

No. 25
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, March 17, 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—excused
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—excused
Kuipers—present
Leland—present
McManus—present

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

Senator Nancy Cassis of the 15th District offered the following invocation:

In honor of my Irish heritage and the 5th century patron saint of Ireland, on this day when we celebrate his memory, let us bow our heads in “The Prayer of St. Patrick”:

“I bind myself today
The power of heaven,
The light of the sun,
The brightness of the moon,
The splendor of fire,
The flashing of lightning,
The swiftness of wind,
The depth of sea,
The stability of earth,
The compactness of rocks.

I bind myself today
God’s power to guide me
God’s might to uphold me
God’s wisdom to teach me
God’s eye to watch over me
God’s ear to hear me
God’s word to give me speech
God’s hand to guide me
God’s way to lie before me
God’s host to secure me.”

Just as St. Patrick devoted his life to unifying his people, his beloved Ireland, so let us, dear God, work toward harmony and goodwill in all we do.

“A world of wishes at your command
God and angels close at hand,
Friends and family their love impart
And Irish blessings in your heart.”
Amen.

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

Motions and Communications

Senator Stamas entered the Senate Chamber.

Senator Hammerstrom moved that Senator Goschka be temporarily excused from today’s session.
The motion prevailed.

Senator Hammerstrom moved that Senator Johnson be excused from today’s session.
The motion prevailed.

Senator Schauer moved that Senator Leland be temporarily excused from today’s session.
The motion prevailed.

Senator Schauer moved that Senators Thomas and Scott be excused from today’s session.
The motion prevailed.

Senators Leland and Goschka entered the Senate Chamber.

The following communication was received:
Family Independence Agency

March 11, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

Type of Report	Facility	License #
Interim	Benzie County FIA	CP100257832
Renewal	Iron County FIA	CP360201200

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under “News, Publications & Information” at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 16:
House Bill Nos. 4025 4188

The Secretary announced that the following official bills were printed on Wednesday, March 16, and are available at the legislative Web site:

Senate Bill Nos.	304	305	306	307	308										
House Bill Nos.	4483	4484	4485	4486	4487	4488	4489	4490	4491	4492	4493	4494	4495	4496	
	4497	4498	4499	4500	4501	4502	4503								

Messages from the House

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

Senate Bill No. 171
Senate Bill No. 174

The motion prevailed.

Senate Bill No. 234, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 676a and 907 (MCL 257.676a and 257.907), section 676a as amended by 1999 PA 46 and section 907 as amended by 2004 PA 493.

Substitute (H-1).

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

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

Roll Call No. 50

Yeas—34

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

Nays—0

Excused—4

Garcia

Johnson

Scott

Thomas

Not Voting—0

In The Chair: President

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

Recess

Senator Hammerstrom moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 10:49 a.m.

10:55 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator McManus.

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

Senate Bill No. 297, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

Substitute (S-1).

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

1. Amend page 2, following line 15, by inserting:

“(iii) THE PERSON HAS IN EFFECT SECURITY IN THE AMOUNT OF \$10,000.00 FOR THE PAYMENT OF FIRST-PARTY MEDICAL BENEFITS PAYABLE IN THE EVENT THAT HE OR SHE IS INVOLVED IN A MOTORCYCLE ACCIDENT, AS PROVIDED IN SECTION 3103 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3103.”

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

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

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

Senate Bill No. 297

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

The following bill was read a third time:

Senate Bill No. 297, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

The question being on the passage of the bill,

Senators Hammerstrom and George offered the following amendment:

1. Amend page 2, following line 15, subparagraph (iii), after the first “OF” by striking out “\$10,000.00” and inserting “\$100,000.00”.

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

Senator Hammerstrom requested the yeas and nays.

