are available at the legislative website:

House Bill Nos. 5238 5239 5240 5241

The Secretary announced that the following official bills were printed on Friday, September 30, and are available at the legislative website:

Senate Bill Nos. 782 783 784 785 786 787 788

**House Bill Nos. 5242 5243 5244 5245 5246 5247 5248 5249 5250 5251 5252 5253 5254 5255
5256**

Senators McManus and Leland entered the Senate Chamber.

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

The motion prevailed.

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Messages from the Governor

The following messages from the Governor were received:

Date: September 28, 2005

Time: 9:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 606 (Public Act No. 122), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

(Filed with the Secretary of State on September 29, 2005, at 9:34 a.m.)

Date: September 28, 2005

Time: 9:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 607 (Public Act No. 123), being

An act to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” by amending section 5 (MCL 28.725), as amended by 2004 PA 240.

(Filed with the Secretary of State on September 29, 2005, at 9:36 a.m.)

Date: September 28, 2005

Time: 9:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 609 (Public Act No. 124), being

An act to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending section 4 of article I and section 3 of article IV (MCL 38.74 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

(Filed with the Secretary of State on September 29, 2005, at 9:38 a.m.)

Date: September 28, 2005

Time: 9:47 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 611 (Public Act No. 125), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the

provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2005 PA 96.

(Filed with the Secretary of State on September 29, 2005, at 9:40 a.m.)

Date: September 28, 2005

Time: 10:08 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 129 (Public Act No. 126), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 2a of chapter XI (MCL 771.2a), as amended by 1998 PA 520.

(Filed with the Secretary of State on September 29, 2005, at 9:42 a.m.)

Date: September 28, 2005

Time: 10:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 615 (Public Act No. 128), being

An act to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding sections 5f and 5g.

(Filed with the Secretary of State on September 29, 2005, at 9:46 a.m.)

Date: September 28, 2005

Time: 10:47 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 616 (Public Act No. 139), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the

provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

(Filed with the Secretary of State on September 29, 2005, at 10:08 a.m.)

Date: September 28, 2005

Time: 3:31 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 601 (Public Act No. 138), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1230a (MCL 380.1230a), as added by 1995 PA 83.

(Filed with the Secretary of State on September 29, 2005, at 10:06 a.m.)

Date: September 28, 2005

Time: 3:33 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 83 (Public Act No. 137), being

An act 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.

(Filed with the Secretary of State on September 29, 2005, at 10:04 a.m.)

Date: September 28, 2005

Time: 3:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 277 (Public Act No. 145), being

An act to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(Filed with the Secretary of State on September 29, 2005, at 4:15 p.m.)

Date: September 28, 2005
Time: 3:48 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 275 (Public Act No. 149), being

An act to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(Filed with the Secretary of State on September 29, 2005, at 4:23 p.m.)

Date: September 29, 2005
Time: 9:58 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 276 (Public Act No. 156), being

An act to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(Filed with the Secretary of State on September 30, 2005, at 2:02 p.m.)

Date: September 29, 2005
Time: 10:56 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 301 (Public Act No. 143), being

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 1 and 2 (MCL 28.291 and 28.292), section 1 as amended by 1997 PA 99 and section 2 as amended by 2003 PA 143.

(Filed with the Secretary of State on September 29, 2005, at 3:57 p.m.)

Date: September 30, 2005
Time: 7:37 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 564 (Public Act No. 153), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.2080) by adding section 97.

(Filed with the Secretary of State on September 30, 2005, at 10:36 a.m.)

Date: September 30, 2005
Time: 7:41 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 470 (Public Act No. 151), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts

inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

(Filed with the Secretary of State on September 30, 2005, at 10:32 a.m.)

Date: September 30, 2005

Time: 7:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 503 (Public Act No. 160), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 440 (MCL 206.440), as amended by 1996 PA 484.

(Filed with the Secretary of State on October 3, 2005, at 11:24 a.m.)

Date: September 30, 2005

Time: 8:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 280 (Public Act No. 159), being

An act to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

(Filed with the Secretary of State on September 30, 2005, at 2:08 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received:

September 28, 2005

Today I have signed Enrolled Senate Bill 277, the Fiscal Year 2006 appropriations bill for the Department of Military and Veterans Affairs. My action today provides over \$117 million to support the Department of Military and Veterans Affairs. This bill:

- Maintains \$20 million in federal funding to the Military Training Sites and Headquarters and Armories for homeland security.
- Includes over \$60 million in funding for the Grand Rapids and D.J. Jacobetti Veterans’ Homes, which currently serve over 900 residents.
- Dedicates \$750,000 to the Military Family Relief Fund to assist the families of Michigan’s active duty National Guard and Military reserve members.
- Contains \$1.1 million in funding for the National Guard Education Assistance Program. This program allows Guard members who are on active service to receive up to \$2,000 per year toward college costs.