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

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

Roll Call No. 51

Yeas—16

Birkholz	Cherry	Gilbert	Olshove
Brater	Clark-Coleman	Hammerstrom	Sikkema
Brown	Clarke	Hardiman	Switalski
Cassis	George	Jacobs	Van Woerkom

Nays—18

Allen	Cropsey	Leland	Sanborn
Barcia	Emerson	McManus	Schauer
Basham	Goschka	Patterson	Stamas
Bernero	Jelinek	Prusi	Toy
Bishop	Kuipers		

Excused—4

Garcia	Johnson	Scott	Thomas
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Not Voting—0

In The Chair: Birkholz

Senators George and Hammerstrom offered the following amendments:

1. Amend page 2, line 10, after “(5)” by inserting “UNTIL 3 YEARS AFTER THE AMENDATORY ACT THAT ADDED THIS SUBSECTION TAKES EFFECT,”.

2. Amend page 2, following line 23, by inserting:

“(7) THE LEGISLATIVE SERVICE BUREAU SCIENCE AND TECHNOLOGY DIVISION SHALL COORDINATE AND CONDUCT A STUDY OF THE EFFECTS OF SUBSECTION (5), AS AMENDED BY THE AMENDATORY ACT THAT ADDED THAT SUBSECTION, AND SHALL REPORT ITS FINDINGS AND CONCLUSIONS TO THE STANDING COMMITTEES OF THE HOUSE AND SENATE CONCERNING TRANSPORTATION NO LATER THAN 2 YEARS AFTER THE DATE WHEN THE AMENDATORY ACT THAT ADDED SUBSECTION (5) TAKES EFFECT.”.

The question being on the adoption of the amendments,

Recess

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

The motion prevailed, the time being 11:22 a.m.

11:27 a.m.

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

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

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

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. 52**Yeas—21**

Allen	Clarke	Kuipers	Prusi
Barcia	Cropsey	Leland	Sanborn
Basham	Emerson	McManus	Schauer
Bernero	Goschka	Olshove	Stamas
Bishop	Jelinek	Patterson	Toy
Cherry			

Nays—13

Birkholz	Clark-Coleman	Hammerstrom	Sikkema
Brater	George	Hardiman	Switalski
Brown	Gilbert	Jacobs	Van Woerkom
Cassis			

Excused—4

Garcia	Johnson	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protests

Senators George, Brater, Hammerstrom, Cassis, Sikkema, Birkholz, Jacobs, Clark-Coleman and Hardiman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 297.

Senators George, Brater and Hammerstrom moved that statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator George’s statement, in which Senators Cassis, Sikkema, Birkholz, Clark-Coleman and Hardiman concurred, is as follows:

I would like to give my “no” vote explanation and to summarize some of the arguments that I’ve been making. First, I wanted to dispel some of the myths that have been propagated during the debate. Really there are three of them. The first one is that wearing a helmet somehow increases the chance that you’ll be in an accident. That’s because the helmet

goes over your ears and maybe there is a visor, and you can't see as well and you are more likely to be in an accident. There have been numerous studies done that show that that is simply not true. You are not more likely to be in an accident if you wear a helmet. There is no relationship between wearing or not wearing a helmet and the likelihood of suffering an accident.

The second myth that we heard earlier is that somehow the helmet itself makes the injury worse; that somehow if you have a helmet on, it blocks the body's natural defense, which is that if your head hits a tree or a pole or some other hard object, the body's natural defense is to crack open and to relieve the pressure around the brain, and somehow the helmet prohibits that and that the damage and the accident is worse if you are wearing your helmet. That is ludicrous. Football players wear helmets; hockey players wear helmets; people at construction sites wear helmets; soldiers in the field wear helmets; and they do it for a good reason. They save lives and they know that. Study after study has shown that if you wear a motorcycle helmet, your risk of being killed is lower, and your risk of being injured is lower wearing a helmet. They are probably the most effective, single safety measure that we have. We require motorists to wear seat belts. We require infants to be in infant seats in the car. We have all kinds of safety provisions, and most of them don't have the solidity of the evidence behind them like motorcycle helmets do. They are more effective than most of the other measures that we've put into place. If we're going to repeal the helmet law, why don't we just repeal all of them?

The third myth that I've heard is that somehow requiring the helmets, because they increase the number of accidents and they block the body's natural defense, which is for your skull to crack open and relieve the pressure around the brain because the helmets do those things, they help keep our hospitals filled with patients. The medical community knows this, and that is why they are opposed to repealing the helmet law because the medical community likes to take care of injured motorcyclists. Hospitals want to be filled; they want to have their beds filled with people who have their heads injured, but not cracked open because they had their helmets on. That's simply ludicrous. Medical professionals do not look forward to taking care of more motorcycle injury victims; that's just not true. The truth is that helmets are a safety measure. They protect you. They protect your head. Passing this law will increase the number of deaths, injuries, and the cost.

I want to talk for a moment about something that we've not touched on, and that is the question of the freedom of choice. There is an implication made by some of the proponents from time to time that it is un-American to require motorcyclists to wear helmets or to impose safety regulations on law-abiding citizens. I want to point out that our state constitution calls for us to protect the public health. Article 4, Section 51, says, "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health."

We daily in our activities as legislators provide—or we attempt to provide—for the safety of the public by regulating new technologies, whether it be dangerous and potential physical forces such as the generation of energy and the transmission of power, or new technologies such as the Internet or powerful machinery such as railroads or manufacturing equipment or motorcycles. To suggest that this is not the providence of the Legislature is ignoring our own state constitution and ignoring our duty to protect the public's health.

Now, colleagues, I know you know that I work from time to time in my medical practice when I'm not here. I want to tell you that in my work as a physician, I am regularly involved in direct patient care. I must tell you that most of the time it is rather routine and mundane. Most of my hours are spent caring for people who come in for gallbladder surgery, hip replacement surgery, or cesarean sections, all of which are now considered fairly commonplace and routine. It is an uncommon day in my medical practice when I can say that I've actually saved someone's life. That happens rarely, but it does happen once in awhile. Occasionally, I will take some action that will save a life. I might put in a breathing tube in someone who has stopped breathing and who is on the brink of death, or I will put a big IV in their neck so I can give them a blood transfusion to resuscitate someone who is in shock or bleeding to death from a traumatic injury. It doesn't happen often, but once in awhile I actually get to save a life in my medical practice.

I would say that it is very similar here in the Legislature. Most of our days and time are spent doing the day-to-day mundane work of government, handling constituent questions, working on regulations and budgets. They are important and they affect people, usually in modest ways or in small ways. But occasionally, we do have right here in state government right before us the chance to make life or death actions—to actually save lives. Today is one of those days.

Now, up in the Gallery above us we have the passionate supporters of this measure. They've worked very hard. We've come to know them and admire them for their persistence and zeal. I commend their spirit of activism, but they are wrong. What we do not see when we look in the Gallery, we do not see those whose lives would be forfeited by passage of this measure. In recent years, there have been about 80 or so motorcycle fatalities per year in Michigan—about 80 per year. Experience in other states would lead us to expect an increase in the number of fatalities by 30-50 percent. It could be as much as 40 new deaths per year in Michigan. I repeat, about 40 new deaths per year if we repeal the helmet law. I would like to point out that that would be about one for every one of our districts.

Imagine, if you would, we each have about one constituent per year who will die as a result of repealing Michigan's motorcycle helmet law. I look forward to serving with many of you for the remainder of this session, and hopefully, in another term we may serve together for six years—some of us. If you added up the 40 deaths per year for six years,

that would be more than 200 Michigan citizens who could be filling this Gallery today. That is not a legacy that I wish to claim. Those citizens are not here today because they don't know who they are, but if they were here, they would fill the Gallery above us. They are most of them young men in your districts. Some of them have families, children, spouses, parents, and friends. Some are women, some are older, but they are real, living people. All of them have one thing in common—their lives could end as a result of your vote today.

Today is a day where you have an opportunity to make a life or death decision that will affect people in your district. You can cast a vote today that will save the life of someone in your district. I ask you to examine your conscience. You may have been grappling with this issue, but think of the person in your district whose life depends on your decision today. I ask you to join me by casting a “no” vote.