I commend the Legislature for its prompt action and cooperation in completing this budget.

September 28, 2005

Today I have signed Enrolled Senate Bill 275, which provides \$255.4 million to support the operations of the judicial branch of government during fiscal year 2006.

Funding of \$92.6 million is provided to support 613 judges throughout the State of Michigan. I commend the work these judges perform on a daily basis at all levels in this state. The efforts of judges and their staff are a cornerstone of Michigan’s legal system and their public service should be applauded.

This bill continues to provide \$4.7 million of funding for drug treatment courts that are a wise investment in holding down overall criminal justice expenditures. Offenders are held accountable for their behavior while receiving treatment for substance abuse problems. Long, costly incarcerations at both the local and state level can be avoided through the continuing successes of these programs.

I thank the Legislature for its work on this budget.

September 29, 2005

Today I have signed Enrolled Senate Bill 276 which provides \$1.3 billion to support the fiscal year 2006 operations for the Department of Labor and Economic Growth (DLEG).

This budget provides the funding necessary for the department to continue to support the health, safety, and economic well being of the public through effective regulatory oversight, job creation and economic development.

The Legislature has added two language sections that are unenforceable. Section 337 is unenforceable as it is considered an amendment by reference to MCL 500.210, 500.2400, and 500.2600. Section 355 is unenforceable as it is considered an amendment by reference to MCL 408.1001.

Although the bill does not provide an appropriation for the Michigan 21st Century Jobs Initiative or its predecessor Technology Tri-Corridor: Life Sciences Initiative, the funding for these economic development efforts will be replaced by the securitization of tobacco settlement proceeds, which legislative leadership has agreed to be appropriated in subsequent legislation. I urge the Legislature to complete action on this important jobs package immediately.

I appreciate the Legislature's cooperation in the development of this budget.

September 30, 2005

Today I have signed Enrolled Senate Bill 280, the Fiscal Year 2006 appropriations bill for the Department of State Police. My action today provides over \$550.8 million to support the critical law enforcement activities of the Michigan State Police. Among other items, this bill:

- Provides \$121.1 million in support for at-post trooper operations.
- Provides \$27.2 million to support forensic services to all agencies within the criminal justice system.
- Increases federal Department of Homeland Security funding by \$12.0 million for reimbursement of costs associated with assistance in recovery efforts to the Southern Gulf Shore states from Hurricane Katrina.

The Legislature concurred with my original recommendation to use state restricted carry-forward dollars to fund the administration of training grants within the Michigan Commission on Law Enforcement Standards. I believe there is a misperception in the law enforcement community that this budget cuts funding for law enforcement grants. There is no cut. There is simply a funding shift. In an effort to clear up any confusion I would support a general fund supplemental to replace the restricted funding.

In addition, I remain committed to keeping the Groveland Township, Grand Haven, and Iron River state police posts open. I have instructed my Budget Director to work with the Legislature to identify the resources needed to address these issues.

I thank the Legislature for their work on this budget.

Sincerely,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

September 29, 2005

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

State Community Corrections Board

Mr. Dennis J. McMurray of 2131 Glen Gary Court, S.E., Grand Rapids, Michigan 49546, county of Kent, succeeding Michael Nye, whose term has expired, representing the general public, for a term commencing September 29, 2005 and expiring March 29, 2009.

September 29, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Sections 16121 and 18103 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18103:

Michigan Board of Counseling

Mr. Jack L. Cloud of 6355 Golfview Drive, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Lawrence A. Pfaff, whose term has expired, representing individuals engaged primarily in providing counseling techniques, behavior modification techniques, or preventative techniques to clients, for a term commencing September 29, 2005 and expiring June 30, 2009.

Ms. Robbie J. Steward of 4418 Calgary Boulevard, Okemos, Michigan 48864, county of Ingham, reappointed to represent individuals engaged primarily in teaching, training or research in counseling, for a term expiring June 30, 2009.

September 29, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 23 of the Michigan Occupational Health Safety and Health Act, 1974 PA 154, MCL 408.1023:

Occupational Health Standards Commission

Mr. David L. Glynn of 40400 80th Avenue, Decatur, Michigan 49045, county of Van Buren, succeeding Michael Lucas, whose term has expired, representing the management of principal industries in the state with 200 or less employees, for a term commencing September 29, 2005 and expiring August 5, 2008.

Mr. Ricardo L. Longoria of 2527 Blackmore, Saginaw, Michigan 48602, county of Saginaw, succeeding Michael McCabe, whose term has expired, representing labor and public employees of the state, for a term commencing September 29, 2005 and expiring August 5, 2006.

Mr. John E. Miller of 2076 South Nine Mile Road, Kawkawlin, Michigan 48631, county of Bay, succeeding Douglas Williams, whose term has expired, representing public employers of the state, for a term commencing September 29, 2005 and expiring August 5, 2006.

Mr. Gary R. Novak of 2136 Woodland Ravine Drive, Brighton, Michigan 48114, county of Livingston, succeeding Robert DeBruyn, whose term has expired, representing the management of principal industries in the state, for a term commencing September 29, 2005 and expiring August 5, 2008.

Ms. Margaret Robinson Faville of 1036 Scenic Drive, Muskegon, Michigan 49445, county of Muskegon, succeeding Cynthia Holland, whose term has expired, representing labor, for a term commencing September 29, 2005 and expiring August 5, 2007.

Mr. Satyam R. Talati of 2258 Tiffany Lane, Holt, Michigan 48842, county of Ingham, succeeding Darryl Lesoski, whose term has expired, representing the general public, for a term commencing September 29, 2005 and expiring August 5, 2007.

Mr. Ronald J. Torbert of 5901 Saint James Drive, West Bloomfield, Michigan 48322, county of Oakland, succeeding Richard Olson, whose term has expired, representing the management of principal industries in the state, for a term commencing September 29, 2005 and expiring August 5, 2008.

October 4, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 26 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.26:

Michigan Aeronautics Commission

Ms. Catherine Groll of 2927 Norwich, Lansing, Michigan 48911, county of Ingham, succeeding Lowell Kraft, whose term has expired, representing the general public, for a term commencing October 4, 2005 and expiring May 27, 2009.

October 4, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Soybean Marketing Program Committee

Mr. Benjamin R. Chaffin of 3239 West St. Charles Road, Ithaca, Michigan 48847, county of Gratiot, succeeding Loren Roslund, whose term has expired, representing District 7 growers, for a term commencing October 4, 2005 and expiring September 23, 2007.

Mr. George J. Zmitko of 5105 West Mason Road, Owosso, Michigan 48867, county of Shiawassee, succeeding Gary Higgins, whose term has expired, representing District 6 growers, for a term commencing October 4, 2005 and expiring September 23, 2007.

October 4, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 78102 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.78102:

Michigan State Waterways Commission

Mr. Bryan L. Amann of 1777 Stonebridge Way, Canton, Michigan 48188, county of Wayne, succeeding David Giffin, whose term has expired, representing the general public, for a term commencing October 4, 2005 and expiring September 18, 2008.

Mr. Robert B. Brown of 15 Prospect Street, St. Ignace, Michigan 49781, county of Mackinac, succeeding John Winn, whose term has expired, representing a person who represents the marine-trades industry, who does not own or operate a harbor or marina, for a term commencing October 4, 2005 and expiring September 18, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

APPROPRIATIONS; GENERAL GOVERNMENT

September 28, 2005

Today I have signed Enrolled Senate Bill 272, the fiscal year 2006 General Government budget bill, which provides funding for the departments of Attorney General, Civil Rights, Civil Services, Information Technology, Management and Budget, State, Treasury, the Executive Office, and the Legislature. However, I am returning it to you because of one item of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill that has been filed with the Secretary of State.

Highlights of the bill include:

- \$1.1 billion in revenue sharing grants, which is consistent with both constitutional and statutory payments and maintains support for local revenue sharing at the current year level.
- An additional \$5.6 million in general fund to the Department of Treasury for a revenue enhancement program that will generate an additional \$34.0 million in new revenues.

My action today includes a veto of the carry forward provision of Section 309 because the language section effectively authorizes general fund spending in excess of the funding target for the Department of Attorney General. It should be noted that Section 307 authorizes the carry forward of up to \$1.0 million in excess revenues in the Department of Attorney General. Due to the need for continued fiscal restraint, it is my intent to carry forward no more than \$250,000.

There are two provisions contained in this bill that are unenforceable. Section 220 as it relates to the Civil Service Commission, conflicts with Article 5 Section XI of the Michigan Constitution of 1963 and is, therefore, unenforceable. Section 803 deposits look-up fee revenue from the sale of Department of State records into the Transportation Administration Collection Fund. This language is not enforceable because it attempts to amend several other laws without republication, in violation of Section 25 of Article IV of the Michigan Constitution of 1963. Similar language was deemed unenforceable in 2005 PA 109.

This action completes the Fiscal Year 2006 General Government appropriations and assures continuation of essential state services. I commend the Legislature for its prompt action and cooperation in completing this budget.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 28, 2005, at 3:40 p.m. (Filed with the Secretary of State on September 29, 2005, at 4:17 p.m.) and assigned Public Act No. 146.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF HUMAN SERVICES

September 28, 2005

Today I have signed Enrolled Senate Bill 271, the fiscal year 2006 appropriation for the Department of Human Services (DHS). However, I am returning it to you because of an item of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific item vetoed is contained within the attached copy of the bill, which has been filed with the Secretary of State.