Senator Brater's statement, in which Senators Jacobs and Clark-Coleman concurred, is as follows:

It is difficult to follow that passionate discussion of why we should vote “no” on Senate Bill No. 297. I think Senator George, M.D., has done an excellent job and has firsthand knowledge of the injuries that result when people are not wearing a motorcycle helmet. But nevertheless, I also want to offer a summary of some of the views as to why I plan to vote “no” on this bill and will also request that these remarks be printed as my “no” vote explanation.

I oppose Senate Bill No. 297 in order to protect public safety and health and avoid increased insurance and health care costs to be paid for by the general public. Numerous peer-reviewed studies consistently report that mandatory helmet use reduces fatality rates, severe brain injury rates, and hospital costs related to motorcycle injuries. The National Highway Traffic Safety Administration reports that an unhelmeted motorcyclist is 40 percent more likely to incur a fatal head injury and 15 percent more likely to incur a non-fatal head injury than a helmeted motorcyclist involved in a crash.

A national Department of Transportation review of the effects of motorcycle helmet use found that unhelmeted riders are more likely to need ambulance service, be admitted to hospitals as an inpatient, have higher hospital charges, need neurosurgery or intensive care, need rehabilitation, and be permanently impaired and need long-term care. In a time of inflationary health-care costs, we simply should not be adding to these costs.

Although a vocal minority has advocated for the right to ride a motorcycle without a helmet, public opinion polls consistently demonstrate public support for common sense and maintaining the prohibition against riding a motorcycle without a helmet.

Clearly, the weight of the evidence is that motorcycle helmets reduce injury severity, that repeal of helmet laws decreases helmet use, and that states that repeal universal helmet laws experience increased motorcycle fatalities and injuries.

Senator Hammerstrom's statement, in which Senators Sikkema, Birkholz, Clark-Coleman and Hardiman concurred, is as follows:

Michigan's current motorcycle helmet law saves lives and prevents serious head injuries. When Michigan enacted the mandatory helmet law in 1969, there had been 145 fatalities with motorcycles that year. In 1996, that number had been reduced to 61 fatalities. Seventy-five percent of the people in this state get it, and they oppose repealing the mandatory helmet law.

Now I'm not going to get up here and throw out a lot of numbers. Both sides on this issue have compiled numbers that support their position. I'm not going to get up here and tell you that if we pass this bill, your next insurance premium is going to go up because of it, but I am going to predict that over time repealing the helmet law is going to impact the cost of health care, the cost of insurance—both medical and vehicle—and the cost of Medicaid in this state. Ultimately, every citizen in our state will bear a portion of the cost in one way or another.

In these days when we are debating how to contain the cost of health care and encouraging people to avoid risky behaviors that will impact their individual health, this bill actually goes in the wrong direction. By removing a provision that has saved lives and prevented head injuries for nearly 40 years, we are opening the doors that seem to encourage a risky behavior. We put our kids and grandkids in helmets when they ride tricycles, for heaven's sake. Why would we want to make it an option to wear safety equipment when riding a motorcycle at much faster speeds? This is bad legislation. I'm going to be voting “no.”

Senator Cassis moved that the statement she made during the discussion of the amendment offered by Senators George and Hammerstrom be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cassis' statement is as follows:

I'm sure we could debate this issue all day and night, but I offer a little down-to-earth perspective. At a time when our state's economy is in dire distress, our focus is distracted; at a time when health care insurance costs are soaring and Medicaid costs are skyrocketing; at a time when Michigan's Governor wants to increase taxes on the insurance industry; at a time when gasoline prices at the pump is well over \$2.00 with no end in sight.

Today we are asked to take a quantum leap of faith—to take leave of common sense, to defy logic. All this in order to reverse the helmet law requiring motorcyclists to exercise good judgment and responsible self-protection.

And what's the result? Passing on increased costs to all of us automobile drivers.

Senators Switalski, Patterson and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the journal.

The motion prevailed.

Senator Switalski's statement, in which Senator Jacobs concurred, is as follows:

I just wanted to congratulate my colleagues on the high quality of the debate today. I feel proud to be a part of this institution and to have been part of this debate. I think it does come down, as several speakers have said, to trying to draw balance between freedom on the one side and safety on the other—something we've done several times this year. On the side of freedom, you have choice—the exhilaration of riding without a helmet, living the American Dream. Those things are very important; there is no question about that. On the other side, you have public safety, both for the motorcyclist and for someone and their conscience who may hit them and cause an injury or death. It's a very close call; it's a tough call.