This bill appropriates over \$4.4 billion, an amount that represents a significant commitment to the safety, well-being, independence, and permanency of Michigan's children and families. Highlights of the bill include:

- Full funding of projected caseloads and costs for critical family support programs including the Family Independence Program (\$392.1 million), State Disability Assistance Program (\$34.6 million), and Child Day Care Services (\$465.4 million).

- A commitment of current and new resources to support development of an integrated service delivery system that will reduce the workload for overburdened staff and increase efficiency and effectiveness.
- The appropriation of nearly \$607 million for the Foster Care, Child Care Fund, and Adoption Subsidies programs to provide children with caring families and safe homes.
- A \$119.3 million increase in the Food Assistance Program, bringing the total appropriation to \$1.2 billion.

My action today vetoes Subsection (3) of Section 423, which requires the Department of Human Services to allocate a total of \$50,000 for food stamp error rate reduction projects in Muskegon County and Kent County. I do not support this provision due to the fact that DHS and the federal government have completed an extensive food stamp reinvestment plan development and approval process and these projects deviate from the approved plan.

Finally, I note Section 273 attempts to impose various specific limitations on the rulemaking authority of the Department. To the extent that Section 273 attempts to alter or restrict the rulemaking authority currently vested in the Department by substantive statutes including 1939 PA 280, MCL 400.6; 1979 PA 218, MCL 400.710; and 1973 PA 116, MCL 722.112, it is an amendment by reference in violation of Const 1963, art 4, § 25, as well as a violation of the title-object clause of Const 1963, art 4, § 24, and is unenforceable.

While I have found it necessary to make a modification to the bill you sent me, I have concurred with most of your appropriation actions. I am pleased that the Legislature responsibly met targeted funding levels while protecting key DHS programs and initiatives. I appreciate the Legislature's cooperation in the development of a particularly difficult budget and your effort to focus on preserving the services that matter most to Michigan's citizens.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 28, 2005, at 3:25 p.m. (Filed with the Secretary of State on September 29, 2005, at 4:19 p.m.) and assigned Public Act No. 147.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

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

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF AGRICULTURE

September 28, 2005

Today I have signed Enrolled Senate Bill 264, the fiscal year 2006 appropriations bill for the Department of Agriculture. My action today:

- Provides \$19.7 million in funding to support food safety responsibilities of the Department of Agriculture.
- Includes federal funding of \$23.7 million for the Emerald Ash borer control program for survey and eradication activities in southeast Michigan and other areas in the state.
- Provides \$3.2 million in refined petroleum funds in support of consumer protection program efforts.
- Contains \$5.7 million to continue the state's efforts to contain the spread of bovine tuberculosis in Michigan.

I have vetoed language section 816, which provides \$20,000 for CANTER (Communication Alliance to Network Thoroughbred Ex-Racehorses), because this is not part of the core functions of this department.

This bill supports the essential operations of the Department of Agriculture. I commend the Legislature for its work on this budget.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 28, 2005, at 3:50 p.m. (Filed with the Secretary of State on September 29, 2005, at 4:21 p.m.) and assigned Public Act No. 148.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

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

Senator Barcia entered the Senate Chamber.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

September 29, 2005

Today I have signed Enrolled Senate Bill 274, the fiscal year 2006 appropriation bill for the Department of History, Arts and Libraries. However, I am returning it to you because of several items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

This bill provides \$53 million (\$41 million general fund) to preserve Michigan's history and historic treasures, provide the very best in state-of-the-art library technology and services, and promote creativity in the arts and cultural disciplines.

I am disappointed that the Legislature chose to reduce payments to state libraries and arts and cultural institutions, that impact all the citizens of our State, in order to support projects of limited scope and benefit. For that reason I am vetoing four items and recommending that the Legislature use the available funding to restore State aid to libraries and arts and cultural grants equally. The vetoed items are as follows:

- Grants to state and local historical societies: \$100,000
- Michigan History Day: \$25,000
- Lighthouse preservation grants: \$25,000
- Preservation and Access for Michigan project: \$481,800

I also recommend the Legislature acknowledge the work of the Mackinac Island State Park Commission in identifying \$200,000 available from increased fees that could be used to offset general fund. The \$200,000 could be used to restore aid to state libraries and arts grants.

I note with interest the Legislature's expressed intent to explore supplemental funding options for the Department of History, Arts and Libraries.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 29, 2005, at 9:33 a.m. (Filed with the Secretary of State on September 30, 2005, at 2:04 p.m.) and assigned Public Act No. 157.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF TRANSPORTATION

September 30, 2005

Today I have signed Enrolled Senate Bill 281, the FY 2006 appropriations bill for the Department of Transportation. However, I am returning it to you because of items of which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

This bill provides \$3.4 billion for rebuilding, repair and maintenance of Michigan's roads and bridges, as well as key intermodal and public transportation programs. My action today:

- Provides over \$2.6 billion in road and bridge construction funds to the Department of Transportation and local road agencies for the preservation, repair, and maintenance of Michigan's transportation network.
- Provides over \$274.6 million for public transit programs, including \$177.9 million for bus operating assistance grants to local transit agencies.

However, I have vetoed Sections 363, 617, 621, 622, 623, 624, 625, 633, 636, 637, 638, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 728, and 738 that contain special interest projects. The inclusion of this type of parochial earmarking undermines the Constitutional and statutory responsibilities of the State Transportation Commission. State and local road projects should be evaluated and programmed by transportation experts based on a consistent and objective assessment of need. To avoid delays in any projects already slated to begin, I am recommending an immediate supplemental appropriations bill to restore these vetoed funds, but without earmarking.

There are also several provisions contained in this bill that are unconstitutional, and, therefore unenforceable for the reasons specified below:

1. Sec 365 prohibits expenditures for development of design plans or construction of Alternatives 5, as identified in the US-131 improvements study. This provision violates federal statute, which requires that alternatives must be selected using criteria of the federal National Environmental Policy Act. As a result, this provision is unenforceable if federal funds are to be used for this project.

2. Section 401 requires legislative approval of federal aid distributions within 30 days after the Department of Transportation receives authorization to commit such funds or they are disapproved. This section violates the separation of powers doctrine in Article III, Section 2 of the 1963 Constitution of the State of Michigan.

3. Section 628 prohibits the use of funds to transfer investment management functions from the Mackinac Bridge Authority to the State Treasurer. These provisions were declared to be in violation of Article IV, Section 25 of the 1963 Constitution of the State of Michigan in Attorney General Opinion No. 7179.

4. Section 707(2) relating to the Detroit Transportation Corporation is unenforceable as it attempts to amend by reference 1951 PA 51, MCL 247.660e, as amended. The first sentence in Section 707(3) is unenforceable as it places a condition on funds that are not included in Enrolled Senate Bill 281. The second sentence in Section 707(3) is also unenforceable as it attempts to address more than one title/object in violation of Article IV, Section 24 of the 1963 Constitution of the State of Michigan.

5. Section 370(2), 710, 732(5), and 732(6) include withholding provisions that are unenforceable as they attempt to amend by reference 1951 PA 51, MCL 247.664, as amended. Since Section 732 addresses an important public policy issue, I have directed the Department of Transportation to develop and implement policies and procedures ensuring accessibility to public transportation for all citizens by requiring lifts on transit vehicles be adequately maintained and operable.

As noted by my actions, I am very disappointed with this bill as put forth by the Legislature. The number of special interest projects earmarked is unacceptable. This budget bill also leaves over \$1 million in economic development funds unappropriated at a time when job creation efforts and securing private investment are critical. In addition, the Legislature has arbitrarily cut administrative funding for key Michigan State Senate September 30, 2005 departmental programs, as well as operational support for Amtrak that could endanger passenger rail services and potential new jobs here in Michigan. I urge the Legislature to act immediately to adopt a supplemental appropriations bill that will restore the aforementioned cuts, and the vetoed road funding without the special interest earmarking so those projects slated to commence in fiscal year 2006 may do so without delay. Our work together on this budget bill is not yet complete.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 30, 2005, at 8:10 a.m. (Filed with the Secretary of State on September 30, 2005, at 2:06 p.m.) and assigned Public Act No. 158.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

Messages from the House

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

Senate Bill No. 356

Senate Bill No. 419

Senate Bill No. 298

Senate Bill No. 359

Senate Bill No. 521

Senate Bill No. 533

The motion prevailed.

Senate Bill No. 553, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 1995 PA 25.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 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 Bishop 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. 4857, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 31 (MCL 474.131), as amended by 2001 PA 129.

House Bill No. 5094, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2001 PA 49.

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. 668, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending section 3 (MCL 289.823). 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. 669, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending section 4 (MCL 289.824). Substitute (S-2).

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

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

House Bill No. 4852, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a, 480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and 15; 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.

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

House Bill No. 4858, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 683, 723, and 724 (MCL 257.683, 257.723, and 257.724), section 683 as amended by 2000 PA 97, section 723 as amended by 2003 PA 152, and section 724 as amended by 2004 PA 420, and by adding section 312g; and to repeal acts and parts of acts.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 1, after the second “**OR**” by inserting “**KNOWINGLY**”.