Although I am very sympathetic to the arguments for liberty, I must come down on the side of safety on this one.

Senator Patterson's statement is as follows:

Mr. President, through you to colleagues, reflecting on the previous speaker, I find it even more difficult to follow the eloquence, the passion, the logic, the dedication, and the purpose of the immediate previous speaker who has indicated and articulated as a patriot that this is also about liberty. Freedom takes constant vigilance. I never find the defense of freedom to be mundane. So while I hear others talk about their passions, I know that I'm a free person and that people have died so that we can be free.

So we are gathered together today to make a choice to allow people to be free in a free land, unencumbered by big government's intrusions.

Senator Cropsey's statement is as follows:

This bill has been around for literally decades and is very simple. Currently, any operator of a motorcycle has to wear a helmet. The bill would allow a person riding a motorcycle to make a personal decision whether or not to wear a helmet if they meet the following conditions: They have to be 21 years of age or older with two years of riding experience, or they have to be 21 years of age or older and have successfully completed a motorcycle safety course. None of the proposed changes apply to any young men or young women under the age of 21. All teenagers would have to be helmeted no matter what.

I think one of the—and I do appreciate the passion shown by the first speaker in this part—but keep this in mind: When it actually gets into court and the doctors have to testify as to the efficacy of helmets, they have said that when it comes to the brain-fag injuries inside of the skull, it is a physical characteristic of a human head in motion and is in effect, with or without any helmet on the head. The described mechanism is invariably present in this type of head trauma and is irrelevant of the presence or the absence of a helmet on the head.

When we have this type of thing going on, I think we need to get right down to the point. When it comes to court, they aren't saying that a helmet is helpful.

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

House Bill No. 4197

Senate Bill No. 179

The motion prevailed.

The following bill was read a third time:

House Bill No. 4197, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within

the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 20a (MCL 247.670a), as amended by 2002 PA 498.

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. 53

Yeas—34

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

Nays—0

Excused—4

Garcia	Johnson	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

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

The following bill was read a third time:

Senate Bill No. 179, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 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. 54**Yeas—28**

Allen	Cherry	Hardiman	Patterson
Barcia	Clarke	Jacobs	Sanborn
Bernero	Cropsey	Jelinek	Sikkema
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	Leland	Switalski
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Olshove	Van Woerkom

Nays—6

Basham	Clark-Coleman	Prusi	Schauer
Brater	Emerson		

Excused—4

Garcia	Johnson	Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protest

Senator Basham, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 179 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement is as follows:

I rise again in opposition to Senate Bill No. 179. As I stated yesterday, our children need to be spending more time on their studies and not more time at work. If this bill were to pass, a student could be asked to spend over 50 hours a week on school and work alone. This doesn’t factor in studying, extracurricular activities, and time with their family. I value work for students as well as adults, but we should not be asking our students to take on this big of a burden because the fast-food giants want their services for a few more hours per week.

Also, Mr. President, the Senate Journal inaccurately states that I supported Senate Bill No. 320 last session, which was similar to this bill. I would like to state for the record that the committee’s minutes state that I did not support the bill in committee, and I will not support it today.

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

The motion prevailed.

Senator Stamas’ statement is as follows:

Just to clarify what this bill does. This bill does not mandate that students have less educational instructional hours. This bill does not mandate that the students work a set number of hours. This bill does not mandate that they not participate in extracurricular activities or have time with the family. What this bill does is it separates the specific

instructional hours within that school district from the number of hours they can work and sets it at a flat hour rate of 20 hours. What this bill does is it suggests that families, students, and parents can make the best decisions in terms of what those students' abilities are and what combination makes sense in terms of where they are in their lives.

I think what this bill does is it allows families and students an opportunity to make decisions, to make priorities as to what they are going to end up doing throughout their lives.

Senator Emerson's statement is as follows:

I wanted to let the members know that tomorrow will be the last day for one of our staff people who is leaving, and we're very sad to see her go. Pam Yager has worked on the Democratic Staff for the last five years dealing with insurance and financial services committee issues, economic development issues, and covered the DLEG budget as well as the Military Affairs and State Police budgets.

Pam is going to work for the administration, going to work for Bob Swanson over in the DLEG, and we want to wish her well in her new endeavors. We have no doubt she is going to do a terrific job over there because she's done an incredible job serving our caucus and, I think, the entire Senate. I want to on behalf of the Senate thank Pam for the last five years of service to the Senate and especially to the Democratic Caucus.

Pam, we appreciate it very much.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator McManus as Chairperson.

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

House Bill No. 4054, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1312 (MCL 600.1312), as amended by 2004 PA 12.

The bill 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. 301, entitled

A bill 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.

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.

Resolutions

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

Senate Resolution No. 18

The resolution consent calendar was adopted.

Senator Hammerstrom offered the following resolution:

Senate Resolution No. 18.

A resolution recognizing March 2005 as National Kidney Month.

Whereas, Chronic kidney disease affects 1 in 9 adults in Michigan and can lead to cardiovascular complications, bone disease, and irreversible kidney failure; and

Whereas, People in Michigan who are most severely affected by chronic kidney disease include over 10,000 receiving dialysis treatments in 148 dialysis centers, almost 5,000 living with a kidney transplant, and over 2,000 who are waiting for a kidney transplant; and

Whereas, Chronic kidney disease, which is a major public health burden, is projected to cost \$20 billion for the national health system by the year 2010; and

Whereas, African Americans comprise 14 percent of the state population and almost 50 percent of the kidney failure patients in Michigan and are among those at highest risk for undiagnosed chronic kidney disease; and

Whereas, Cost-effective means are available to identify and treat chronic kidney disease and associated life-threatening complications, and evidence-based clinical guidelines have been developed to save lives; now, therefore, be it

Resolved by the Senate, That we hereby recognize March 2005 as National Kidney Month and express our support for the proactive leadership of the Michigan Department of Community Health, the National Kidney Foundation of Michigan, Michigan health care providers, quality improvement partners, and consumer advocates in the fight against chronic kidney disease in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Community Health and the National Kidney Foundation of Michigan.

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

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

Introduction and Referral of Bills

Senators Stamas, Goschka, Barcia, Johnson, Kuipers, Bishop, Birkholz and Allen introduced

Senate Bill No. 317, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272. The bill was read a first and second time by title and referred to the Committee on Finance.

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

Senate Bill No. 318, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4 (MCL 408.384), as amended by 1997 PA 2.

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

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

Senate Bill No. 319, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 7a (MCL 408.387a), as amended by 1997 PA 1.

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

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

Senate Bill No. 320, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4 (MCL 408.384), as amended by 1997 PA 2.

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

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

Senate Bill No. 321, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," (MCL 408.381 to 408.398) by adding section 7b. The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

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

Senate Bill No. 322, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 13 (MCL 408.393), as amended by 1997 PA 1.

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

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

Senate Bill No. 323, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 15 (MCL 408.395).

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

Senators Jelinek, Kuipers, Cassis, Hardiman, Birkholz, McManus, Allen, Van Woerkom, Goschka and Bishop introduced

Senate Bill No. 324, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147).

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

Senators Jelinek, Cassis, Kuipers, Hardiman, Birkholz, McManus, Allen, Van Woerkom, Goschka and Bishop introduced

Senate Bill No. 325, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2004 PA 351.

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

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

Senate Bill No. 326, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1527 (MCL 380.1527), as added by 1995 PA 289.

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

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

Senate Bill No. 327, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 2000 PA 497.

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

Senators Hardiman, Kuipers, Cassis, Birkholz, McManus, Allen, Van Woerkom, Goschka and Bishop introduced

Senate Bill No. 328, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11f (MCL 388.1611f), as amended by 2004 PA 351.

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

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

Senate Bill No. 329, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 20 and 22b (MCL 388.1620 and 388.1622b), as amended by 2004 PA 351, and by adding section 34.