2. Amend page 9, following line 4, by inserting:

“Sec. 806. (1) Until October 1, 2009, a fee of \$10.00 shall accompany each application for a certificate of title required by this act or for a duplicate of a certificate of title. An additional fee of \$5.00 shall accompany an application if the applicant requests that the application be given special expeditious treatment. A \$3.00 service fee shall be collected, in addition to the other fees collected under this subsection, for each title issued. The \$5.00 expeditious treatment fee collected on and after October 1, 2004 through September 30, ~~2005~~ **2006** shall be deposited into the transportation administration collection fund created under section 810b. The \$5.00 expeditious treatment fee collected on and after October 1, ~~2005~~ **2006** shall be deposited into the Michigan transportation fund established under section 10 of 1951 PA 51, MCL 247.660. The \$3.00 service fee shall be deposited into the transportation administration collection fund created under section 810b.

(2) A fee of \$10.00 shall accompany an application for a special identifying number as provided in section 230.

(3) In addition to paying the fees required by subsection (1), until December 31, 2007, each person who applies for a certificate of title, a salvage vehicle certificate of title, or a scrap certificate of title, under this act shall pay a tire disposal surcharge of \$1.50 for each certificate of title or duplicate of a certificate of title that person receives. The secretary of state shall deposit money received under this subsection into the scrap tire regulatory fund created in section 16908 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16908.”

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Toy’s statement is as follows:

I rise this morning to remember twenty Michigianians who lost their lives Sunday on Lake George in New York. Seven were from my hometown in Livonia. They were mothers, fathers, grandmas, grandpas, neighbors, and friends. Vibrant members of their community, they did not resign their golden years to a rocking chair on a porch. Instead, they took active roles, sharing their abilities and talents with others to make our state a better place for all. Volunteers and mentors, the friendly faces and warm smiles of those we lost will be dearly missed.

Henrietta Mears once said that God buries His workmen, but not His work. Although this tragedy has taken so many so suddenly, they will not so easily be forgotten. These men and women will live on in the good works that they began.

Our thoughts and prayers are with family and loved ones. May they be comforted in the knowledge that they do not mourn alone, but that their loss is shared by all in this chamber and all in this great state.

Senator McManus’ statement is as follows:

Well, ladies and gentlemen, she did it. That’s right, she did it. After promising for months, the Governor forced Lake County’s largest employer to close its doors. Her veto for funding for the Michigan Youth Correctional Facility in Baldwin effectively shut that facility down—a devastating move for a county whose population is already 19 percent below the federal poverty level.

Despite the outcries from the community and the hard work done by the Legislature to find other savings in the Corrections budget, the Governor refused to consider any alternative. Instead, this Governor did bidding for the big unions rather than looking out for the poorest county in the state of Michigan. Even a projected bed shortage in our state’s prison system was not enough to sway this Governor.

So I ask Governor Granholm, “What now? I understand you are deploying what you call or refer to as a rapid response team to Lake County to help the Lake County residents; but you’re sending them there on Thursday. It seems kind on funny to send a rapid response team to deal with a crisis you knew was coming for over six months in the poorest county in the state of Michigan. I asked during a meeting in March, Governor, how you were going to retool this facility and make sure that the most impoverished county in the state of Michigan didn’t go without an economic tool.”

Ladies and gentlemen, it’s too late and it’s too little. “The bottom line is that you made the decision, Governor, to do this back in March, and you never looked back. You turned your back on the most impoverished county in the state of Michigan—a county that is 19 percent below the federal level of poverty. You had months to work with the prison. You had months to work with the residents of Lake County to help them deal with this situation, but you didn’t lift your finger at all. You had time to send your rapid response team, but you didn’t do that either.

Governor, I challenge you to personally visit Lake County—I hope you know where it is now—and explain your decision to the hardworking men and women and to tell them what your goal is for this rapid response team. The community is waiting to hear your solutions, and they're waiting to hear your timeline.

Further, I request that your economic development team be on the ground quicker than Thursday to help lift the void that you have created. Lake County needs and deserves the help of their Governor at this critical time.”

Senator Basham's statement is as follows:

There is no greater gesture of citizenship than to serve one's country during a time of war. On several sad occasions, I have stood before this Senate to memorialize one of my own constituents who had made the ultimate sacrifice in service to this nation. We are indebted to them, and we must never forget them. It is because of their sacrifice that we must not shrink from our obligations to our military personnel, but some in Congress are proposing cutting health care benefits and educational services to our nation's servicepersons and their families.

A new proposal called Operation Offset calls for \$2.4 billion in reduced military health care benefits and closing the military's stateside school system. Those proposing the cuts claim that they are necessary to pay for cleanup and construction costs following Hurricane Katrina. While the hurricane reconstruction costs are massive, the federal action is warranted; there are better options available in Congress. For example, the federal legislation enacted in 2001 gradually phases out the estate tax by 2010. Simply by allowing the federal provision to sunset, our nation could save over a trillion dollars over ten years. Also because estate tax provisions are tied to the federal rate, allowing this provision to sunset will infuse hundreds of millions of dollars into the coffers of the very Gulf Coast states devastated by Hurricanes Katrina and Rita.

Governing is about choices and some in Congress would rather cut the health care benefits to our service personnel and their families than to ask a handful of the nation's ultrarich families to pay their fair share. I think this is wrong, Mr. President. I have introduced a resolution to Congress saying so in no uncertain terms.

I invite all of my Senate colleagues to sign on to my resolution and take this stand on behalf of America's military personnel and their families.

Senator Scott's statement is as follows:

Well, we need a rapid response on affordable insurance rates in our urban areas, especially Detroit and the metropolitan area closest to Detroit, which is the poorest city in this country. We can do this right here. We don't have to wait on the Governor. We can do it.

This morning, I was on the radio and a person e-mailed me this morning and I'll read it to you. “Join Martha Scott at the Capitol Tuesday, October 11th from 12:00 to 2:00 p.m. Good morning. For people with high insurance rates, Senator Scott wants you to find a way to join her as she tries to help urban cities across Michigan get better insurance rates. She's a fighter, but needs help to make the case on your behalf. You may have heard Senator Scott talk about one of her colleagues who was complaining about his rates going up to \$1,800 a year for three cars, while her rates for one older car is \$3,300 per year and how he no longer mentions the subject of insurance for fear that his rates might climb. If this doesn't make you rise up to join Senator Scott, here's what a lot of suburbanites are paying in some of the well-appointed areas of Oakland County: \$960 a year for car and homeowners and we're talking about homes that are \$500,000.”

That's what I've been trying to tell you, colleagues. This is back to the young lady now. “As many of you know, our rates are low, but I'm planning to join Senator Scott anyway. People are being priced out of urban communities and it's not fair. Hope to see you.”

That's what I've been trying to tell you, colleagues. It is not fair. We don't want you to give us anything. We just want fairness.

Senator Garcia's statement is as follows:

I rise to read a special tribute in memory of one of my constituents—former constituent. This constituent was not a soldier. She was not a Marine, but she was a real trooper in my estimation. Her name is Sandy Malec and she died last May and her family is with us today. First, I'd like to read the tribute and then I'd like to introduce the family, if you would.

“In Memory of Sandy Malec.

LET IT BE KNOWN THAT this tribute honors Willowbrook Rehabilitation Services, Livingston County, and its founder, Irene “Sandy” Malec, who passed away on May 20, 2005.

In the early 1980s, after raising three children and pursuing rewarding careers in both labor and health care, a gutsy five-foot dynamo named Irene “Sandy” Malec joined several other ‘hockey moms’ in establishing a therapy agency to provide short-term therapy in a home care setting. Early in their unique and entrepreneurial efforts, Sandy and her colleagues realized that an expansion in coordinated team care among various therapies was necessary.

In 1987 Sandy opened comfortable and supportive homes where the traumatically brain-injured could go for retraining in independent or semi-independent living. She chose Hartland in Livingston County because of the lack of

rehabilitation facilities available and its central location to trauma hospitals in Ann Arbor, Flint and Lansing. It was under one roof where clients would receive occupational, physical and speech & language therapies that were coordinated by a team of experienced staff. In addition, clients would have opportunities to socialize and re-learn practical life skills.

Once opened, in order to conserve expenses, Sandy lived in the lower level of the group home and worked various shifts, often cooking, cleaning and counseling the clients. Her management style was to treat everyone like her own children, often prescribing extra doses of love and kindness for some of the more difficult cases.

Sandy Malec's first 'home' represented the establishment of Willowbrook Rehabilitation Services, which would eventually provide individualized services for traumatically brain-injured clients from all across the state. Today Willowbrook has grown to seven residential locations throughout Livingston County, as well as a semi-independent apartment program with 20 units, which employs a staff of over 100.

Willowbrook provides patients programs in individual therapy, transitional living, long-term living, community re-entry, therapeutic enrichment and day activities programs, sheltered workshops, and extensive vocational services. Patients are served on both a residential and out-patient basis.

Daughter Monica joined the Willowbrook management team upon her college graduation in 1987. Son Mark was also a member of the original Willowbrook team. Son-in-law Eric followed in 1988. And son Matt joined after college graduation in 1991.

IN SPECIAL TRIBUTE, Therefore, we honor Willowbrook founder, Sandy Malec, whose legacy of love, kindness and practical rehabilitation lives on in the lives of the hundreds of clients she has touched. She will be missed and long-remembered."

Signed by myself, State Senator for the 22nd District, Representative Joe Hune, and the Governor of this state, Jennifer Granholm.

I would like to introduce to the chamber, in the east Gallery, her family and representatives from Willowbrook. They are Monica Van Acker, the daughter; Eric Van Acker, son-in-law; Matt Malec, the son; and then personnel on the staff: Kathy Coll, Helen Lask, Sharon Campbell, and Richard Shapiro.