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

Senators Kuipers, Cassis, Hardiman, Birkholz, McManus, Allen, Goschka and Bishop introduced **Senate Bill No. 330, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2004 PA 351.

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

Senators Van Woerkom, Barcia, Allen and Kuipers introduced

Senate Bill No. 331, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, and 5 (MCL 290.642, 290.643, and 290.645), section 2 as amended by 1993 PA 236 and sections 3 and 5 as amended by 2002 PA 13.

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

House Bill No. 4025, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8507 (MCL 600.8507), as amended by 1994 PA 5.

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 Judiciary.

House Bill No. 4188, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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 Finance.

Statements

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

The motion prevailed.

Senator Basham's statement is as follows:

I rise today on behalf of Michigan's working families. Today, legislation has been introduced that will raise the state minimum wage to \$7.15 per hour by January 1, 2007. I would like to invite my Senate colleagues to support this long overdue effort to raise the quality of life for nearly half a million of Michigan's workers. Treating Michigan's workers with dignity and respect should be a bipartisan objective.

It's been eight years since the federal minimum wage has been increased, and that's far too long for far too many of our state's struggling workers. Raising the minimum wage by \$2.00 per hour would directly benefit at least 464,000 workers in Michigan, nearly 1 in 6 hourly workers statewide, according to the U.S. Department of Labor's Bureau of Labor Statistics.

The minimum wage is critical. It's a tool in fighting poverty, yet in real money, the minimum wage today buys fewer groceries, even less gas, and fails to stretch nearly as far as it did in earlier years. If the minimum wage was worth today what it was in 1968, it would be worth about \$8.50 per hour, yet it remains stuck at \$5.15 an hour.

Forty percent of minimum wage workers are the sole breadwinners for their families. A full-time, year-round worker earning the minimum wage earns just \$10,712 annually. That's \$5,000 less than the federal poverty level for a family of three. We're paying today's workers with yesterday's wages.

Raising the minimum wage is also good for our state's small businesses. Minimum wage workers are more likely to spend their income locally, so raising the minimum wage will provide a boost to local retailers and restaurants. A 2004 study conducted by the Fiscal Policy Institute shows that small businesses in states with minimum wage increases above the federal level grew twice as fast as those in states with lower minimum wages.

We can't wait for Washington to act on this issue. We need to do the right thing for Michigan. Michigan helped give birth to the middle class that made the American Dream possible. Let's take this step to ensure that the American Dream, in which hard work should be rewarded with economic advancement, remains an attainable dream for Michigan's working families.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 79, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 282, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9105 and 9106 (MCL 324.9105 and 324.9106), as amended by 2000 PA 504, and by adding sections 9106a and 9115a.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 15, 2005, at 3:00 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Michigan Capitol Committee submitted the following:

Meeting held on Tuesday, March 15, 2005, at 12:05 p.m., Room 426, Capitol Building

Present: Senators George (C), Toy and Schauer

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, March 16, 2005, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas, Gilbert, Clark-Coleman and Olshove

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Thursdays, March 24 and April 14, 2:30 p.m.; and April 21, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Capital Outlay - Tuesday, March 22, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce, Labor and Economic Development - Wednesdays, March 23, April 13, April 20 and April 27, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

General Government - Tuesdays, March 22, April 12, April 19 and April 26, 1:00 p.m., Room 810, Farnum Building (373-2420)

History, Arts, and Libraries - Tuesdays, March 22 and April 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Monday, April 11, 5:00 p.m., Kalamazoo (location to be announced) (373-0793)

Judiciary and Corrections - Tuesday, March 22, 3:00 p.m., Room 810, Farnum Building (373-3760)

State Police and Military Affairs - Thursdays, March 24 and April 14, 1:00 p.m.; and April 21, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Transportation Department - Tuesdays, March 22, April 12 and April 19, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Economic Development, Small Business and Regulatory Reform - Wednesday, March 23, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, March 23, 1:00 p.m., Room 110, Farnum Building (373-1758)

Technology and Energy - Wednesdays, March 23 and April 13, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:22 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, March 22, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