I would just like to add in closing, it's people like Sandy and those who work at Willowbrook who really make a difference in our communities, and I want to thank them on behalf of the constituents of Livingston County.

Senator Barcia's statement is as follows:

I rise today to honor the brave service and tragic loss of another of Michigan's brave soldiers, Army Sergeant First Class Casey E. Howe of Deford, Michigan.

Sergeant Howe, who was serving with the 3rd Battalion, 314th Field Artillery Regiment, 2nd Brigade, 78th Division of Fort Drum, New York, was killed in Iraq on Monday, September 26, 2005, when an improvised explosive device exploded near his Humvee while on a combat operation.

Sergeant Howe, 32, was, as I mentioned, a Deford native and a 1991 graduate of Cass City High School. Although he had already served two tours in Iraq, he responded to the call of his country and went on to serve a third tour. It was between his last two tours of duty that he found, dated, and eventually married his high school sweetheart, Angie Eckert.

His friends, and all those acquainted with him, found Sergeant Howe to be a most memorable person because of his positive attitude and interesting perspective on life.

Sergeant Howe's quiet and steadfast dedication to his mission and his country should remind us all of the extraordinary courage, grace, and patriotism that we find in our youngest of citizens and our noblest of soldiers.

Today our thoughts and prayers go out to the family of Sergeant First Class Casey E. Howe in what is a trying and difficult time. While no words can cure the pain of such a heartbreaking loss, we do hope that our eternal gratitude and admiration for his service and sacrifice will provide them some comfort as they lay to rest a fallen hero.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Leland introduced

Senate Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, section 8 of article III, sections 1, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 22, 24, 26, 27, 29, 30, 31, 33, 37, 43, 53, and 54 of article IV, sections 2, 3, 6, 7, 13, 18, 20, 25, 26, 28, and 29 of article V, sections 1 and 25 of article VI, section 6 of article VIII, sections 15 and 27 of article IX, section 5 of article X, sections 5 and 7 of article XI, and sections 1 and 3 of article XII; adding section 1a to article IV and a schedule and temporary provisions; and repealing sections 2, 3, 4, 6, and 21 of article IV, to provide for the establishment of a unicameral legislature.

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

Senator Birkholz introduced

Senate Bill No. 789, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

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

Senator Van Woerkom introduced

Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5201 (MCL 324.5201), as added by 2002 PA 397.

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

Senator Hammerstrom introduced

Senate Bill No. 791, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 520a, 520b, 520c, and 520d.

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

Senator Hammerstrom introduced

Senate Bill No. 792, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456.

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

Senator Hammerstrom introduced

Senate Bill No. 793, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 2004 PA 52.

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

Senators George, Hardiman, Allen, Birkholz, Kuipers, Goschka, McManus, Jacobs and Bernero introduced

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5430 and 5432.

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

Senators George, Hardiman, Allen, Birkholz, Kuipers, Goschka and McManus introduced

Senate Bill No. 795, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2885.

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

Senators George, Kuipers, Birkholz, Hardiman, Allen, Goschka and Johnson introduced

Senate Bill No. 796, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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

Senators George, Hardiman, Allen, Birkholz, Kuipers, Goschka and McManus introduced

Senate Bill No. 797, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 2 (MCL 409.102), as amended by 1996 PA 438, and by adding section 14b.

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 McManus, Toy and Allen introduced

Senate Bill No. 798, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2004 PA 398.

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

Committee Reports

The Committee on Appropriations reported

Senate Concurrent Resolution No. 28.

A concurrent resolution to increase the total project cost of the Department of Corrections Riverside Correctional Facility Power Plant Automation project.

(For text of resolution, see Senate Journal No. 78, p. 1289.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: Senator Garcia

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 457, entitled

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ionia county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

With the recommendation that the bill pass.

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

Shirley Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 736, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by 1984 PA 119.

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

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

Shirley Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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 Appropriations submitted the following:

Meeting held on Thursday, September 29, 2005, at 12:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Brown, Goschka, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Excused: Senators Stamas and Garcia

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, September 29, 2005, at 9:15 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators George, Cropsey, Goschka, Hardiman, Prusi, Clarke and Cherry

Excused: Senator Johnson (C)

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, October 6, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Thursday, October 6, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, October 6, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, October 6, 12:00 noon, Room 100, Farnum Building (373-2417)

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

Michigan Capitol Committee - Thursday, October 6, 12:30 p.m., Rooms 402 and 403 (CANCELED); Tuesday, October 11, 11:30 a.m., Room 426, Capitol Building (373-0289)

Natural Resources and Environmental Affairs - Thursday, October 6, 8:00 a.m., Room 100, Farnum Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, October 11, 9:15 a.m., Room 426, Capitol Building (373-0212)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:50 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, October 6, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate